

**Item No 01:-**

**21/04185/OUT**

**Land South Of  
Charlham Way  
Down Ampney  
Gloucestershire**



## Item No 01:-

**Outline application for up to 8 no. dwellings including access and associated works with all other matters reserved at Land South Of Charlham Way Down Ampney Gloucestershire**

<b>Outline Application 21/04185/OUT</b>	
Applicant:	The Co-operative Group
Agent:	Pegasus Planning Group Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Lisa Spivey
Committee Date:	13th April 2022
<b>RECOMMENDATION:</b>	<b>THAT THE PLANNING INSPECTORATE BE ADVISED THAT THE LOCAL PLANNING AUTHORITY WOULD HAVE REFUSED THE APPLICATION, HAD IT HAD THE OPPORTUNITY TO DETERMINE THE APPLICATION</b>

### **1. Main Issues:**

- (a) The Principle of Residential Development
- (b) Design and Impact upon Heritage Assets
- (c) Landscape Impact
- (d) Residential Amenity
- (e) Biodiversity
- (f) Trees
- (g) Highway Safety and Parking
- (h) Drainage and Flood Risk
- (i) CIL

### **2. Reasons for Referral:**

2.1 The application is reported to the Planning and Licensing Committee following the receipt of an appeal against the non-determination of the application within the statutory 8-week target.

2.2 In these circumstances, the Local Planning Authority must advise the Planning Inspectorate (PINS) of the decision that it would have made upon the application. In the event of a recommendation to permit, a list of suggested conditions is then forwarded to PINS, or alternatively should it be determined that the application would have been refused, 'putative' refusal reasons must be forwarded with justification for that decision.

### **3. Site Description:**

3.1 The application site is located to the southern side of the road leading through Down



Ampney village, and is an area of grass within private ownership with residential development to the west, south and east, whilst on the opposite side of the highway to the north is the village Primary School, the entrance to the Village Hall and shop, and other residential properties.

3.2 There is an existing entrance to the northern boundary, in addition to 7 trees subject to Tree Preservation Orders inside the northern and eastern boundaries of the site

3.3 The site is within the development boundary defined for the village, which is one of the 17 Principal Settlement identified within the Local Plan, and is not subject to any open space protection. The Primary School and a pair of semi-detached properties opposite are the only designated heritage assets adjoining the site, which is approximately 380 metres from the Conservation Area designated for the village.

3.4 The site is also not subject to any statutory landscape designation.

#### **4. Relevant Planning History:**

4.1 None

#### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- DSI Development Strategy
- DS2 Dev within Development Boundaries
- S4 S4 - Down Ampney
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

#### **6. Observations of Consultees:**

6.1 Forward Planning: No objection to the principle of development

6.2 Conservation Officer: No objection subject to condition, comments incorporated into the report

6.3 Landscape Officer: No objection, comments incorporated into the report



6.4 Biodiversity Officer: No objection subject to conditions, comments incorporated into the report

6.5 Tree Officer: No objection to the loss of the tree, other comments incorporated into the report

6.6 Drainage Engineers: No objection, recommend condition

6.7 ERS Contamination: No objection

6.8 Highways Authority: No objection subject to conditions

6.9 Thames Water: No objection subject to condition

## **7. View of Town/Parish Council:**

7.1 Objection - due to the length of the objections these are attached as an appendix to this report

## **8. Other Representations:**

8.1 120 objections have been received making the following comments:

- the field is an invaluable asset contributing to the character of the village
- insufficient waste and drainage in the village
- there are other locations in the village allocated for housing
- when Dukes Field was built villagers were told this field would not be developed
- the site is a green lung and regarded as the village green
- traffic congestion at peak school times
- increased risk of traffic safety problems with a crossroads being formed
- low water pressure in the village
- impact upon privacy and light
- brownfield land should be prioritised
- setting of listed buildings
- Down Ampney is not a sustainable location for new housing
- the Neighbourhood Development Plan protects the land from development
- already permission for 44 dwellings and a further 31 potentially on land owned by the Co-Op and CDC
- the land is not included for development in the Local Plan
- only limited public transport
- impact upon amenity and property values
- capacity of sewerage system
- increased surface water flooding

8.2 1 representation in support of the application has been received:

- proposal accords with the Development Plan
- would wish to see a better housing mix



- smaller units would meet the aspirations of the Neighbourhood Plan

## **9. Applicant's Supporting Information:**

- Planning Statement
- Heritage Statement
- Transport Statement
- Arboricultural Report
- Preliminary Ecological Appraisal
- Bat Roost Assessment of Trees
- Flood Risk Statement and Surface Water Drainage Strategy
- Proposed Plans

## **10. Officer's Assessment:**

### **(a) The Principle of Residential Development**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011- 2031.

10.2 The application is in outline for the erection of up to 8 dwellings, with all matters reserved other than the means of access. The site is on the southern side of Charlham Way in the centre of Down Ampney village, and is currently an area of grass upon which livestock graze.

10.3 Down Ampney is one of the Principal Settlements designated in the Cotswold District Local Plan, and the application site is within the boundary defined for the village. Therefore, having regard to Policy DS2 of the Local Plan, there is a presumption in favour of development, regardless of whether the land is designated within the Local Plan.

10.4 The Council's Development Strategy seeks to both boost significantly the supply of homes in the Local Plan period and to direct new homes to where they are needed in accordance with the aspirations of paragraph 60 of the NPPF. Evidence to demonstrate that the Council is significantly boosting the supply of homes in the District is available in the Council's housing land supply figures which stands at 7.2 years and the Government's Housing Delivery Test: 2020 Measurement which gives Cotswold District a figure of 186%, which is well in excess of the 95% pass score. However, the fact that the Council has a 5-year housing land supply does not preclude unallocated sites being developed, as the principle is established through the designation of the settlement boundary.

10.5 A number of representations, including those from the Parish Council, refer to the land being safeguarded from development, with reference being made to the field being a village green. Reference is also made to a S.106 Legal Agreement that was signed at the time of the Dukes Field development, immediately to the south of the site, being developed.



10.6 The site is within the designated area of the Down Ampney Neighbourhood Development Plan (NDP), which is near/at Regulation 14 stage. Once 'made' the NDP will form part of the development plan for the area.

10.7 The draft NDP describes the site as a field, 'akin to a village green' and is tranquil. The proposal for residential use conflicts with the Down Ampney NDP Draft Policy LP2, which seeks to designate the site as Local Green Space (green areas of particular local importance), where development will not be permitted unless in exceptional circumstances. Appendix I of the NDP also includes the draft Down Ampney Design Guide.

10.8 The emerging NDP is a material consideration. The material weight attributed to the emerging policy is in part dependent on the stage of progress of the Plan 'the more advanced its preparation, the greater the weight that may be given' (NPPF para. 48). Guidance also explains, 'where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight....' (NPPG Paragraph: 007 Reference ID: 41-007-20190509).

10.9 It is also possible to justify refusal of planning permission before the NDP has been brought into force (NPPG Paragraph: 008 Reference ID: 41-008-20190509) on the relevance of prematurity (NPPF para 49). However, this is in limited circumstances based on both consideration of the substantial and cumulative effect of the proposal (being so significant as to undermine the emerging Plan - i.e. predetermining scale or location central to the emerging plan) and the advanced stage of the Plan.

10.10 This is not considered to be the case in this instance. Refusal on the basis of prematurity is unlikely as it would require the emerging NDP to be at a more advanced stage i.e. 'in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan' (NPPF para.50).

10.11 Therefore, whilst the NDP has reached the Regulation 14 stage in the plan-making process, this is not considered to be an advanced stage; the NDP would need to advance to the examination or referendum stage to achieve this status. This is important as it is at this stage where unresolved matters and issues are considered, and where possible mitigated, by an independent examiner. It is worth noting any objections to an emerging policy as '...the less significant the unresolved objections, the greater the weight that may be given' (NPPF para. 48).

10.12 With regard to the Legal Agreement that was entered into in respect of the Dukes Field development, at that time the Local Plan adopted in 1999 did afford protection to the application site, however this was not carried forward to subsequent Local Plans.

10.13 The Agreement included only two requirements, which were to either 'to cut the grass on the Green Land twice a year to a height of approximately 50mm and remove the resultant arisings therefrom' or alternatively 'to allow the Green Land to be grazed by livestock in accordance with good agricultural practice and if so requested by the Council's Director of Development and Heritage to cut the grass to a height of approximately 50mm no more than twice a year.'



10.14 The reference to 'Green Land' refers to the shading on the plan attached to the Legal Agreement, which includes the current application site. However, clause 7 in the Legal Agreement stated the following:

'Nothing in this planning obligation shall be construed as prohibiting or limit any right to develop and part of the Green Land in accordance with any planning permission granted by the Council or Secretary of State after the date of this planning obligation.'

10.15 The Local Plan adopted in 2006 only afforded protection to open spaces identified within Principal Settlements. As Down Ampney was not included within the list of Principal Settlements in that Plan, the protection previously provided did not form part of this Local Plan as the policies to control new housebuilding outside designated settlements were more strictly controlled.

10.16 At that time, unless a new residential development accorded with the exceptions allowed in open countryside, i.e. affordable housing, replacement dwellings or the conversion of rural buildings, all new housing allocations and development were directed to the 10 Principal Settlements only.

10.17 The site was not put forward for consideration as a Local Green Space when the currently adopted Local Plan was being prepared, although two other sites in Down Ampney were assessed in Down Ampney for their potential to become a Local Green Space, but were found to be unsuitable for this designation in the Local Plan.

10.18 In conclusion, whilst the principle of residential development may be considered acceptable upon the site due to it being within the development boundary defined for Down Ampney in the Local Plan, as discussed below, there are concerns that result in Officers concluding that the development of the site would not be in accordance with the Development Plan when read as a whole.

## **(b) Design and Impact upon Heritage Assets**

10.19 There are listed buildings on the opposite side of Charlham Way, including the Primary School and Nos. 16 and 17 Down Ampney. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting of listed buildings, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.20 Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.



10.21 Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.

10.22 Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

10.23 Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.24 Policy EN10 covers the Historic Environment: Designated Heritage Assets. It states that in considering proposals that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and that the more important the asset, the greater the weight should be. It also states that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Finally it states that proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, and that any such assessment will take account of the importance of the asset, the scale of harm, and the nature and level of the public benefit.

10.25 The site is set apart from the listed buildings by the road running through the village, whilst Down Ampney Conservation Area is approximately 380m away with limited visual connectivity. The site is surrounded by modern development and in particular mid- to late-20th century bungalows, a modern cul-de-sac development and the development at Dukes Field.

10.26 It is considered that the residential development of the site would not be harmful to the setting of the designated assets or the wider conservation area which is some distance away. The stone boundary walling has been identified as being of some historic interest and could be considered as a non-designated heritage asset as set out with the heritage report submitted with the application. It is noted that the scheme submitted seeks to retain these boundary treatments and this is welcomed as they contribute to the character and appearance of the site and the wider street scene. A condition is recommended for the repair and retention of the boundary walling and any repair should follow a traditional approach using matching stone.



10.27 The scheme is therefore considered to meet the requirements of Section 66(1) of the Planning (LBCA) Act 1990, Sections 12 and 16 of the NPPF, and Policies EN1, EN2 and EN10 of the Local Plan.

### **(c) Landscape Impact**

10.28 Policy EN1 of the Local Plan states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functioning green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.29 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

10.30 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

10.31 Policy INF7 of the Local Plan states that development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).

10.32 Paragraph 131 of the National Planning Policy Framework states that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

10.33 Paragraph 174 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

10.34 The site is located within the settlement of Down Ampney which is not located within the Cotswolds AONB or a Special Landscape Area (SLA). The site itself occupies a small agricultural field, located to the south of the main village road and contained by housing to three sides. The site is



currently used for grazing sheep and it does not have any public access. Key features of the site include a number TPO trees and also an attractive Cotswold stone wall which defines the frontage along the road. The topography of the site is generally flat.

10.35 The site is located within Landscape Character Type (LCT) River Basin Lowland and Landscape Character Area (LCA) TV1B: Down Ampney as defined within the Gloucestershire Landscape Character Assessment (GLCA, January 2006). The site is also defined within the Cotswold Water Park Landscape Character Assessment as being within the River Basin Clay Vale LCT and LCA 3B: Down Ampney and Meysey Clay Vale Farmland. Both assessments share the same key characteristics. Down Ampney is described as a very small and quiet village which retains the sense of a rural idyll and has a dispersed settlement pattern.

10.36 The application seeks outline planning permission for up to 8 dwellings including access and associated works with all other matters reserved. The site occupies an attractive green parcel which contributes positively to the character and appearance of the village and reinforces the rural identity of the settlement. As such, encroachment of built development into this open green parcel may result in detrimental landscape effects. These changes would be perceived from the main village road.

10.37 It is noted that the site is also influenced by existing development, adjoins the road to the north and is contained by housing to the remaining three sides, and as such, the site does not read as part of the wider rural landscape. The site is also contained by various boundary treatments, including an unattractive close board and trellis fence and as such it is considered that there is scope for enhancement.

10.38 The proposed scheme is low density and the Illustrative Masterplan indicates that the layout would retain and protect the TPO trees and also the low stone wall to the frontage. However, notwithstanding that the site is not allocated as a Local Green Space in the Local Plan, it is considered to be important within its setting in the centre of Down Ampney village. Policy EN2 of the Local Plan cross references the Cotswold Design Code at Appendix D, and Members attention is drawn to the following paragraphs D.11, D.13 and D.14:

*D.11 Cotswold towns typically have many buildings tightly arranged at their core, with building lines set immediately on, or close to, the rear of the pavement. Many feature gently curving streets, and are centred on wide thoroughfares or market places. Nearly all settlements incorporate important open spaces. Some Cotswold villages are arranged around village greens. Others are set out in a linear fashion, or are more dispersed and rural.*

*D.13 Traditional Cotswold street scenes contain buildings of a variety of scales and architectural styles. Together, however, there is a sense of rhythm, harmony and balance, and this should be continued in any new development. The particular character of existing streets should be respected, including gaps between buildings, which can often be important. New additions might add interest but should not appear out-of-keeping.*

*D.14 In designing new development, close attention to the site and its setting should work at all levels, from the overall principle, density and grain, to the scale, form, roofscapes, elevations and detailed features of the buildings, and then to the landscaping surrounding them.*

10.39 It is considered that the proposed scheme would result in landscape and visual harm, and the loss of an open space that is of importance to the character of the settlement,



regardless of whether it is protected. The Design Code requires consideration of features including open space, the gaps between buildings, and the 'density and grain' of development. As such, it is considered that the introduction of housing to the site would be contrary to Policy EN2 of the Local Plan and the Cotswold Design Code with regard to its impact upon the street-scene and the character of the settlement.

10.40 If the principle is established through the appeal being allowed, the development would be expected to comply with the requirements of the Cotswold Design Code and deliver high quality green infrastructure design.

#### **(d) Residential Amenity**

10.41 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 130 (f) of the NPPF.

10.42 The plans submitted are illustrative, and whilst objections have raised concerns about the impact upon existing neighbouring properties, these cannot be attributed significant weight as the layout, scale and design of the properties would be the subject of a subsequent reserved matters application.

10.43 The proposal therefore is considered to accord with Policy EN2 and the Cotswold Design Code (Appendix D) of the Local Plan, insofar as they relate to residential amenity, and paragraph 130(f) of the NPPF which requires an acceptable level of amenity for existing and future users.

#### **(e) Biodiversity**

10.44 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.

10.45 Local Plan Policy EN1 requires that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment, including by ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset.

10.46 Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

10.47 Policy EN9 requires consideration of the impact of development upon International, National and Local designated wildlife sites.

10.48 A Preliminary Ecological Appraisal and a Preliminary Ground Level Bat Roost Assessment of Trees have been submitted with the application. Six of the seven trees upon the site are considered to have high potential for supporting roosting bats, although otherwise there is limited impact upon protected species considering that the land is grazed by sheep. A number of measures are suggested to enhance habitat, for example bat boxes, appropriate use of lighting that would not impact upon bats, as well as other measures relating to site clearance outside the bird-nesting season, covering exposed excavations or providing a ramp for mammals to climb out if left overnight.



10.49 In this respect, the Biodiversity Officer has considered the submitted proposals and is raising no objection.

10.50 However, a Habitat Regulations Assessment (HRA) is required with regard to the North Meadow and Clattinger Farm Special Area of Conservation (SAC) as the application site lies within the 8km Zone of Influence for North Meadow. This is due to the likely significant effects resulting from an increase in residential pressure, particularly in combination with other development projects.

10.51 This is a lowland hay meadow within North Wiltshire that represents an exceptional survival of the traditional pattern of the management of such areas, and exhibits a high degree of conservation of structure and function. This site also contains a very high proportion (>90%) of the surviving UK population of fritillary *Fritillaria meleagris*, a species highly characteristic of damp lowland meadows in Europe.

10.52 A mitigation strategy is currently in preparation in conjunction with Swindon Borough Council and Wiltshire Council, which is likely to result in a need to obtain developer contributions from residential development within the zone of influence. Once the strategy is agreed and a cost per unit identified, then the HRA can be completed subject to the required payment being secured, with this most likely to require a S.106 Legal Agreement. The contribution would be used to fund the required mitigation measures at the site, including the employment of seasonal wardens and the installation of fencing and signage (as a visitor management action).

10.53 The HRA cannot be completed at present as an Appropriate Assessment is required and therefore mitigation measures need to be put in place. Natural England must be consulted on any proposal once the Appropriate Assessment has been completed. If this process is not followed, it leaves any decision made, either by the Local Planning Authority or the Planning Inspectorate, open to Judicial Review.

10.54 It should be noted that whilst undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

10.55 Therefore, there is insufficient information provided to allow this matter to be considered at the present time, and the proposed development is contrary to Policies EN1, EN8 and EN9 of the Local Plan, in addition to paragraphs 174, 180, 181 and 182 of the NPPF.

#### **(f) Trees**

10.56 Having regard to Policy EN7 of the Local Plan, there are even trees within the site that are subject to Tree Preservation Orders (TPO).

10.57 The arboricultural information submitted with the application is considered to be acceptable, with the proposal including one tree to be removed. This is a dead sycamore tree which is considered to be in need of removal regardless of site development.



10.58 All other trees on, and just off site (including those currently protected by a TPO) are proposed to be retained and can be protected adequately using the tree protection measures set out in the tree consultancy report submitted with the application.

#### **(g) Highway Safety and Parking**

10.59 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

10.60 Local Plan Policy INF3 (Sustainable Transport) supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.

10.61 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

10.62 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

10.63 The site is opposite local amenities including primary school, local shop, post office, village hall and walking distance to other amenities including the football club and church. There are also local bus services stopping in the village adjacent to the site and northwest which are infrequent but provide some services to surrounding schools and to Cirencester for shops.

10.64 The Highway Authority is raising no objection to the proposal, notwithstanding the concerns raised by the local community regarding proximity to the Primary School. Visibility at the entrance is considered acceptable, with the road being the subject of a 30 mph speed limit.

10.65 Conditions are recommended requiring the provision of electric vehicle charging for each dwelling, secure covered cycle parking for two bikes per dwelling with direct highway access, and a Travel Plan to promote alternative modes of transport other than the private car.

10.66 Therefore, the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan, and Section 9 of the NPPF.

#### **(h) Drainage and Flood Risk**

10.67 Policy EN14 of the Local Plan requires 'Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.'



10.68 The NPPF provides national policy upon this subject at Section 14, with paragraph 159 stating 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

10.69 Paragraph 161 continues to state 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property...'

10.70 The application site is within Flood Zone 1 as defined by the Environment Agency, and therefore has the lowest probability of flooding. A number of representations have raised this as a concern, however.

10.71 A Flood Risk Statement and Surface Water Drainage Strategy has been submitted with the application, which has been consulted upon with both Thames Water and the Council's Drainage Engineers, neither of which are raising any objection to the proposal subject to the conditions recommended.

10.72 With regard to foul drainage, Thames Water are raising no objection based upon the information submitted with the application, and that in respect of surface water drainage, Thames Water has commented that if the developer follows the sequential approach to the disposal of surface water there would have no objection. The proposed drainage strategy is considered to accord with this, and as such the proposed drainage of the site would accord with Policy EN14 of the Local Plan and Section 14 of the NPPF.

#### **(i) CIL**

10.73 This is an outline application. The proposed development will be liable for a CIL charge, and the chargeable amount will be calculated when the reserved matters application is determined.

### **11. Conclusion:**

11.1 The proposed development is contrary to the policies in the Development Plan in addition to the NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for the Planning Inspectorate to be informed that the Local Planning Authority would have refused planning permission for the development, for the reasons set out below.

### **12. Reasons for Refusal:**

1. The proposed development would result in landscape and visual harm through the loss of an open space that is of importance to the character of the settlement. The Cotswold Design Code requires consideration of features including open space, the gaps between buildings, and the 'density and grain' of development. As such, it is considered that the introduction of housing to the site would be contrary to Policy EN2 of the Local Plan and the



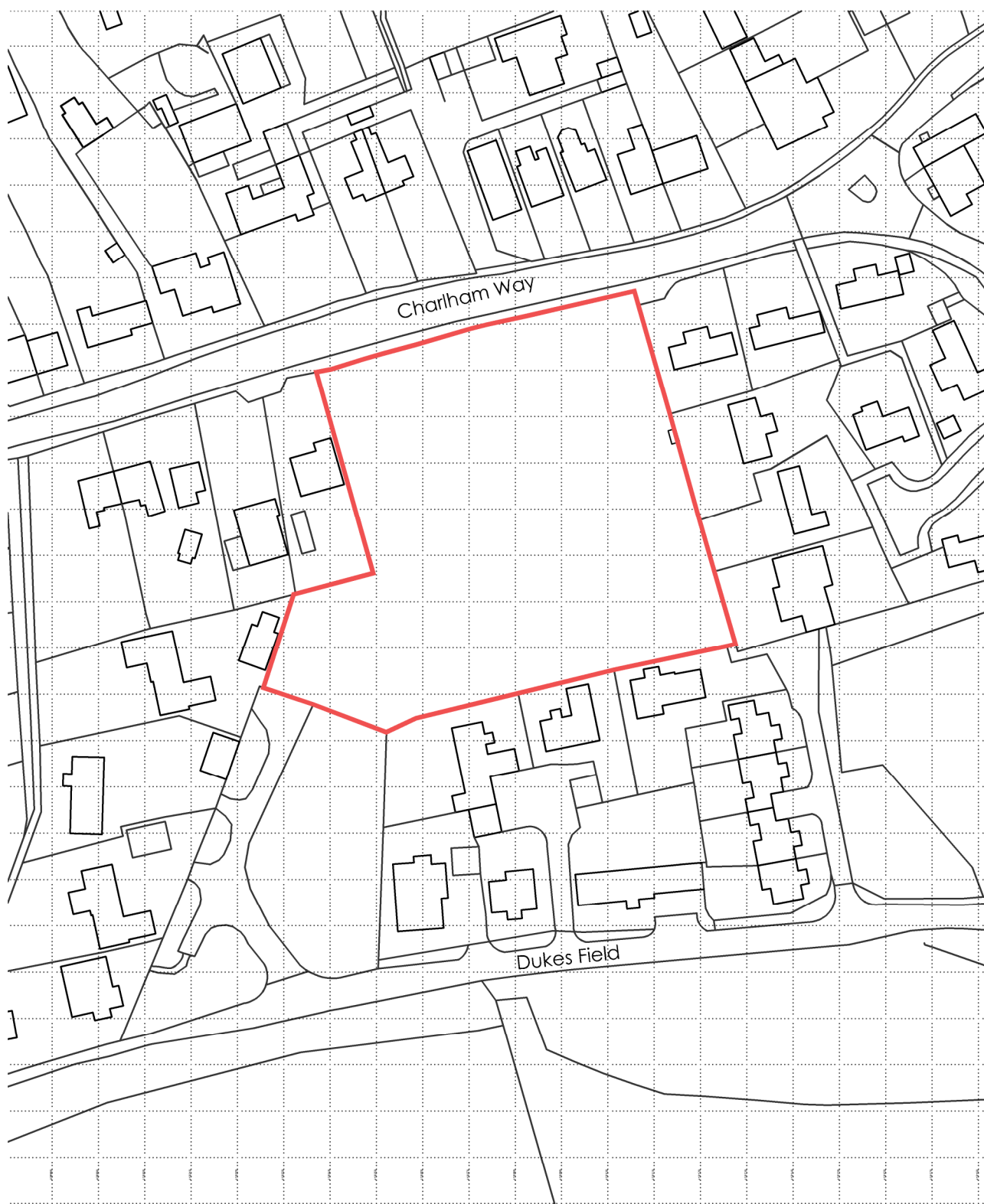
Cotswold Design Code, in particular paragraphs D.11, D.13 and D.14, with regard to its impact upon the street-scene and the character of the settlement.

2. Insufficient information has been provided to allow consideration of the impact of the proposed development upon the North Meadow and Clattinger Farm Special Area of Conservation, which is an internationally designated wildlife site. No Habitat Regulations Assessment has therefore been completed as no information has been provided to allow an Appropriate Assessment to be undertaken. In the absence of this information, which it is the requirement of the applicant to provide, the proposal is contrary to Policies EN1, EN8 and EN9 of the Cotswold District Local Plan and paragraphs 174, 180, 181 and 182 of the National Planning Policy Framework.

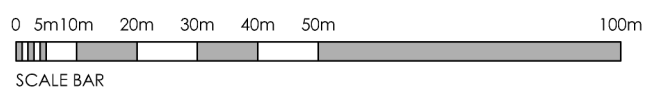
**Informative:**

1. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.





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Date: 20.10.21

Checked by : CB

Sheet Name: Location Plan

Project No: 8617

Revision: P2

Drawn by: BB

Scale @ A4 : 1:1250

Purpose of issue: Planning

Status:

Drawing No: 8617-BOW-A0-XX-DR-A-0001

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Co-op Property

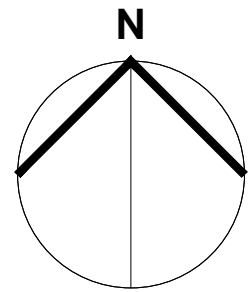
Land South of Charlham Way, Down Ampney



P2 Stone structure added 20.12.21 cb cb

Revision	Date	By	Chk





Site Information

Total Site Area: 1.50 Acres / 0.60 Hectares  
Total Developable Area: 1.20 Acres / 0.48 Hectares

Key

- Existing Tree and Root Protection Area
- Proposed Tree and Root Protection Area (Indicative)
- Existing Hedgerow
- Proposed Hedgerow (Indicative)
- Proposed SuDS/Biodiversity Enhancement Zone (Indicative)
- Proposed 5.5m (w) Estate Road and 2m (w) Footpath
- Proposed 4.8m (w) Private Driveway

Accommodation Schedule

House Type	Area (m <sup>2</sup> )	Quantity	Area (m <sup>2</sup> )
1.5-2 storey/3 bed	97	4	388
1.5-2 storey/4 bed	118	4	471
Garages	17	8	137
Total		8	996

P7	Plot 8 set back from Tree T1.	12.01.22	BB	CB
P6	Hatching amended.	17.12.21	CB	CB
P5	Annotation amended.	17.12.21	CB	CB
P4	Existing bread oven added.	16.12.21	BB	CB
P3	Hedge and trees to southern boundary amended.	08.12.21	BB	CB
P2	Site boundary amended.	22.11.21	CB	CB
P1	Issued for planning.	20.10.21	BB	CB
Revision		Date	By	Chk

All dimensions to be verified on site, and the Architect informed of any discrepancy. All drawings and specifications should be read in conjunction with the Health and Safety Plan; all conflicts should be reported to the appointed Principal Designer.



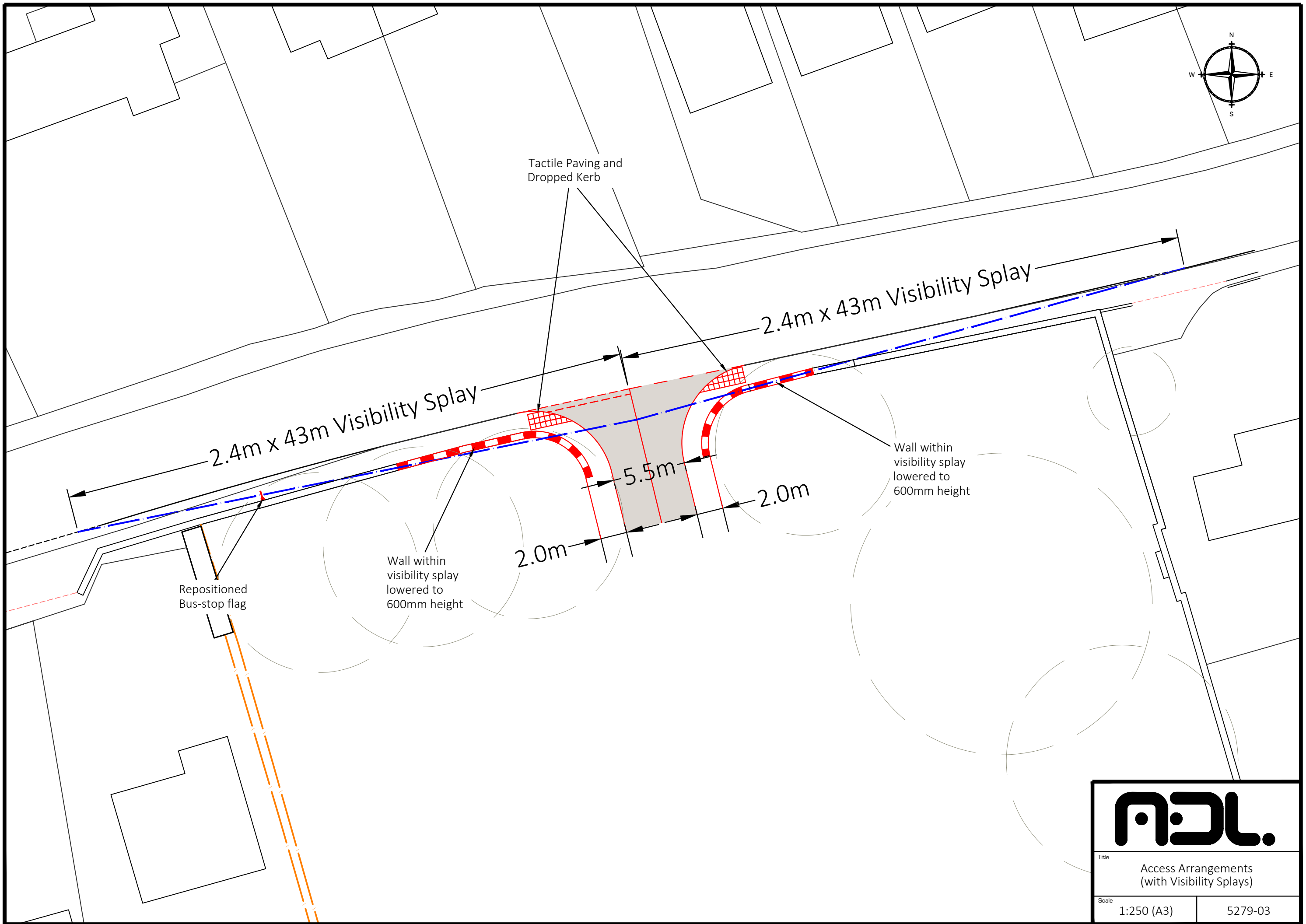
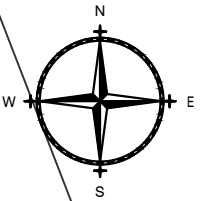
Co-op Property  
Proposed Residential Development  
Land South of Charlham Way, Down Ampney  
Sheet Name: Illustrative Masterplan

Purpose of issue: Planning Status:  
Date: 20.10.21 Checked by: CB  
Drawn by: BB Scale @ A1: 1:200  
Project No: 8617 Revision: P7  
Drawing No: 8671-BOW-A0-XX-DR-A-0004



Illustrative Masterplan  
Scale 1:200 @ A1





Title	
Access Arrangements (with Visibility Splays)	
Scale	
1:250 (A3)	5279-03



























# Objections to Millennium Field application number 21/04185/OUT

Please note that the address on the application should be the Down Ampney Road and not Charlham Way.

## Reasons for objection:-

### 1). History and acceptance of being called green space.

This is the one small field in the centre of the village that holds a special place for residents. Before the Co-op renamed the field Millennium Field it was known as Duke's Field after the horse which used to graze there. A paddock scene enjoyed through the years by the passing school children and adults alike. More recently it has been grazed by sheep enhancing the rural aspect. It is **the only green space** left in the centre of the village and its importance and speciality has been documented for nearly 30 years when it was highlighted in "Design in Down Ampney", a Cotswold District Council publication that won awards.

There are several documents and statements where this field is identified, and even accepted by the Co-op as green space:-

a). This field has never before been identified for development and it has been accepted in the past by the Co-op that this field is **so important** to the village as green space. During the submission by the Co-op to the Cotswold Local Plan Examination on 27<sup>th</sup> Sept 2017 in the "Hearing Statement" Matter 6a: South Cotswold Sub area on page 12 the map shows extensive proposed development everywhere in the village except for the field the Co-op now call the Millennium Field. The Millennium Field is identified as "Existing open space". Appendix 1.

b). In an earlier document that was issued by Hourigan Connolly Planning and showed in the Cotswold District Council Development Strategy and Site allocation consultation (January 2015) a vision of up to five development sites. Yet again the Millennium Field is not allocated housing. Appendix 2.

c). In the Case Officer comments to the Duke's Field application number 98/00828 in section Open Space it states, "The field fronting the development is identified as an important Open Space in the Local Plan. This is currently grazed and contributes to the agricultural character of the village". Appendix 3.

d). In the application paperwork 98/00828 in a document submitted by the Co-op and called Site A Design statement CT.0148/H it is stated "The field is considered by the District Council to be part of the character of the village and was therefore excluded from the land allocated for development". Appendix 4.

e). The very recent up-dated SHELAA issued by CDC on Oct 2021 does not identify this site for development. The summary map Down Ampney Site Assessments does not show this field as considered for development. It is considered by CDC forward planning that Down Ampney has been allocated sufficient developable land to fulfil the demands of the District to 2031. The CDC local plan 2011-2031 does not identify this site for development. Appendix 5.



f). The Co-op knowing that the Neighbourhood Development Plan ,which is currently being produced by the village, is nearing Reg 14 stage and is looking to designate the field as “Green Space” have applied for planning permission to build eight houses on this one last piece of remaining green field sites in the heart of the village. As a matter of courtesy the Co-op were given an advance draft copy of the Reg 14 submission. Therefore this application is seen as an **opportunistic pre-empting** the adoption of the Neighbourhood Plan.

## **2). S106 agreement on Duke’s Field site dated 16<sup>th</sup> July 1999:-**

The agreement is contradictory in points 7, 8 & 9. Item 7 states, “Nothing in this planning obligation shall be construed as prohibiting or limit any right to develop any part of the site in accordance with any planning permission granted by the Council or by the Secretary of State after the date of this planning obligation”. Yet the covenant in 8 is binding by the words “**successors in title**” which means that the field sold to whoever, has to be mown or grazed as stated in 9, and you cannot do that if built on. Appendix 6.

## **3). National Planning Policy Framework 2021:-**

Paragraph 40 states:- Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law **to engage with the local community** and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Far from following this policy:- In a meeting held on Oct 12<sup>th</sup> 2021 between the Chairman and Deputy Chairman of the Down Ampney Neighbourhood Plan with the Co-op representaives (will put in their titles) as part of the Reg 14 procedure it was shown that the Millenium Field was being put forward for “green space”. No comment was made by the Co-op that they were going to put forward this field for planning permission.

Paragraph 102 states. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

For the above reasons the Millenium Field has been identified as a Green Space in the emerging Neighbourhood Plan and in the CDC consultation last year on Green Space and Green Infrastructure.

## **4). Sewage:-**

The problems of the lack of capacity of the Ampney St Peter sewage treatment works is well documented. Objections on this subject are made at every application, and yet development continues. There are many meetings being held on this topic, but as yet no solution, or timescales proposed. In the next couple of years approx. 64 additional dwellings will be added to the already overloaded system. No connection must be made to the existing system until the Ampney St Peter works has been updated and this must be made a condition.



**5). Access:-**

The proposed access is directly opposite the school. At “dropping off and collecting” times the number of cars and parking is a major safety issue. To have an access opposite the schools will only exacerbate the traffic problems. The track to the village shop, hall, playground is along a single track and regularly cars have to back out on to the main road as cars try to exit the hub car park.

**6). Number of dwellings:-**

The number of dwellings proposed is overdevelopment of the site and resulted in the proposed new dwellings being far too close to existing houses and a dramatic impact on privacy. Down Ampney is a rural village, and its ambience and culture must be observed.

**7). Flooding:-**

This field regularly floods during peak rainfall periods and takes a long time to drain away as there are no ditches in the area. Where to discharge this run-off water, and who maintains the pipes/pumps/ditches must be identified.

**8). Grade 2 listed properties:-**

Opposite the proposed site there are two grade two houses and the village school. This development would seriously degrade the view that these houses and the school have had for generations. There is very detailed attention and restrictions made by CDC Conservation when any modifications are made to these properties. Any proposed changes to their surroundings should equally be critically considered and standards maintained.

**9). Wildlife and Conservation:-**

This is the last remaining green space in the centre of the village. There is considerable public dialogue at present on the importance of green space and open fields allowing the natural environment for birds, flowers, bees to thrive.

**Conclusion:-**

On behalf of this village Down Ampney Parish Council strongly object to this application.

**Down Ampney Parish Council**  
**Dec 6th 2021**





# Hearing Statement

Cotswold Local Plan Examination

Matter 6a: South Cotswold Sub-Area

27 September 2017

Representor ID: 024A



# Contents

- 1. Introduction ..... 2
- 2. Response to Issue 6.2 (Down Ampney) ..... 3

Appendix 1 – Down Ampney Development Framework



# 1. Introduction

- 1.1. This Statement provides a response to the Inspector's Matters, Issues & Questions for Examination<sup>1</sup>, in respect of Matter 6 (*"Are the Housing, Employment and Infrastructure Proposals for the South Cotswold Sub Area justified?"*) and the Co-op's interests in Down Ampney. It also provides a factual update, where relevant, on any omission sites, which may assist the Examination. A Development Framework for Down Ampney is provided at **Appendix 1**.
- 1.2. For ease of reference, a plan showing the extent of the Co-op's ownership in Down Ampney is provided below. The land shown in red comprises land in which the Co-op retain a freehold interest (with the exception of Broadway Farm indicated in blue, which was sold to Sanctuary Homes in 2016). The land denoted in pink was sold to the Wellcome Trust in 2014 as part of a UK-wide rationalisation of the former Co-op Farms business.

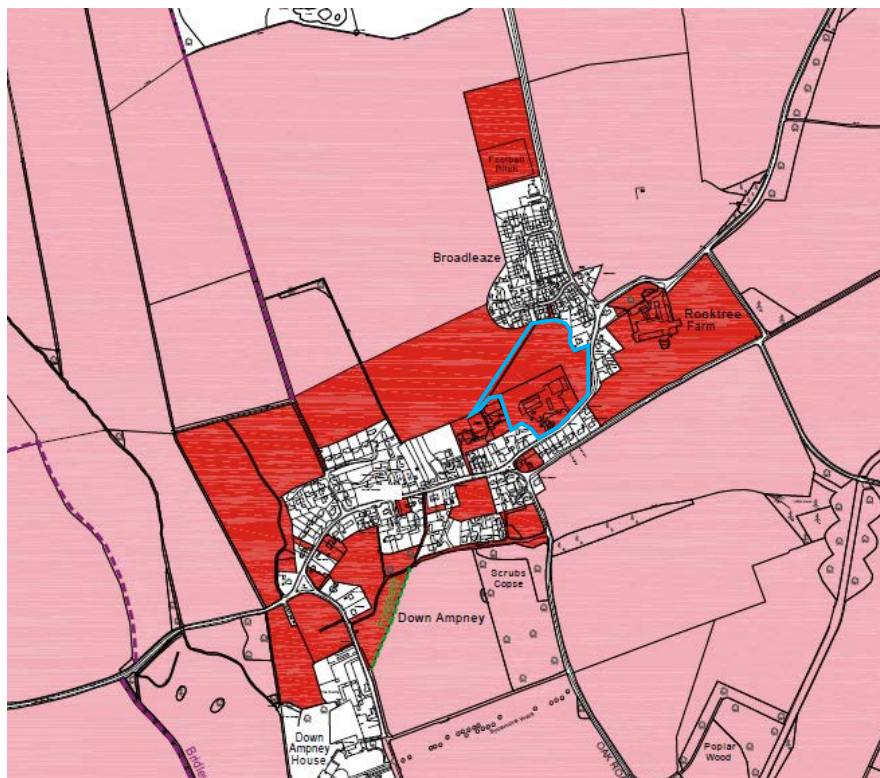


Fig. 1 – Co-op land ownership within Down Ampney (excluding land denoted in blue)

<sup>1</sup> Examination Document Ref: ED013i



## 2. Response to Issue 6.2 (Down Ampney)

**73. Are the three housing sites allocated in policy S4 suitably located for residential development, and could they be developed in an acceptable manner having regard to their particular characteristics, surroundings, and local infrastructure and services?**

- 2.1. Yes, in part; the Co-op considers that the three allocated housing sites are suitably located for residential development in principle. However, based on current information the Co-op would question the delivery of DA\_8 (Land at Broadleaze) and considers that there is a clear case for further modifications to Policy S4 (Down Ampney) generally, for the reasons explained below.
- 2.2. Site DA\_2 (Dukes Field), which is allocated for 10 dwellings (net), is within the Co-op ownership and free from any known technical constraints to redevelopment. It is bounded by existing housing on two sides and visually contained by Scrubs Copse to the south. It has not been subject to any previous planning applications or appeals.
- 2.3. The 2017 Strategic Housing and Economic Land Availability Assessment (SHELAA)<sup>2</sup> raises concerns regarding potential access problems on Oak Road, which leads to Dukes Field. However, representations by the Co-op at Regulation 18 stage (February 2015) include an indicative masterplan for Dukes Field (Appendix 2) and a Technical Note on highways and transportation matters (Appendix 4) prepared by Mayer Brown consulting engineers. It is instructive to note the Technical Note in particular, which concludes *inter alia*:
- Oak Road is a no through road, leading to Duke's Field which is a shared surface with brick paver surfacing and passing places, which gives access to 14 units; it is a private road owned by the Co-op.
  - As part of any planning application, it would be proposed to formally reduce the speed limit on Oak Road, to just beyond its junction with Duke's Field, to 30mph, as well as reducing the speed limit on Duke's Field itself.
  - Visibility of 90m is achievable to the north onto Oak Road; visibility of approximately 35m is achievable to the south due to the sharp bend in the road

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<sup>2</sup> Examination Document Refs: EB012a, EB012b and EB012c



from Oak Road into Duke's Field. This bend means that traffic is unlikely to be travelling at high speeds and therefore the achievable visibility is expected to be acceptable. A simple priority junction will be sufficient for the proposed development.

- The trip generation demonstrates that this level of development would only result in a minimal increase in vehicular traffic during peak hours, which could be accommodated within the local highway network without materially affecting capacity.

2.4. For these reasons, it is respectfully submitted that the proposed allocation at Dukes Field could be accessed safely and it is a suitable location for housing. Moreover, the expectation is that this site could be delivered in 0-5 years rather than the 11-15 year timeframe anticipated in the SHELAA.

2.5. In respect of Site Ref: DA\_5A (Buildings at Rooktree Farm) which is allocated for 8 dwellings (net), again this allocation is supported and the site is considered deliverable. It has not been subject to any previous planning applications or appeals. Potential access constraints referred to in the SHELAA have also been addressed via earlier representations at Regulation 18 Stage by the Co-op.

2.6. However, the SHELAA also states at p.47 that this site *"should ideally be developed with DA\_5C [Land South of Rooktree Farm]"* which is an omission site, also owned and promoted by the Co-op<sup>3</sup>. Earlier representations by the Co-op envisaged the conversion of the existing farmstead at DA\_5A to provide 531sqm of employment/commercial floorspace (Village Business Innovation Centre) with a phased housing allocation at DA\_5C and DA\_5B (Land East of Rooktree Farm Buildings). It is maintained that this would bring a more appropriate balance of uses to support the growth of Down Ampney over the Plan period. It is noted that the Plan seeks to deliver *at least* 27 hectares of Class B employment use<sup>4</sup> over the Plan period within the Principal Settlements, of which many benefit from protected employment sites or allocations, whereas Down Ampney does not. To ensure the long-term sustainable growth of Down Ampney, a mixed use allocation across DA\_5A and DA\_5C would be commensurate with wider strategic objectives of the Plan and potentially mitigate against any delay in the delivery of employment space at the

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<sup>3</sup> The corresponding conclusion on site DA\_5C in the 2017 SHELAA states: *"The site should ideally be developed in conjunction with DA\_5A / DA\_E1."*

<sup>4</sup> Policy DS1 (Development Strategy) refers

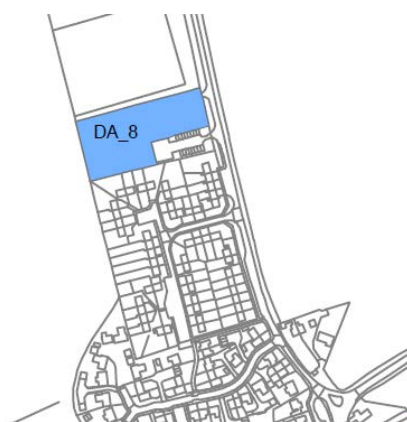


Chesterton Strategic Site, for example. Such an allocation would also be consistent with the Council's conclusions as regards the deliverability of these two sites.

- 2.7. In reference to draft allocation DA\_8 Land at Broadleaze (10 dwellings net), it is understood that this land is owned by Cotswold District Council and the clubhouse leased to Down Ampney FC (on a 14 year lease beginning 1<sup>st</sup> September 2014). The SHELAA notes that the existing clubhouse (immediately east of the allocation) would:

*“...either need to be retained or a replacement club house provided, although a suitable location for the new club house and the costs of relocating the clubhouse mean that relocation is improbable”.*

- 2.8. It is also noted that the clubhouse was previously included within DA\_8 in the Regulation 18 Stage draft Plan<sup>5</sup> in January 2015 (see extract below) but removed at Regulation 19 Stage (with the number of dwellings subsequently reduced from 13 to 10). It is unclear from the Local Plan evidence base what material change in circumstances prompted the exclusion of the clubhouse, other than a belated recognition that relocation would be improbable in any scenario, so retention is seemingly unavoidable if the allocation is to be delivered.



**Fig. 2: Extract from Map 7: *Housing and Employment Allocations (Down Ampney)*, Local Plan Development Strategy and Site Allocations (Jan 2015)**

- 2.9. Access to the site is also potentially constrained by a line of mature trees along the northern boundary of the clubhouse car park. It is assumed that access to the allocated housing site would pass to the north of the clubhouse building but there is an absence of any technical evidence to demonstrate that the trees would be unaffected or a satisfactory access could be achieved. These constraints are perhaps reflected in the

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<sup>5</sup> Examination Document EB004



expectation, set out in the SHELAA, that this site would not deliver ten dwellings until Years 11-15 of the Plan. Again, it has not been subject to any previous planning applications or appeals.

- 2.10. The Co-op maintains its position that DA\_8 would be more suited to allotment use, for which there is an acknowledged need, as referred to in Policy S4, within Down Ampney.

***74. Are the numbers of dwellings assumed to be built on each of the housing allocations referred to in policy S4 reasonable and justified by the available evidence?***

- 2.11. For the reasons given above, it is respectfully contended that DA\_2 (Dukes Field) provides for an appropriate quantum of development that this reasonable and justified, based on all the evidence available, including previous representations by the Co-op.
- 2.12. However, whilst the proposed allocation of DA\_5A (Buildings at Rooktree Farm) for 8 dwellings is welcomed, there is scope for a comprehensive mixed use allocation as set out above, in tandem with DA\_5C (up to 40 dwellings) and potentially DA\_5B (as a later phase of up to 70 dwellings). This would support the economic objectives of the Plan.
- 2.13. In addition, there appear to constraints to the delivery of 10 dwellings at DA\_8 (Land at Broadleaze), as acknowledged in the Local Plan evidence base and consideration needs to be given to meeting the shortfall on alternative sites in Down Ampney.
- 2.14. In contrast, the Omission Sites which have been promoted by the Co-op in Down Ampney are considered deliverable. They are being promoted via a willing landowner and assessed in detail as part of a comprehensive Development Framework and *Vision for Down Ampney*, prepared by the Co-op<sup>6</sup>.
- 2.15. In addition, it is contended that a greater proportion of the housing need identified in the Plan can be met in Down Ampney over the Plan period. Just 0.9% of the total housing allocations in the draft Plan are apportioned to Down Ampney<sup>7</sup>. Similarly, once completions, commitments and windfalls are accounted for, just 0.81% of the total

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<sup>6</sup> See Appendices 1 and 2 to Representations made in January 2015 (by Hourigan Connolly on behalf of the Co-op)

<sup>7</sup> Examination Document ED010A refers



growth in the Cotswolds for the Plan period is apportioned to Down Ampney. Notably, there was just a single net housing completion in Down Ampney recorded for the period 1 April 2011 – 31 March 2016<sup>8</sup>. It is arguable that this level of growth, within a *Principal Settlement* can not lead to a sustainable community. Lack of access to housing would limit social mobility and the ability of first-time buyers and young families to remain in Down Ampney.

2.16. Despite this, Down Ampney is acknowledged as one of 17 Principal Settlements in the District. Indeed, it is instructive to note the status of Down Ampney as the Local Plan (and associated evidence base) has evolved<sup>9</sup>. The Local Plan Strategy Evidence Paper (April 2013) originally excluded Down Ampney from the list of 17 Settlements. However, in response to consultation on the Preferred Development Strategy in May 2013, a report to Cabinet in December 2013 noted that sufficient sites had been put forward in Down Ampney via the SHLAA review for Down Ampney to be upgraded for inclusion in the Development Strategy<sup>10</sup>. Siddington was also deleted, resulting in the overall figure of 17 settlements being maintained.

2.17. The relative suitability and accessibility of Down Ampney was also considered by an Inspector in relation to Broadway Farm (Sites DA\_1A and DA\_1B). In allowing an appeal for 44 dwellings in March 2016<sup>11</sup>, the Inspector noted:

*“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.*

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<sup>8</sup> Examination Document ED010A refers

<sup>9</sup> Examination Document EB010 provides a helpful chronological summary

<sup>10</sup> See Para. 4.3 of Examination Document EB010

<sup>11</sup> PINS Ref: APP/F1610/W/15/3131716



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."

- 2.18. In addition, it is emphasised that 80% of the District is within the Cotswolds Area of Outstanding Natural Beauty (AONB). Of the 17 Principal Settlements, 10 lie wholly within the AONB with an additional two (Cirencester and Moreton-in-Marsh) partly constrained by either the AONB or Special Landscape Area (SLA) designations.

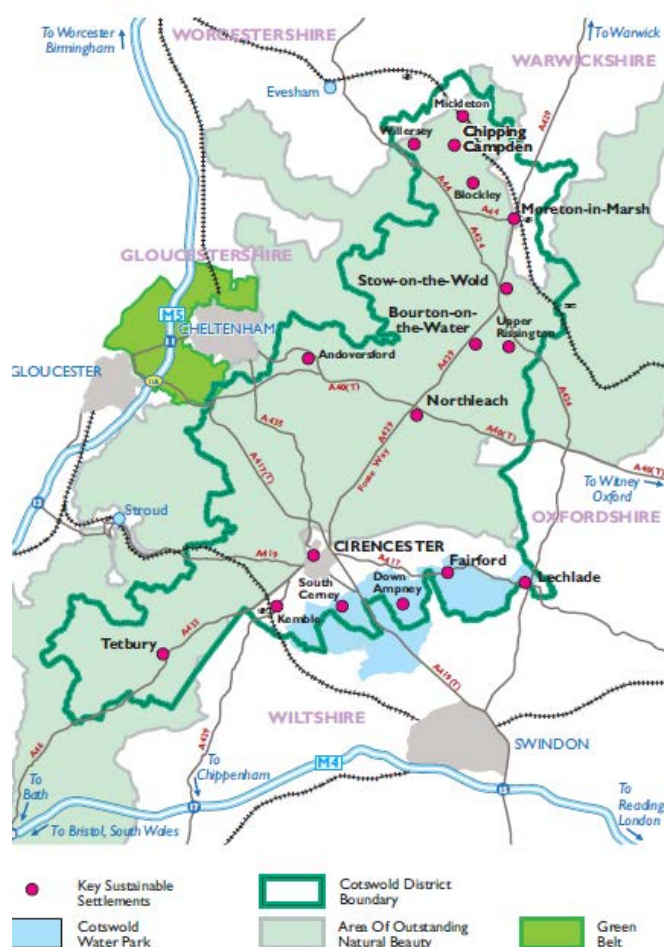


Fig. 3: Extract (Portrait 2) from Submission Local Plan

- 2.19. In spatial terms, there is considered to be a case for greater apportionment of growth to those settlements in the south-east of the District which are comparatively unconstrained by landscape designations, including Down Ampney. This is given added emphasis given the uncertainty surrounding the Chesterton Strategic Site and



the Council's decision on 26<sup>th</sup> September 2017 to defer determination of the outline planning application for three months, as the Examination will doubtless be aware. Given the potential risks to delivery of that site, in contrast to the Council's expectations, it would be appropriate to consider alternative sites in both the short term and over the Plan period.









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## DOWN AMPNEY, COTSWOLDS

FPCR supported Hourigan Connolly Planning in their representations to the current Cotswold District Council Development Strategy and Site Allocations Consultation (January 2015) for the allocation of five development sites at Down Ampney. The practice produced a Vision Document which analysed the landscape and visual character of Down Ampney and recommended a sustainable development strategy for the village over the forthcoming plan period. The outcome of this appraisal was driven by the assessed environmental capacity of the settlement form and its countryside setting, taking into account potential constraints such as heritage and biodiversity. A village-wide masterplan was prepared, to demonstrate how up to 245 dwellings, 530sqm of office space and Green infrastructure (including allotments) could be sensitively assimilated into the Cotswolds village, across 5 separate sites.





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## SITE MAP

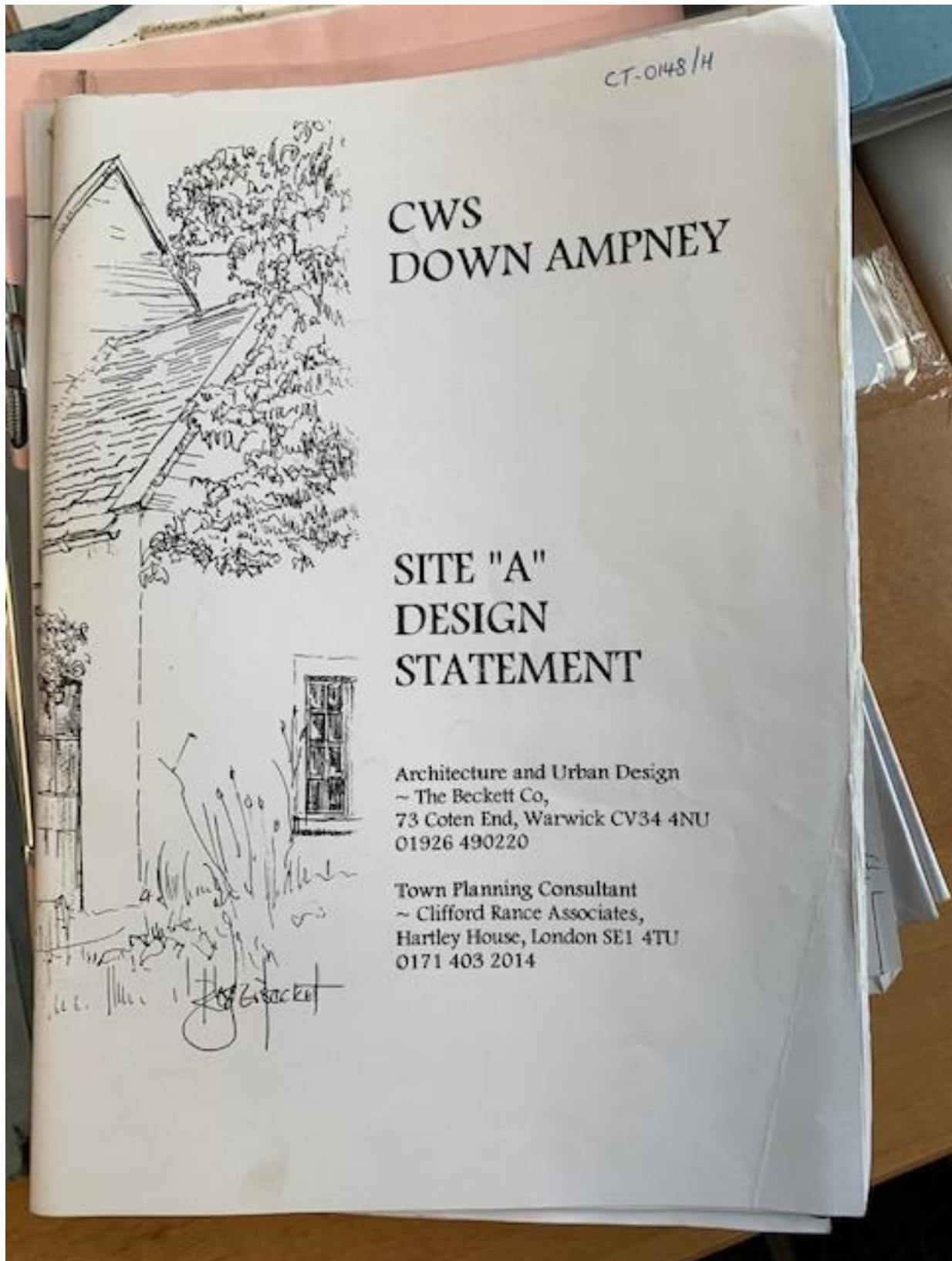
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## Appendix 4





been built in either stone or reconstituted stone so as to fit in with the traditional properties.

The use of Cotswold stone in this way, creamy or pale golden depending on the light, brings a unity that helps to bind the variations in style and design. The traditional buildings were often dressed stone with strong gables and steep stone roofs that emphasise the vertical. Typically windows are close to the eaves line, with stone surrounds and 100mm reveals to the windows and doors. The original buildings of the village have been augmented by estate cottages, either singly or in pairs, along the main road and by newer buildings showing a greater variety of designs. Plot sizes are irregular, parking is on plot behind stone boundary walls or, sometimes, hedges.

To the north of the site is the field that is to be retained as open land. The field interrupts the development pattern of the main village street, emphasising the rural character. The field is bounded on the north, street, side by a stone wall. The field is considered by the District Council to be part of the character of the village and was therefore excluded from the land allocated for development.

It should be noted, however, that there are already quite modern houses in the village centre, including developments and individual buildings neighbouring or opposite the site. The site is not therefore seen only in the context of the traditional village buildings.

#### Development objectives

The objective is that the proposal should, as far as possible, appear to be an intrinsic part of the village. Careful consideration has therefore been given as to how the site relates to the village and the context in which the development will be seen.

The local plan requires the development to retain a "viewing corridor" from the village street looking across the field

towards the church spire. Access to the western parcel has, however, to be via this corridor and must be achieved without harming the rural character. It is therefore proposed to incorporate the viewing corridor into the layout in the form of a drove road (known in some parts of the country as a drift or driftway). This is a wide, generally grassed, route over which livestock could be driven. Remnants of such routes are found in many parts of the country, and the proposed drove road should therefore meet the objective to retain the rural character and fit the character of the village. This proposed drove road also serves the practical purpose of linking the retained field with the main part of the farm estate land to the south.

The site is seen from the centre of the village across the retained field, the new houses being some 100 metres back from the main street behind a dry stone. The field contains a number of mature trees. The combined effect of distance, the wall and trees, together with the new hedges and boundary walls of the proposed development, means that the main impact of the development in views from the village centre will largely be in the context of the first floors and, particularly, the roofs of the new houses.

In views from the church, the site is seen in the context of the farmland to the south of the village and is partly obscured by the trees lining the track. Again, the boundary hedges of the houses will mean that it is the first floors and roofs that will be seen.

The viewpoints to both east and, particularly, west of the site afford much closer views of the development. However from neither viewpoint, nor from the road to the immediate south of the site, will it be possible to gain more than a partial view of the development as a whole. The houses in the foreground will hide those behind.

On the west side the site is bounded by a footpath which is bordered by a mature hedgerow, and this hedgerow will be



## Appendix 3

The garages have a cart-shed design to give a rural appearance.

### Access

The development utilises the existing road from the east (Oak Road). The County Highways Officer is satisfied with the access in principle with conditions to comply with standards of road adoption. The Local Plan Policy 8.6:1 requires the access to the west to be gated to discourage use and this should be conditioned.

### Open Space

The field fronting the development is identified as an important Open Space in the Local Plan. This is currently grazed and contributes to the agricultural character of the village. This should be either periodically grazed or mown a couple of times a year to maintain the pasture. A Section 106 agreement will be required for this. Public access will be permitted and accordingly gates are proposed.

### Landscaping

There are some very important mature trees on the field by the development, and it is felt that this character could be enhanced by further planting. Similarly, important would be the boundary treatment for the domestic curtilages. A predominance of hedges rather than stone walls would maintain a rural character and there is also potential for incidental tree planting. It is felt that aspects can be conditioned.

**Officer Recommendation: PERMIT, SUBJECT TO THE SIGNING OF A SECTION 106 AGREEMENT ON THE MANAGEMENT OF THE ADJACENT OPEN SPACE.**

- C4 (lifetime of full permission)
- C10 (removal of permitted development rights - maintaining open area)
- C76 (samples of materials to be approved)
- C77 (sample walling/render panel to be approved on site)
- C87 (recessed door and window frames)
- C88 (traditional timber external doors)
- C90 (painted timberwork)
- C92 (paint/stain sample for approval)
- C111 (chimney details)
- C110 (rooflights to be flush with roof surface)
- C106 (natural stone windows)
- C34 (Cotswold drystone wall to be constructed)
- C36 (hedge(s) to be laid)
- C38 (landscaping scheme to be approved)
- C40 (timing of completion of landscaping)
- C41 (replacement of any planting for 5 years)

Non-standard:

All the roof valleys shall be swept..

Reason: To ensure that these important features are appropriately detailed.

Non-standard:

The surfaces and kerbs on all new roads shall be agreed with the Local Planning Authority beforehand and implemented accordingly.

Reason: To ensure that these surfaces are appropriate to the character of the area.

Non-standard:



## Officer Comments:

### Principle

The site is allocated for low density residential development in the Local Plan. A contribution to affordable housing for the village as a whole was negotiated in relation to the recent planning application at Broadleaze, at the northern part of the village, and is not required to be considered here.

### Layout

The site lies between the centre of the village and the edge of the countryside. This kind of relationship between buildings and the countryside is fundamental to the character of Down Ampney, with its predominantly linear form.

The site is very prominent visually from the school on the other side of the main village street. The proposed layout shows a broken frontage to the open space immediately to the south. This should make it appear that the open area filters into the loose-knit development immediately adjacent.

Officers have tried to negotiate a similar design to the west, whereby the spaces between the buildings are discernible. They are orientated to show three dwellings facing the open space, another facing the approach road and a fifth facing an existing footpath. The detached garages are proposed abutting a stone boundary wall which would give a barn-like appearance.

At the eastern part of the development a row of terraced cottages overlook an open field and directly front it, with garden space to the rear. This creates private gardens and should allow for garden paraphernalia to be inconspicuous. Garages are also located to the rear. The Design Statement states 'the traditional cottages of Down Ampney do not have garages, and this contributes to their simple charm. New garages should preferably be set to the rear of the property'.

### Residential Amenity

The houses have generous gardens as this would be a genuine low density development. Similarly there is at least 22m distance between facing windows in accordance with Local Plan Policy 44. This also applies to the relationship with the existing dwellings.

### Detailed Design

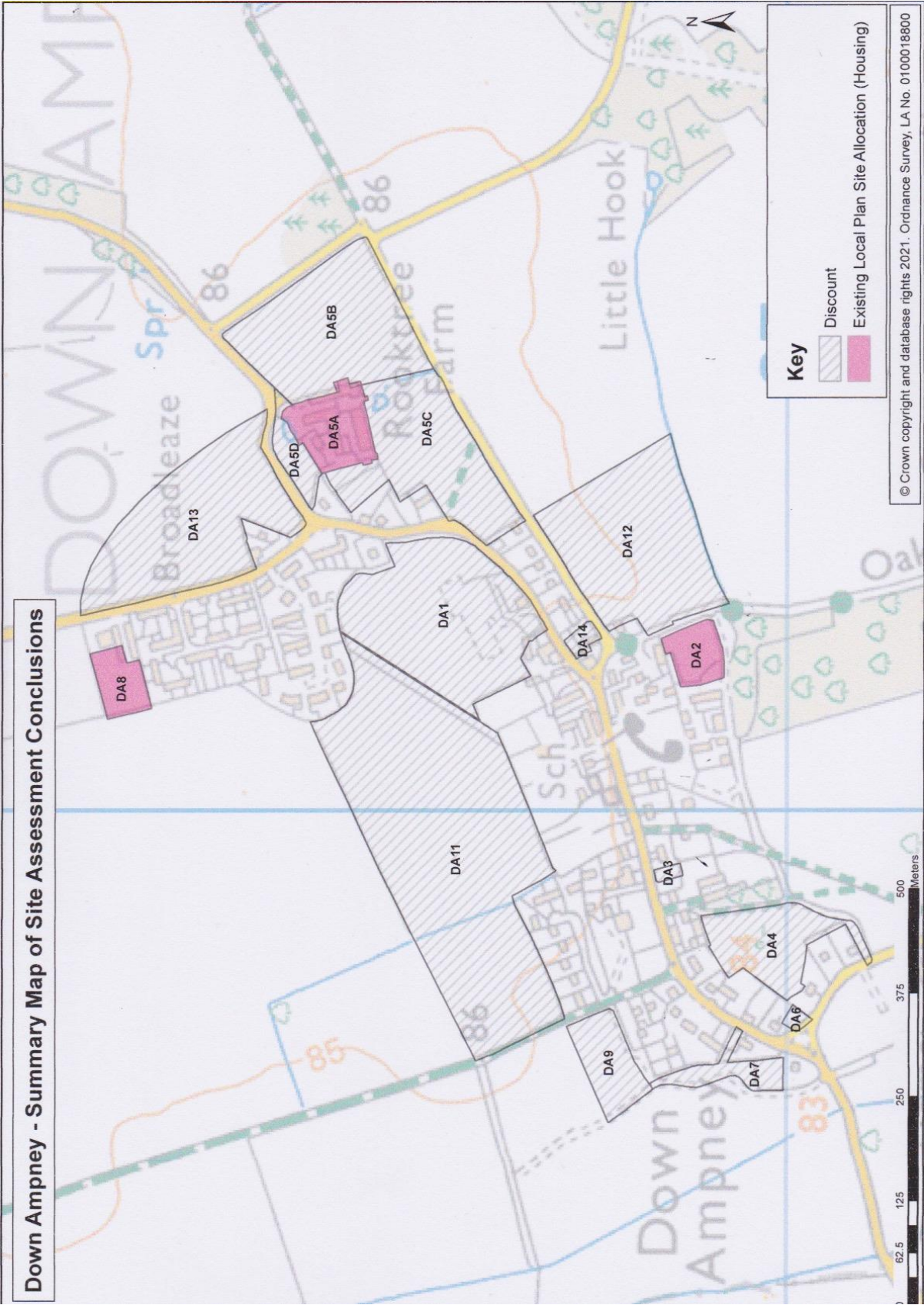
Down Ampney has a discernible style of building, essentially a Victorian estate character. The architectural detailing is very distinctive and The Design in Down Ampney Design publication strives to reassert this vernacular.

The proposed design makes good use of distinctive chimneys especially on corner plots. Similarly, well proportioned stone porches are proposed which are an appealing feature throughout the village. Doors and fenestration, with the exception of a couple of plots which are still to be negotiated, are generally in accordance with the Design Statement rather than a general South Cotswold style.

The massing of the dwellings is well broken and there is a predominance of linear form which is a characteristic of the village.

will create further traffic up & down the narrow length of Green St, which is frequently







## Appendix 6

Town and Country Planning Act 1990 or any statutory amendment or re-enactment thereof

7. Nothing in this planning obligation shall be construed as prohibiting or limiting any right to develop any part of the <sup>Greenland</sup> site in accordance with any planning permission granted by the Council or by the Secretary of State after the date of this planning obligation.

8. The covenants by the Owner with the Council hereinafter contained are made with the intent that the covenants shall bind the Green Land and each and every part thereof and shall be binding on and enforceable against the successors in title of the Owner and be planning obligations for the purposes of Section 106 of the Act

9. The Owner hereby covenants with the Council:

(i) to cut the grass on the Green Land twice a year to a height of approximately 50mm and to remove the resulting arisings therefrom

Alternatively

(ii) to allow the Green Land to be grazed by livestock in accordance with good agricultural practice and if so requested by the Council's Director of Development and Heritage to cut the grass to a height of approximately 50mm no more than twice year

IN WITNESS whereof the parties to this Deed have executed it as a Deed on or before the date first before written.

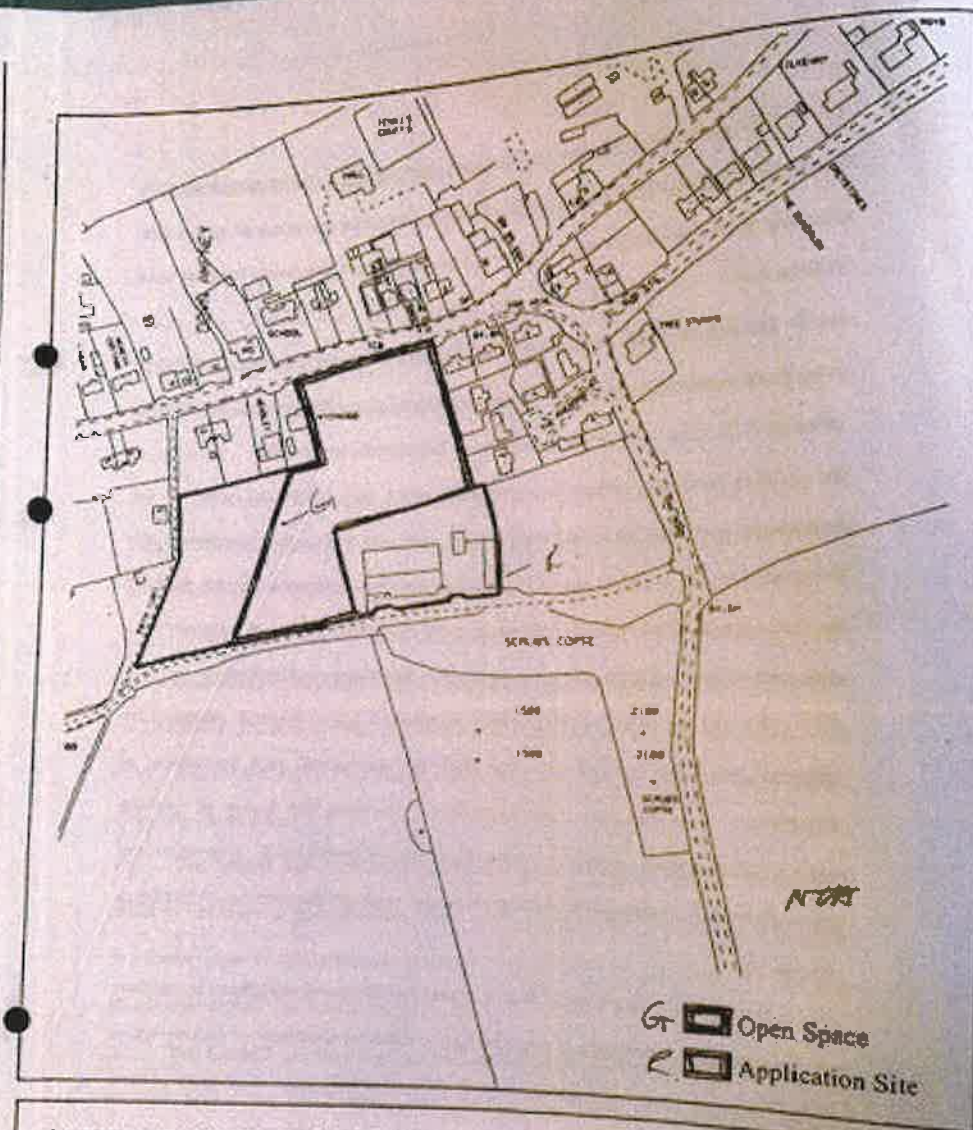
THE COMMON SEAL of COTSWOLD DISTRICT COUNCIL was hereunto affixed in the presence of:-

### Chairman

Chief Executive

140099 1010  
Niederlande OSEMSU agf/Gesetz 1972-73-74 agf/Gesetz der  
CJW  
Verord





# COTSWOLD DISTRICT COUNCIL

Section 106 Agreement at the Egg Packing Station Site,  
Down Ampney, Gloucestershire.

Scale: 1:2500

Date: 14 June 1999

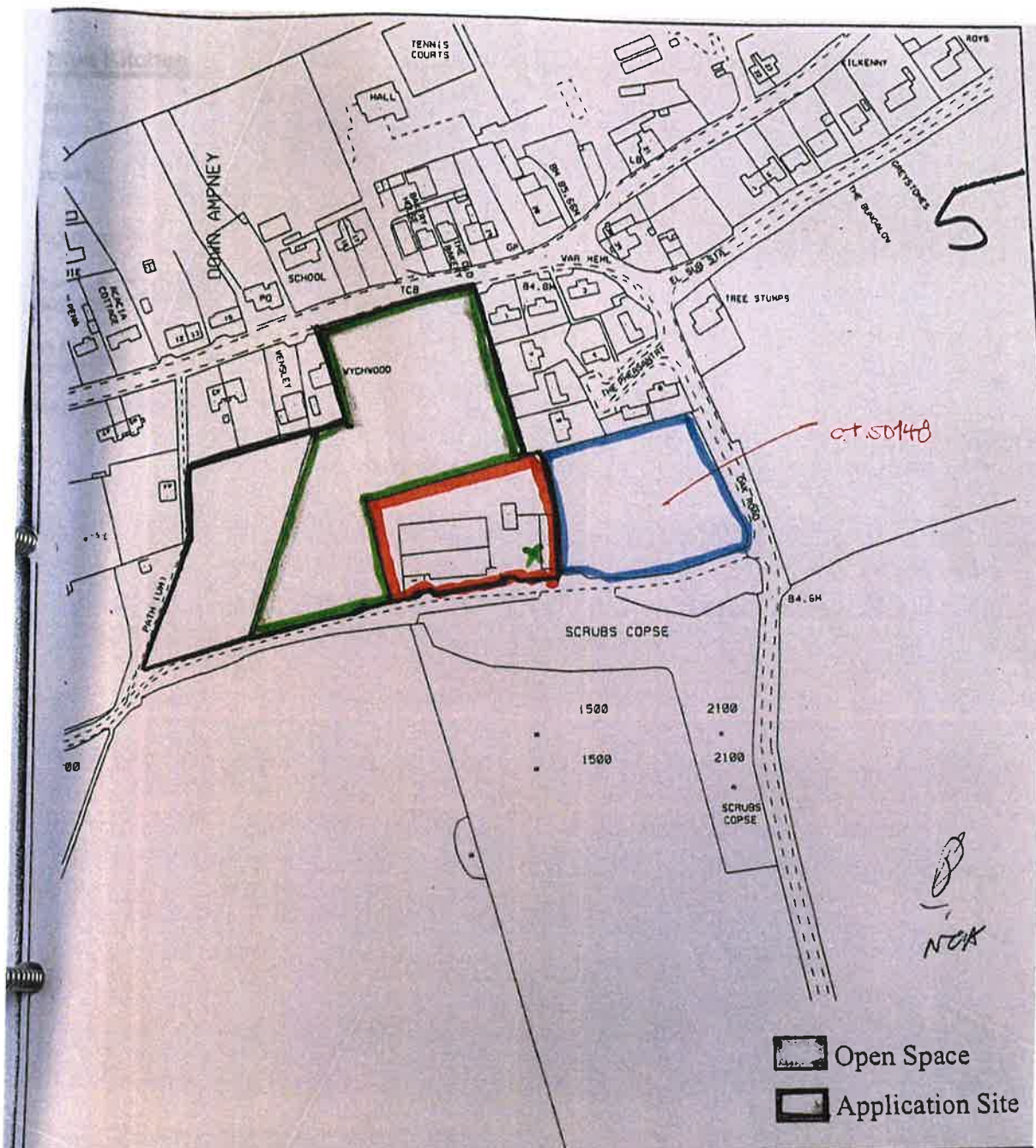
Reference: CT.0148/11

Plan No: CTP1241

K. P. Cooper, B.A., M.R.T.P.I., Director of Development and Heritage, Cotswold District Council, Trinity Road, Cirencester, Glos.  
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## COTSWOLD DISTRICT COUNCIL

Section 106 Agreement at the Egg Packing Station Site,  
Down Ampney, Gloucestershire.

Scale: 1:2500

Date: 14 June 1999

Reference: CT.0148/H

Plan No: CTP1241

Cotswold District Council Post Room		
Attn Of	Initials	Date Recd
24 JAN 2002		
Ack Date		
Reply Date		
File Ref		



K P Cooper, B.A., M.R.T.P.I., Director of Development and Heritage, Cotswold District Council, Trinity Road, Cirencester, Glos.  
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DATED

16th July

1999

Cotswold District Council

and

Co-Operative Wholesale  
Society Limited

#### AGREEMENT

pursuant to Section 106 of the Town  
and Country Planning Act 1990  
relating to land at former Egg Packing Station  
Down Ampney Gloucestershire