

Erection of 13no. affordable homes with associated works at Land West of Down Ampney Football Club Broadleaze Down Ampney Gloucestershire

Full Application 24/01608/FUL	
Applicant:	Bromford Housing Group Ltd
Agent:	McLoughlin Planning
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lisa Spivey
Committee Date:	12 March 2025
RECOMMENDATION:	PERMIT Subject to no objection from Gloucestershire County Council Lead Local Flood Authority and completion of S106 legal agreement covering provision of affordable housing and financial contributions towards school transport and North Meadow and Clattinger Farm Special Area of Conservation.

1. Main Issues:

- (a) Residential Development in a Development Boundary
- (b) Affordable Housing and Housing Mix
- (c) Design and Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage

2. Reasons for Referral:

- 2.1 This application has been referred to Planning and Licensing Committee as Cotswold District Council owns part of the application site.

3. Site Description:

- 3.1 This application relates to a parcel of land located on the northern edge of the village of Down Ampney. The site measures approximately 0.56 hectares in size and consists of 2 distinct parts. The eastern part of the site measures approximately 900sq metres in size and is occupied by 16 lock-up garages (arranged in 2 lines of 8 garages) and associated hardstandings. The western and northern parts of the site measure approximately 0.47 hectares in size and are currently overgrown with vegetation.
- 3.2 The western boundary of the application site adjoins agricultural fields. The northern boundary of the site adjoins football pitches/recreational space. A line of trees and vegetation extend along the boundary of the site with the football pitches. The site is bordered to the east by Down Ampney Football Club clubhouse and an unmarked

Class C highway. The southern boundary of the site adjoins a post-war residential development (Broadleaze).

- 3.3 The application site is located partly within Down Ampney Development Boundary. The area covered by vegetation is located within the aforementioned boundary. The area occupied by the lock-up garages and hardstandings is located outside the development boundary.
- 3.4 The area of the site falling within Down Ampney Development Boundary is allocated as a housing development site in the Cotswold District Local Plan 2011-2031 under Local Plan S4. The site has the reference DA_8 Land adjacent to Broadleaze (10 dwellings net).
- 3.5 The site is located within Flood Zone 1.
- 3.6 The site is located within the zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation (SAC).
- 3.7 The site is not located within the Cotswolds National Landscape nor a Special Landscape Area.

4. Relevant Planning History:

Application Site

- 4.1 CT.0792/C Erection of 12 lock-up garages. Permitted 1956
- 4.2 CT.0792/D Erection of 4 additional garages to existing garage site. Permitted 1961
- 4.3 CT.0792/E Outline application for the erection of two blocks of six lock-up garages including the construction of a hardstanding. Permitted 1965
- 4.4 CT.0792/F Erection of two blocks of six lock-up garages including the construction of children's play area. Permitted 1968
- 4.5 CT.0792/H Use of land for a children's play area. Permitted 1973

Land to South (Broadleaze)

- 4.6 CT.0792/A Outline application for sit for 24 non-traditional houses, mains water supply, mains sewage disposal. Permitted 1952
- 4.7 CT.0792/A Erection of 52 'Woolaway' non-traditional houses. Mains water supply and sewage disposal. Permitted 1953
- 4.8 CT.0792/B Construction of new vehicular access. Permitted 1954

Land to East

- 4.9 CT.0792/P Erection of clubhouse and changing rooms. Construction of new accesses. Permitted 1979

Land to North

- 4.10 CT.0792/Q Change of use of land from agricultural to recreational. Permitted 1979

5. Planning Policies:

- DS2 Dev within Development Boundaries
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- 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
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- NPDA Down Ampney NDP 2022 - 2031
- NPDHP1 HP1 House Types
- NPDHP2 HP2 Design of New Development in Down Am
- NPDHP3 HP3 Green Infrastructure
- NPDIP1 IP1 Drainage
- NPDIP2 IP2 Waste Water

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to condition and contribution of £9,500 to school transport
- 6.2 Gloucestershire County Council Lead Local Flood Authority: Further information requested
- 6.3 Gloucestershire County Council Community Infrastructure: No financial contributions to education or library services requested
- 6.4 Biodiversity Officer: No objection subject to conditions
- 6.5 Environmental and Regulatory Services Contamination: No objection subject to condition
- 6.6 Natural England: No response to date

6.7 Thames Water: No objection subject to conditions

7. View of Town/Parish Council:

7.1 *'Down Ampney Parish Council (DAPC) objects to this application for the following 9 reasons: -*

1. Sewage (Waste Water)

1.1 *Thames Water has stated that there is an "inability of the existing Sewage Treatment Works Infrastructure to accommodate the needs of this development proposal" in their ref: 77295. They also state incorrectly that the works will be completed in April 2025. All the information currently in the public domain is that the earliest these upgrades will be completed is 2027 and more likely to be 2030. In the recent CDC Sewage Summit Thames Water presented a date of 2027 for the upgrade to Ampney St Peter.*

1.2 *The CDC Local Policy INF8 states:*

1. *Proposals will be permitted that: "a. take into account the capacity of existing off-site water and wastewater infrastructure and the impact of development on it, and make satisfactory provision for improvement where a need is identified that is related to the proposal. In addition, proposals should not result in a deterioration in water quality. Where a need for improvement or a risk of deterioration in water quality is identified, the Council will require satisfactory improvement or mitigation measures to be implemented in full prior to occupation of the development".*

1.3 *Paragraph 11.8.9 States "Developers will be required to demonstrate that there is adequate water management capacity both on and off the site to serve the development and that the development will not lead to problems for existing users in this regard". There is no evidence submitted with this planning application on how the developer will mitigate problems for existing residents of Down Ampney or the surrounding villages.*

1.4 *In our MADE Down Ampney Neighbourhood Plan ("DANP"), Policy IP2 - Waste Water States: "Development that may result in the capacity of the public sewerage network and/or the Ampney St Peter wastewater treatment works becoming overloaded will not be supported. In either of these instances, development will need to be phased or delayed until capacity becomes available, either through regulatory investment or, in advance of this, through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990)".*

1.5 *The applicant (CDC) is fully aware of the problems with Ampney St Peter and are campaigning through their own 'Sewage Summit' for action and they quote: "We will continue to work with partners and do what we can within our powers as the District Council to solve this issue in the Cotswolds."*

1.6 *Stopping this application, until the upgraded works are done to Ampney St Peter, is well within the powers of Cotswold District Council as the developer and therefore they must withdraw this application until such point the works are done unless they themselves fund the upgrades as per Policy IP2 of the DANP.*

2. Surface Water

2.1 *In the Planning Statement Document dated April 2024 by Mcloughlin Para 5.69:- they state: "In summary, surface water drainage will be conveyed to an attenuation basin with discharge flows limited in line with Gloucestershire County Council's SuDS Design and Maintenance Guide. The discharge will then be pumped to the closest existing surface water sewer (approximately 190 metres to the south) in accordance with the same guidance."*

2.2 *In the DANP - Policy IP1 Drainage: - "For developments of more than five dwellings, developers shall demonstrate that the existing drainage serving the site is sufficient to take additional site run-off or, if this cannot be demonstrated, the proposal shall include drainage measures to deal with the identified site run-off. In showing that existing and future site run-off can be adequately dealt with applicants will be expected to demonstrate that extreme events related to climate change have been taken into account."*

2.3 *The developer has failed to provide sufficient evidence that the existing infrastructure can cope with the additional surface water and in fact there is evidence of severe flooding in the Broadleaze estate due to insufficient capacity.*

3. Development Boundary

3.1 *This planning application is partially outside of the development boundary for Down Ampney. It includes the original allocated DA8 (in the CDC Local Plan) and land which is outside of DA8 and Down Ampney's development boundary. This is marked as the where the off-plot parking and access into the site is proposed. Throughout the planning statement document, it is referred to as being DA8 which it is not.*

4. Density

4.1 *AS per the DANP, the average density per hectare in Down Ampney is 12.5. This development is significantly above that and given that it is on the edge of the village, should be less than the village average. Down Ampney is a rural village and cannot be compared with towns like Cirencester, Tetbury etc when designing housing developments. The introduction of the NPPF in 2012 removed any requirement for a minimum density per hectare and is to be negotiated with the LPA.*

4.2 *In 4.4 of the Planning Statement: - Mcloughlin states that the avg. density limit in DANP has not been considered. Under paragraph 8.8.2 of the DANP it states that less than 10% of the village wanted development of larger than 9 units in the village. The parish council would support an application of 9 dwellings or less.*

5. Parking and Traffic

5.1 *The application mentions that there will be minimal increase in car movements if approved over what already takes place. Given that the site is not occupied, this is not correct. There are insufficient parking spaces for the number of dwellings. Down Ampney is a rural community with insufficient public transport or means for occupants to travel to and from work. There are also zero employment opportunities within the village. Therefore, residents will have to drive to work. A number of properties will have limited, if no ability, to manoeuvre their vehicles resulting in them have to reverse in or out of the estate. The location of parking spaces (outside the front of houses and off plot) is not in line with the following documents:*

5.2 *Paragraph 8.3.33 of the Manual for Streets document states "The Urban Design Compendium¹⁵ advises that vehicles should not be allowed to dominate spaces, or to inconvenience pedestrians and cyclists; and that a careful balance has to be struck between the desire of car owners to park as near to their dwellings as possible and the need to maintain the character of the overall setting. Parking within the front curtilage should generally be avoided as it breaks up the frontage and restricts informal surveillance."*

'Llewelyn Davies (2000) The Urban Design Compendium. London: English Partnerships and The Housing Corporation'

5.3 *The Cotswold District Council Parking Standards Review - Parking Guidance Note dated April 2016 also states: Para 4.3 Parking within a designated off-plot parking block is discouraged and should only be considered after parking at the front and on-street parking have been explored.*

5.4 *By reducing the density of this application would allow parking to not dominate spaces and remove the need for off-plot parking blocs and reduce the carbon footprint by having less traffic.*

6. Affordable Housing

6.1 *This development is for 100% affordable homes in a rural village with insufficient public transport links and zero employment.*

6.2 *CDC's Local Plan Policy H1 - Point 1 states "All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability".*

6.3 *The DANP states that there should be a mixture of housing types under H01. This development goes against CDC's own Local Plan, also it is worth noting that:*

The Strategic Housing and Market Assessment ("SHMA") Update Note: dated April 2016, para 2.15 lists 17% of total new housing stock should be affordable housing (11.5% rent and 5.6% buy) over the next 16 years.

6.4 *There are currently 17 people (2022) who have stated connections with Down Ampney waiting for an AH, which alone will be fully met by the development on*

Broadway Farm and Dukes Field. Therefore Para 3.1 of the Planning Statement is factually incorrect.

6.5 To meet CDC's own policies and that of DANP, 70% of this development should be marketable properties to keep in line with CDC's own policies. As per the DANP, those affordable homes should be for people with a local connection and tied up in a S106 agreement. A local connection to be agreed with DA Parish Council.

7. Consultation

7.1 The Design and Access Statement Part 2 Document Paragraph 8.2 states "Overall, the feedback was extremely positive. There were no changes required for the design. Residents were happy with the material selection, particularly the use of Cotswold stone and the drystone wall feature surrounding the perimeter of the properties. "

7.2 This is factually incorrect - there were several exchanges regarding density, sewerage, surface water, parking provisions.

7.3 In CDC's Statement of Community Involvement dated January 2024, paragraph 4.1 it clearly states: "Where an applicant has arranged some community involvement prior to making a planning application, we expect a supporting report to be submitted setting out the type of community involvement, undertaken, the views expressed and the changes made by the applicant in response; if no changes have been made, the report should explain why not."

7.4 The developer has not included all the views expressed in the 2nd consultation in their Design and Access Statement Part 2 document nor have they included why none of the views expressed have been addressed.

8. Neighbourhood Plan

8.1 The DANP was made in March 2024, throughout the applicants Planning Statement it is stated on multiple times that the DANP is still in draft form and therefore less, if any, weight was given to it by the developer.

8.2 The developer and the LPA must consider the DANP for this application. In particular;

Objectives I01, L01, H01, H02, and Policies HP1, HP2, IP1 and IP2, and recommendation HR1.

9. Heights/Measurements

9.1 There are no drawings or specifications showing how services (water, gas, electricity, broadband) will be supplied to the development.

9.2 CDC's Full Planning Permission and Listed Building Consent Validation Checklist, Page 6 clearly states that existing and proposed site levels and finished floor levels related to a defined datum point will be provided. No such details have been provided.

Conclusion

For the reasons above, this application should be rejected or as a minimum, withdrawn by CDC until the works at Ampney St Peter are completed and clarification on the issues raised are resolved.'

8. Other Representations:

8.1 4 letters of objection and 1 letter of support received.

Main grounds of objection are:

- i) Inadequate foul water infrastructure. Thames Water has stated that the existing sewerage network does not have the capacity to accept the proposed discharges from the development. It promises to carry out a network analysis and put in place improvements. There is no mention of the Ampney St Peter sewage treatment works. This is acknowledged to be grossly under-capacity for the existing flows let alone additional ones.
- ii) It is incumbent on CDC to follow its own policy in that no occupancy of the proposed development should be permitted until Thames Water upgrades Ampney St Peter STW to meet present and proposed foul water flows.
- iii) Objection on the grounds of inadequate sewage provision by Thames Water, who have incorrectly stated the date for completion of the major upgrade to Ampney St Peter Sewage Treatment Works in their response to Cotswold District Council.
- iv) The planning statement refers to the development site as DA8 which is within the defined development boundary. What it does not state is that the access part of the layout and links to the Poulton Rd is outside the development boundary. This wrong assumption is stated several times in this document.
- v) Down Ampney has sufficient affordable housing required for the village with 26 being built now. To have all houses planned for one site as affordable does not agree with the "made" Down Ampney Neighbourhood Plan (DANP).
- vi) The density of this site is far too high and must consider the DANP. Density at the edge of development boundary should be lower than in the centre. Down Ampney is a rural village and not a town or suburb.
- vii) Local Plan Policy H1 requires all development to have a mix of suitable housing in both market and affordable housing sectors.
- viii) Parking in front gardens does not give a good view from the house. In some cases these vehicles will be vans. Reduce density of housing and put parking for cars next to the house.

- ix) This is a rural village and cars are essential. It is clear from existing developments that car parking allocation is insufficient. Still plans are issued which will cause very well known problems.
- x) It must be proved that the existing water pipe system has the capacity without causing flooding in some other part of the village.
- xi) The site is overdeveloped and must be reduced to no more than 9 dwellings to give more space per dwelling.

Main grounds of support are:

- i) Welcome the 100 % Social rent housing. It accords with allocation policy, and demonstrates a design that appropriate fits the site. Being also supported by CDC, to active Net Zero standards, the development is especially welcomed. My only query relates to a less than 50 degree roof pitch, for the 7 run of properties, that would be well below the normally accepted, being at variance with the standard Cotswold vernacular.

9. Applicant's Supporting Information:

- Planning Statement
- Drainage Strategy Report
- Site Waste Management Plan
- Sustainability and Energy Statement
- Design and Access Statement
- Ecological Appraisal
- Biodiversity Net Gain Statement

10. Officer's Assessment:

Proposed Development

- 10.1 This application seeks permission for the erection of 13 affordable dwellings and associated works. The proposed dwellings take the form of a line of 6 three bed dwellings (plots 1-6) located in the western part of the site and a line of 7 two bed dwellings (plots 7-13) located in its northern part. The western line of dwellings consists of 2 terraces of 3 dwellings separated by a pedestrian alleyway measuring approximately 1.2m in width. The northern line of dwellings consists of 2 terraces of 3 and 4 dwellings, which are also separated by a 1.2m wide pedestrian alleyway. The eastern gable end of the northern line of dwellings lies adjacent to the site's boundary with the adjacent football clubhouse.
- 10.2 The 6 dwellings located in the western part of the site are 2 storey in form and measure approximately 7.9m - 8m in height. The ridgelines of the respective dwellings extend in an east-west direction with the result that the principal (front) elevations of the

proposed dwellings appear as gables. A parking space, bin store and air source heat pump are proposed to be located to the front of each dwelling.

- 10.3 The 7 dwellings are of a more traditional 2 storey terraced arrangement, with a ridgeline that runs parallel with the central estate road. The proposed dwellings have a height of approximately 7.9m to 8m. As with Plots 1-6, each dwelling is provided with a parking space, bin store and air source heat pump to its front.
- 10.4 The external walls of the proposed dwellings are to be clad in a Cotswold stone in a drystone construction. The roofs are to be covered in a blue slate.
- 10.5 The applicant states that the proposed development is seeking to achieve net zero. The submitted details show the inclusion of solar panels on the roofs of proposed dwellings, air source heat pumps, thermal bridging, natural ventilation together with a fabric first approach.
- 10.6 The proposed dwellings are intended as 100% social rented units.
- 10.7 A play area and open space will be created in the southern part of the application site.
- 10.8 It is proposed to demolish the existing lock-up garages in the eastern part of the application and to replace them with 13 parking spaces. Vehicular access to the proposed development would be via the existing site entrance located in the eastern boundary of the application site.
- 10.9 The area of the application site that is currently overgrown (and which is proposed for the new dwellings) is in the ownership of Cotswold District Council. The Council's Legal Section has advised that the Council purchased the land in 1953. It has been used as a recreation area in the past but was fenced off in September 2008. The area of land within the application site that is owned by the Council is currently vacant. The Council's ownership also extends to the football clubhouse to the east of the application site which is currently subject to a secured tenancy.

(a) Residential Development in a Development Boundary

- 10.10 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 consists of the Cotswold District Local Plan 2011-2031 and the Down Ampney Neighbourhood Development Plan 2022-2031.
- 10.11 The application site is located partly within Down Ampney Development Boundary, as designated in the Cotswold District Local Plan. The proposed dwellings would be located on the part of the application site that is located within the aforementioned

development boundary. The area currently occupied by the lock-up garages and associated hardstanding in the eastern part of the application site is located outside the development boundary. It would be used for car parking and site access.

10.12 The development boundary shown in Down Ampney Neighbourhood Plan is the same as that shown in the Local Plan.

10.13 The following Local Plan policy is applicable to this proposal:

Policy DS2 Development Within Development Boundaries

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

10.14 In addition to the above, the area of the application site falling within the development boundary is allocated for residential development in the Local Plan under Policy S4 - DA_8 Land adjacent to Broadleaze (10 dwellings net).

10.15 The erection of the proposed dwellings within the development boundary is considered to be acceptable in principle. Notwithstanding this, the proposal still has to be assessed against the Local Plan as a whole as well as policies in Down Ampney Neighbourhood Plan and national policy and guidance. The wider aspects of this proposal will therefore be addressed in the following sections of this report.

(b) Affordable Housing and Housing Mix

10.16 With regard to the provision of affordable housing, the following Local Plan policy is considered applicable to this application:

Policy H2 Affordable Housing

1. *'All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.'*
2. *In settlements in rural areas, as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.'*
3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*

- i. Up to 30% of new dwellings gross on brownfield sites; and*
 - ii. Up to 40% of new dwellings gross on all other sites.*
- 4. In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.*
- 5. The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.*
- 6. Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.'*

10.17 The area of the application site proposed for the new dwellings occupies an overgrown area of green space which was previously used as a recreation area. It is considered that the area of land in question does not constitute previously developed land having regard to guidance in Annex 2 of the National Planning Policy Framework (NPPF). A development of the size proposed would therefore typically be expected to provide up to 40% affordable housing on site. The current proposal is for 100% affordable dwellings that would be made available for social rent. The level of affordable housing being proposed is in excess of Local Plan requirements. However, it must be noted that the current affordable housing policy requirements only meet a proportion of the District's identified needs. For example, at the time of the Local Plan Examination in 2018 it was estimated that 157 affordable homes per annum would be needed to meet identified needs. It was accepted at the time by the Local Plan Inspector that Local Plan policies could only provide approximately 100 affordable dwellings per annum. Current policies do not therefore meet all of the affordable housing needs within the District. The provision of additional affordable homes when it is practicable to do so is considered to represent a significant material consideration.

10.18 Whilst the comments of objectors and the parish council are noted in relation to the provision of 100% affordable housing, it is also necessary to balance these concerns against the need to provide affordable homes for local people. Cotswold District is faced with one of the biggest gaps between average incomes and average house prices in the country, which means that many people with a local connection cannot afford to live locally. Cotswold District Council's document 'Our Cotswolds Our Plan 2024-2028' states '*We will deliver good quality housing that is genuinely affordable, to*

enable local people on low incomes to stay local.' Moreover, the provision of social rented units within the development means that the proposed scheme will be more affordable for future occupiers than the typical affordable rented scheme. Social rent is usually capped at around 50-60% of open market rental values whilst affordable rent is typically capped at 80%. Furthermore, the provision of social rented units is considered to represent a form of tenure which is different to the affordable housing units approved in the village in recent years, such as at Dukes Field (22/03992/FUL) and Broadway Farm (15/01567/OUT/ APP/F1610/W/15/3131716 2016). In combination, the aforementioned schemes provide 15 properties for affordable rent, 7 for shared ownership occupation and 4 First Homes. No social rented units were included within the aforementioned permissions. It is considered that there are reasonable grounds to support the delivery of 100% social rented housing in this particular instance, as it will help to secure a wider mix of affordable dwellings within the parish as a whole.

10.19 With regard to housing mix, the following Local Plan and Neighbourhood Plan policies are considered applicable to this application:

10.20 Local Plan Policy H1 Housing Mix and Tenure to Meet Local Needs

1. *'All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.*
2. *Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.*
3. *Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.*
4. *Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.*
5. *Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.'*

10.21 Neighbourhood Plan Policy HP1: House Types

'New developments shall have types of dwellings that follow the general trend of

support. That is more affordable houses and smaller market houses (some 60% in total) and larger houses and bungalows for most of the remainder.'

10.22 The proposed development consists of 7 two bed dwellings and 6 three bed dwellings. It therefore provides a mix of dwellings which are intended to meet identified needs. The Gloucestershire Local Housing Needs Assessment 2019 (September 2020) identifies a need for 2 and 3 bed affordable dwellings for social rent in Cotswold District. There is therefore evidence to support the type of dwellings now being proposed. It is noted that the submitted scheme does not include market housing and does not therefore fully accord with the aspirations of Neighbourhood Plan Policy HP1. However, it does deliver more affordable housing in accordance with the wishes of the policy. Having regard to the relatively modest size of the development as a whole, it is considered that the lack of market housing in the scheme does not represent a harmful form of development that will unbalance the settlement in terms of its housing mix, especially in light of the number of open market dwellings that are being constructed on other sites within the settlement at the present time.

10.23 In terms of cumulative development, the Council's Residential Land Monitoring Statistics August 2024 state that there were 5 residential completions in Down Ampney parish in the period between the 1st April 2011 and the 31st March 2024. As of the 1st April 2024 there were 64 commitments. Of these, 54 dwellings are currently being constructed at the Dukes Field and Broadway Farm sites located close to the centre of the village. A further 9 dwellings are being created at Rooktree Farm on the south-eastern edge of the settlement (22/00827/FUL). Whilst there is ongoing residential development within the village, it is of note that village has otherwise been subject to very limited development in the Local Plan period up to the 1st April 2024. In light of the status of Down Ampney as a Principal Settlement in the Local Plan and the fact that the application site is allocated for residential development in the aforementioned plan, it is considered that the addition of a 13 dwellings into the village will not have an adverse cumulative impact on the settlement.

10.24 The floor space of the proposed dwellings meets minimum floorspace requirements.

10.25 It is considered that the proposal accords with Local Plan Policy H2 in terms of the delivery of affordable housing and that the benefits arising from the provision of 13 social rented affordable dwellings justify the provision of a 100% affordable scheme, having regard to the requirements of Local Plan Policy H1 and Neighbourhood Plan Policy HP1.

(c) Design and Impact on the Character and Appearance of the Area

10.26 The following Local Plan and Neighbourhood Plan Policies are considered applicable to this application:

10.27 Local Plan Policy EN2 Design of the Built and Natural Environment

'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

10.28 Local Policy INF7: Green Infrastructure

- '1. 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.*
- 2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*
- 3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).'*

10.29 Neighbourhood Plan Policy HP2: Design of New Development in Down Ampney

'Development and dwelling design proposals shall be designed to be compatible with the CDC Design Code and the Down Ampney Design Guidance and Codes and future revisions or replacements of these documents. Development should be designed in such a way that the applicant can demonstrate how climate change impacts have been minimised or mitigated against.'

10.30 Neighbourhood Plan Policy HP3: Green Infrastructure

The network of Green Infrastructure (GI) within the neighbourhood plan area will be protected for its recreation, open space and wildlife value. Where appropriate, provision will be made to support the Cotswold Water Park Nature Recovery Plan New GI, particularly where it creates links to the existing GI network and improves access to the countryside for informal recreation and net gains in biodiversity will be supported.

Development will only be supported where it retains/protects/ enhances the recreational, biodiversity, water management and other functions of the GI network. Where feasible, new development should enhance linkages to the wider existing GI network and improve access to the countryside for informal recreation, where appropriate.'

10.31 In terms of national guidance, paragraph 131 of the NPPF states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

10.32 Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *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 to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

10.33 Paragraph 125 c of the NPPF states that planning decisions:

'c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'

10.34 The current proposal will secure the re-development of an area of previously developed land occupied by the existing lock-up garages and associated hard surfaces.

10.35 With regard to the part of the application site proposed for the new dwellings, an assessment of the part of the application site covered by Local Plan site allocation DA_8 was undertaken as part of the Council's Strategic Housing and Economic Land Availability Assessment (2021) (SHELAA). It states:

'Context: The site is located within a predominantly rural edge of village location. The site is viewed in the context of two-storey early-mid 20th Century housing to the south, which have rear gardens that back onto the southern boundary. The garages of those houses are located to the south-west. There is a late 20th Century single-storey sports and social club building to the east, which is set within a car park. The club's sports fields are located to the north. To the west and further to the east is an extension of the arable landscape.'

The site is fenced up and has become overgrown / derelict. It does not contribute positively to the character of the village or the amenity of adjacent housing. There is an opportunity for improvement through the development of this site.

Opportunities: To create an improved gateway into the village and improve the amenity of adjacent housing development. Reference should be made to the Down Ampney Village Design Statement in any development proposals, which is being updated as part of the emerging Neighbourhood Development Plan.

Summary:

There continues to be a reasonable prospect that this site will deliver housing by 2031, although the undisturbed and overgrown site may now provide habitat for protected species. Notwithstanding this, the development of this site would square off the settlement edge and there is an opportunity to improve the gateway into village with high quality design, as well as the amenity of adjacent properties. There may also be an opportunity to extend the site in the south-west corner.

Recommendation: The site should remain allocated for residential development in the Local Plan.'

10.36 With regard to landscape and setting, the SHELAA goes on to state:

'Description

The parcel was previously assessed as part of the 'Study of land surrounding Key Settlements in Cotswold District Update' (Cotswold District Council and White Consultants, October 2014) report. It was identified as parcel DA_2 15 and included additional land to the east, which forms part of the football and social club car park and is not part of the Local Plan site allocation.

This parcel consists of an area of flat rough ground to the west of the Down Ampney Football and Social Club. Houses are present on the southern boundary and have views across the parcel. It lies on the northern edge of the settlement, with open arable farmland on rising ground to the west and north, beyond the well-tended club ground. To the north there will be distant (nearly 1km) views of the outgrown hedge on the northern boundary of the parcel, but in the context of existing development. Three mature poplars adjacent to the neighbouring club building are a local landmark, although these are a non-native and short-lived species that are prone to shedding branches. To the east, the parcel is screened by the sports and social and a ditch and dense medium tall hedge to the east of the lane, with a woodland belt along the Meysey Road providing good screening from the wider landscape.

Landscape Sensitivity:

Evaluation: Medium/low

Justification: This parcel is susceptible to development by reason of its location within the settlement edge. It is of little landscape value, consisting of neglected grassland and the curtilage of the Football Club. Development here would not extend significantly into open farmland and from all views it would appear to be a natural part of the existing settlement. Development could have a positive impact on the existing settlement edge and neighbouring housing if well designed.'

- 10.37 It is evident from the above that the area of the site proposed for the new housing has been identified as suitable for residential development. It continues to be allocated for such in the Local Plan. The main body of the site is set back from the main road to the east by approximately 40m. It is bordered to the south by existing post war red brick housing and to the north and east by sports/recreational related development. A line of trees extends along the northern boundary of the site, which in combination with existing roadside hedgerows to the north-east, provides a significant level of screening from the stretch of road lying to the north-east of the application site. Views of the proposed residential development from the northern approach into the village are therefore considered to be limited. The principal public view of the proposed development would be from the site entrance to the east of the proposed housing. At present, this view is heavily influenced by the existing lock-up garages and parking areas. The removal of the lock-up garages and re-development of the eastern part of the application site is considered to represent a betterment in terms of the relationship of the eastern part of the site with the adjacent road.
- 10.38 In terms of wider public views, it is noted that Public Bridleway BDA1 runs in a roughly north-south direction approximately 520m to the west of the application site. Views eastwards towards the application site from the aforementioned Public Right of Way are partly screened by existing hedgerows. In combination with the distance of the Public Right of Way from the application site and the fact that the proposed development would lie adjacent to existing village development, it is considered that the introduction of residential development onto the site would not appear as an incongruous or obtrusive form of development within the landscape when viewed from the Public Right of Way. The limited views that would be available would place the development in context with existing village development rather than as a distinct or separate form of development that encroaches into the open countryside.
- 10.39 The proposed dwellings would be 2 storey in height and would therefore be similar in size and scale to existing residential development to the south. The linear arrangement of the proposed dwellings is also considered to reflect the existing pattern of development on the Broadleaze development to the south of the application site. It is therefore considered that the form and layout of the proposed development is sensitive to the existing pattern of development seen in this part of Down Ampney.
- 10.40 With regard to the density of development, it is noted that the Local Plan allocation makes reference to the creation of 10 dwellings on the site. However, the aforementioned figure is intended as a guide and does not necessarily prohibit a higher

level of development if the proposal is otherwise acceptable in planning terms. In considering the suitability of the site for the erection of 13 dwellings, it is also necessary to have regard to paragraph 124 of the NPPF which states that planning decisions should '*promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.*' In the case of this scheme, the use of terraces rather than detached units means that a more efficient use of the land can be achieved without compromising the ability of the site to be able to provide an appropriate level of open space and landscaping. The introduction of areas of landscaping/open space adjacent to the north-western and southern boundaries of the site is considered to soften the impact of built development and to provide adequate breathing space within it. New landscape planting, including new tree planting and street trees, is proposed within the site which is also considered to provide an acceptable level of green infrastructure.

- 10.41 With regard to the design of the individual dwellings, it is evident that the scheme has adopted a contemporary approach in relation to certain aspects of the proposal. The design of the fenestration and chimneys, as well as the use of drystone walling for the exterior of the houses, offers a modern interpretation of traditional Cotswold building forms, whilst still reflecting such buildings in terms of size, scale and proportions. The comments regarding roof pitches are noted. However, blue slate roofs, such as those proposed in the northern line of dwellings, would traditionally have a shallower pitch (under 45 degrees) than a roof carrying stone slates.
- 10.42 Paragraph D.29 of the Cotswold Design Code states that '*original and innovative proposals that reinforce a sense of place and help raise the standard of design generally are welcomed. A contemporary design should make strong local references and respect elements of the Cotswold vernacular, in order to maintain the architectural distinctiveness of the area.*' Paragraph D.32 goes on to state that '*the use of traditional local materials, most notably natural stone, appropriate proportions, and a high standard of workmanship will help to ensure that contemporary developments are harmonious with their surroundings. There should be an emphasis on simplicity of design, with detailing neatly resolved and of the highest quality.*' The current proposal is considered to accord with the aforementioned guidance.
- 10.43 In addition to the above, the adoption of a contemporary approach enables features such as solar panels and air source heat pumps to be more readily incorporated into the design of the scheme. The solar panels are also to be positioned on dark coloured slate roofs which will help to limit their visual impact. Paragraph D.34 states '*Modern design may also facilitate the incorporation of sustainable features more readily than when following a traditional design approach. Key points that relate specifically to the Cotswold context include the use of locally-sourced materials, and the incorporation of heating and energy generation that utilises local resources, for example, woodland products.*'
- 10.44 It is considered that the proposed scheme accords with Local Plan Policy EN2 and guidance in the Cotswold Design Code. With regard to Down Ampney Neighbourhood

Plan, it is evident from the submitted details that the applicant has designed the scheme in a manner to address the impacts of climate change in accordance with Policy HP2. With regard to the Down Ampney Design Guidance and Codes document, it is noted that the application site is located within Zone 3, which identifies late 20th Century Council built housing and early 21st Century housing as characteristic features of the zone and which maintain the settlement's linear pattern of development. With regard to Broadleaze to the south of the application site, the design guidance states that the *'pinkish-red brick is not characteristic of Down Ampney and its south Cotswold setting. The design of Broadleaze is not to be repeated in Down Ampney.'* With regard to the public realm, the design guidance states that the *'public realm of the Character Area does not reflect the local character of Down Ampney as there is a higher density of dwellings per hectare compared to the centre of the village.'* Whilst the proposed development will be located on the edge of the settlement, it will also be seen in context with an area of the settlement that has a higher development density. Moreover, sport pitches are located to the north of the site, which means that the proposed development does not extend into the open countryside beyond the northern edge of the settlement. It is considered that the layout of the scheme is acceptable in this instance and that there is no overriding need to create a lower density development that transitions into the wider landscape. The proposed development is considered to respond in a sensitive manner to the context of the site. The linear arrangement of dwellings, their 2 storey height and the use of natural stone are considered to be sympathetic to the building forms present within the settlement. It is considered that the proposal accords with the requirements of Neighbourhood Plan Policies HP2 and HP3.

(d) Access and Highway Safety

- 10.45 The proposed development would be served by an existing vehicular entrance located in the eastern boundary of the application site. The existing entrance opens onto a Class C highway which is subject to a 30mph speed limit where it passes the application site. The aforementioned road is straight and the requisite visibility of 43m from the site entrance can be provided in both directions. In addition, the existing access has a wide entrance apron and is of a size that can accommodate passing vehicles. A pavement is proposed to the south of the site entrance which would connect with the existing footway linking Broadleaze with the main part of Down Ampney to the south. The proposal therefore provides safe pedestrian connectivity from the application site to the rest of the settlement. In addition, the proposed scheme is considered not to generate a level of traffic that would have an adverse impact on the operation of the local highway network.
- 10.46 The applicant proposes to construct the estate road to an adoptable standard with the intention of it being adopted by Gloucestershire County Council.
- 10.47 With regard to car parking, each dwelling would be provided with 1 on-plot parking space. A further 13 off-plot spaces would be provided for the respective, together with 4 visitor parking spaces. It is considered that the level of car parking is acceptable.

10.48 Gloucestershire County Council Highways has assessed the application and raises no objection.

10.49 It is considered that the proposed development accords with Local Plan Policies INF4 and INF5 and guidance in Section 9 of the NPPF.

(e) Impact on Residential Amenity

10.50 The floor area of the proposed dwellings meets minimum floorspace standards in accordance with the requirements of Local Plan Policy H1.

10.51 Each dwelling is to be provided with its own private rear garden and a garden shed. The size of the garden areas is considered to commensurate with the size of the proposed dwellings and to accord with guidance in the Cotswold Design Code.

10.52 The dwellings are positioned and orientated in a manner that would not have an adverse impact on the privacy, light or general amenity of existing neighbouring residents or future occupiers of the proposed development. The separation distance between facing windows in the proposed dwellings and those in existing dwellings on Broadleaze is in excess of 40m which is above the 22m minimum distance set out in the Cotswold Design Code. In addition, the position of the proposed dwellings do not conflict with Building Research Establishment guidance concerning daylight.

10.53 A children's play area will be provided within the southern part of the application site.

10.54 The proposal is considered to accord with advice in the Cotswold Design Code and Local Plan Policy H1 in terms of residential amenity.

(f) Biodiversity

10.55 The application site consists of an area of overgrown vegetation, areas of hard surfacing and vacant lock-up garages. A line of mature trees and agricultural land lie adjacent to the site. This application is accompanied by an Ecological Appraisal which has been assessed by the Council's Biodiversity Officer. The Biodiversity Officer states:

'Biodiversity net gain

10.55.1 The biodiversity metric demonstrates the biodiversity objective cannot be achieved on-site, with the applicant confirming off-site units will be purchased to deliver at least a 10% net gain. Whilst this is an acceptable approach, the applicant should be made aware that the number of off-site units required to deliver at least a 10% net gain is likely to be greater than the value shown in the biodiversity metric. Whilst the values in the biodiversity metric are accurate, due to the constraints associated with the proposed layout, it is likely that several habitats and target conditions entered in the metric are not achievable. For example, to the north of the application site, substantial shading will occur due to the retention of mature trees and the newly planted hedgerow. Furthermore, encroachment from scrub planting and the

ecotone habitat associated with the hedgerow is anticipated. Considering these constraints, it is likely that the grassland strip to the north will not meet criterion A, which is crucial for attaining a moderate target condition for grassland habitats of medium, high or very high distinctiveness. In this instance, it is likely only modified grassland habitat could be achieved. Similarly, an ecotone effect will occur around the SuDS scheme, and as a result, it is unlikely that the small grassland habitats will display sufficient species per m² that are characteristic of neutral grassland in moderate condition.

10.55.2 Similar concerns arise regarding the species-rich hedgerow and the SuDS pond, especially in terms of how access will be granted for ongoing management to maintain moderate and good target conditions.

10.55.3 These matters can be resolved post-permission because changes to the biodiversity metric which reduce habitat quality and/or target condition does not require changes to the design of the scheme. However, I would advise that the applicant seeks advice from the LPA prior to the submission of an approval of conditions application to discuss habitats that are suitable within the confines of the scheme and those that can be maintained for a minimum of 30-years in accordance with the Environment Act 2021.

10.55.4 In addition to a measurable net gain, the integration of swift bricks and bat boxes will aid in connecting the proposed site to the wider ecological network in accordance with Chapter 15 of the NPPF and Local Plan Policy EN8, by providing suitable nesting and roosting habitats for several protected and priority species. Further, the scheme should incorporate a hibernaculum suitable for reptiles thereby, providing suitable habitat for the low population of grass snake identified on-site. Suitable locations for a hibernaculum include the north-western corner of the site, whilst securing connectivity between the hibernaculum and suitable habitats west of the application site alternatively, in proximity to the SuDS pond, although this location has limited connectivity to the wider landscape and is therefore, a less desirable location.

Protected and notable species and habitats

10.55.5 The ecology report identified potential bat roosting features in a tree (T2) and building B2. Whilst B2 was identified as low suitability, the tree's suitability was not assigned to a category (low, medium or high) in accordance with the Bat Conservation Trusts guidelines (2023). Nevertheless, it is felt an offence under the Habitat Regs is highly unlikely to occur as this tree will be retained in situ and precautionary mitigation measures can be secured which will ensure bats and their roosts are protected during site clearance/construction works.

10.55.6 Building B2 was not subjected to further bat activity surveys, instead an ecologist completed visual inspections of the potential bat roosting features on three separate occasions during the bat activity season, finding no evidence of current or

historic bat use. Whilst this is a deviation away from best practice, this approach is acceptable in this instance, subject to adhered to suitable precautionary working methods to minimise the risk to bats and their potential roosting sites.

10.55.7 A low population of grass snake was identified on-site and whilst the ecologist has not addressed whether it is a breeding population, the identification of a juvenile grass snake on two separate occasions confirms a breeding population is present, either on-site or within the immediate vicinity.

10.55.8 To secure suitable mitigation measures for roosting bats, reptiles and any other species which may enter the construction site, such as badger and nesting birds, a construction ecological management plan condition should be imposed. The 10-year landscape and ecological management plan specifically references reptiles, ensuring habitats and boundaries are maintained and managed in a sympathetic manner to maintain connectivity and suitability for these species.'

- 10.56 With regard to Biodiversity Net Gain (BNG), it is considered that the 10% gain requirement can be achieved through the provision of on-site enhancements in combination with the delivery of off-site units. The delivery of which would be addressed through the submission and agreement of a Biodiversity Gain Plan prior to the commencement of development, should permission be granted for this development. It is considered that mechanisms can be put in place to secure the delivery of the necessary Biodiversity Net Gain.
- 10.57 With regard to protected species and habitats, it is considered that the proposed development can be undertaken without having an adverse impact in accordance with the requirements of Local Plan Policy EN8 and guidance in Section 15 of the NPPF.
- 10.58 North Meadow and Clattinger Farm Special Area of Conservation (SAC).
- 10.59 The application site is located within the inner zone of influence of the North Meadow and Clattinger Farm Special Area of Conservation (SAC). The SAC is an internationally important biodiversity site which has come under increased recreational pressure from visitors in recent years. The resultant increase in visitor numbers is causing damage to the biodiversity value of the SAC. Visitor surveys have been undertaken and this has shown that the majority of visitors come from within 9.4km of the SAC.
- 10.60 Under the Conservation of Habitats and Species Regulations 2017 (as amended) and other relevant legislation and guidance, Local Planning Authorities have to assess whether any development proposal could harm the biodiversity value of an SAC. This works on the precautionary principle so in order to permit any proposals there has to be certainty that the proposals will not cause any significant likely effects (i.e. negative impacts) on that SAC either on their own or in combination with other proposals. As such, a Habitat Regulations Assessment (HRA) is required with regard to the potential impacts. This is due to the likely significant effects resulting from an increase in residential pressure, particularly in combination with other development projects.

10.61 A recreation mitigation strategy is currently in place which seeks to ensure that adequate measures can be put in place to limit the impact of new residential development on the SAC. The strategy has been developed by Cotswold District Council and a number of other local authorities together with Natural England. The recreation mitigation strategy requires a financial payment to be made either prior to determination or secured through a S106 legal agreement which will also need to be completed prior to the determination of the planning application. With regard to this application, the applicant has confirmed their willingness to make the relevant payment (£803 per dwelling) and to enter into a S106 legal agreement in order to secure such payment. Subject to this payment being made, it is considered that appropriate mitigation can be put in place to mitigate the impact of development on the SAC. It is considered that the proposal accords with Local Plan Policy EN9 and the relevant legislative requirements with regard to the impact of development on the SAC.

(g) Flooding and Drainage

10.62 The application site is located within Flood Zone 1, which is the lowest designation of flood zone and one in which new residential development can be acceptable in principle. The applicant has submitted a drainage strategy with this application which includes a proposal to create an attenuation basin in the southern part of the application site. The basin will collect surface water from the site before discharging it at a controlled rate to a secondary location. The drainage strategy states water in the basin will be '*pumped to the closest existing surface water sewer, approximately 190m to the south.*'

10.63 Gloucestershire County Council Lead Local Flood Authority (LLFA) in its role as a statutory consultee in relation to surface water drainage matters has assessed the submitted details. In its latest response dated the 5th February 2025 the LLFA states:

'The Desk Study and Ground Investigation Report (P1212/CS-2359; 6th December 2024) suggests that infiltration rates on site are higher than the assumed rates in the latest Surface Water Drainage Strategy document (2.26E-05 m/s compared to 1E-07 m/s) and would be conducive for an infiltration discharge strategy.

However, the ground investigations also highlighted another potential issue such as high groundwater levels, up to 1.7 mbgl. Chapter 13: Infiltration Systems of the CIRIA SuDS Manual C753 states that "A minimum distance of 1m between the base of the infiltration system and the maximum likely groundwater level should always be adopted". The basin design presented in the latest drainage strategy has a depth of 1.4 mbgl so very close to the groundwater level encountered on site. Considering the ground investigations were undertaken in October, at the start of the wet season, groundwater levels could well rise over the winter. Something that was raised in the Ground Investigation Report with further groundwater monitoring highlighted as something that would help support the drainage design. It should be shown that any infiltration basin or system meets the above criteria.'

10.64 At the time of writing this response, officers were still awaiting additional information from the applicant in relation to the comments raised by the LLFA. Insufficient information is currently available to demonstrate that the attenuation basin can operate effectively. Notwithstanding this, it is considered that this is a matter that can be addressed satisfactorily following further discussions between the relevant parties. It is therefore recommended that permission is not granted until a no objection is received from the LLFA. This will ensure that adequate attenuation can be provided on-site in order to ensure that surface water drainage can be addressed in acceptable manner in accordance with the requirements of Local Plan Policy EN14 and Neighbourhood Plan Policy IP1.

10.65 With regard to foul drainage, the applicant proposes to discharge waste into existing Thames Water infrastructure, which would in turn direct outflow to an existing treatment plant located to the south of Ampney St Peter, approximately 3km to the north-west of the application site. Thames Water has advised that the existing pipe infrastructure can accommodate the proposed development. However, it has advised that there is currently inadequate capacity at the aforementioned treatment plant. Notwithstanding this, Thames Water has advised that upgrades to the treatment plant have been agreed (Thames Water has indicated that works will take place in 2028). Thames Water has recommended the attachment of a condition in the event that this application is granted permission. The condition states:

'No development shall be occupied until confirmation has been provided that either:

- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or

- a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.'

10.66 The condition would ensure that the proposed development would not have an adverse impact on the operation of the Ampney St Peter sewage treatment plant.

10.67 The concerns of the parish council and objectors regarding foul drainage are noted. It is also noted that drainage matters are covered in Down Ampney Neighbourhood Plan under the following policies:

10.68 Policy IP1 Drainage

'For developments of more than 5 dwellings, developers shall demonstrate that the existing drainage serving the site is sufficient to take additional site run-off or, if this cannot be demonstrated, the proposal shall include drainage measures to deal with the identified site run-off. In showing that existing and future site run-off can be adequately dealt with applicants will be expected to demonstrate that extreme events related to climate change have been taken into account. '

10.69 Policy IP2 Waste Water

'Development that may result in the capacity of the public sewerage network and/or the Ampney St Peter wastewater treatment works becoming overloaded will not be supported. In either of these instances, development will need to be phased or delayed until capacity becomes available, either through regulatory investment or, in advance of this, through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).'

10.70 With regard to Policy IP1, and subject to no objection from the LLFA, it is considered that adequate measures have been incorporated into the proposed scheme to avoid site run-off and to deal with issues arising from climate change.

10.71 With regard to Policy IP2, the condition proposed by Thames Water will ensure that the occupation of the proposed dwellings will be phased in accordance with a phasing strategy or delayed until the necessary water treatment plant upgrades have been undertaken. It is considered that the current arrangement put forward by Thames Water will ensure that the development is undertaken in a manner that will not conflict with Policy IP2.

10.72 It is recommended that a construction phase surface water management plan condition is attached to a permission. This will ensure that the construction phase of the development will not have an adverse impact on flooding or drainage in the locality.

Other Matters

10.73 A number of prominent trees are located along the northern edge of the application site. The Council's Tree Officer has assessed this application and states *'I have reviewed the arboricultural information supplied with 24/01608/FUL and am satisfied that the proposal will not result in the loss of any important trees. Trees to be retained will be adequately protected by following methodology set out in edp Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection). The proposal does result in the removal of some low quality trees which can be mitigated by conditioning of a robust landscaping and planting scheme.'* In light of the aforementioned comments, it is proposed to add a condition covering tree protection. Subject to such a condition, it is considered that the proposal accords with Local Plan Policy EN7.

10.74 The application site is located approximately 2.7km from the runway at RAF Fairford. The Ministry of Defence (MOD) has responded to this application advising that future residents may be subject to noise impact from aircraft associated with the aforementioned airbase. It has requested the attachment of an informative to any future decision which advises that the MOD would *'not accept responsibility for any future complaints regarding noise or light which may arise from activity within its estate, on the basis that the applicant (or successors in title) is the 'agent of change'*

and would be deemed to have full knowledge of the immediate location and the general nature of training activity taking place.'

- 10.75 The MOD has also raised the issue of potential birdstrike arising from birds attracted to the proposed attenuation pond within the development. The MOD also has a concern that the solar panels may attract birds that may be hazardous to aircraft as a result of species such as pigeons accessing the underside of the panels and congregating in groups. It advises that conditions should be attached to ensure that the panels are proofed in a way that prevents access to the underside of the panels and that the attenuation pond is landscaped/planted in a manner that discourages large waterfowl from accessing the water body. In response to these safety concerns, and in the event that permission is granted for this application, it is recommended that conditions are attached which will address the matters raised by the MOD.
- 10.76 The submitted details show the inclusion of solar panels on the roofs of proposed dwellings, air source heat pumps, thermal bridging, natural ventilation together with a fabric first approach. It is considered that the proposed development would include measures which seek to reasonable address the impact of climate change.
- 10.77 This application is liable for the Community Infrastructure (CIL) unless an exemption is claimed prior to the commencement of development on the grounds that the dwellings will constitute affordable housing. In the event an exemption is not claimed, Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.
- 10.78 Gloucestershire County Council Community Infrastructure has advised that existing educational facilities have capacity to accommodate the proposed development. A financial contribution towards education has not been requested. A request for a contribution to library services has also not been made as the size of the proposed development falls below the applicable threshold. A separate request has been made by Gloucestershire County Council Highways for a financial contribution of £9,500 to school transport services. The aforementioned amount is considered to be necessary to make the development acceptable in planning terms, directly related to the development proposed, fairly and reasonably related in scale and kind to the development, in accordance with the requirements of paragraph 122 of the Community Infrastructure Levy 2010.
- 10.79 It is recommended that the standard 3 year period for the implementation of the development should be extended to 5 years in this particular case, in order that the applicant has a longer period in time in which to address the foul water drainage capacity issues raised by Thames Water.

11. Conclusion

- 11.1 It is considered that the proposed development will contribute positively to the supply of affordable homes within the District. It will enable the sustainable use of a redundant site which is located within a development boundary and is allocated in the Local Plan for residential development. The size, scale and design of the scheme are considered to be acceptable and to respond in an acceptable manner to their surroundings. Subject to no objection being raised by the LLFA, it is also considered that the proposal is acceptable in all other respects. It is therefore recommended that the application is granted permission subject to no objection from the LLFA and the completion of a S106 legal agreement covering affordable housing and financial contributions to school transport and North Meadow and Clattinger Farm Special Area of Conservation.

12. Proposed Conditions:

1. The development shall be started by 5 years from the date of this decision notice.
Reason: In order to provide the applicant with a longer period of time to deal with potential issues relating to foul drainage and to provide a reasonable timeframe having regard to 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.
2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

5017991 RDG XX ZZ D A 011000 P01, 5017991 RDG XX ZZ D A 012000 P01, 5017991 RDG XX XX D A 010010 P01, 5017991 RDG XX XX D A 010100 P01, 5017991 RDG XX XX D A 150001 P01, 5017991 RDG XX XX D A 220101 P01, 5017991 RDG XX XX D A 220102 P01, 5017991 RDG XX XX D A 220201 P01, 5017991 RDG XX XX D A 220202 P01

edp8662_d004a sheet 1 of 2, edp8662_d004a sheet 2 of 2,

5017991-RDG-ZZ-ST-D-C-520502-P01
Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.
3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.
Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.
4. Prior to the construction of any external wall of the development hereby approved, a sample panel 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 (if applicable) 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 panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, 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.

5. 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. The remediation of the site shall incorporate the approved additional measures".

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15 and Section 15 of the NPPF.

6. No dwelling hereby permitted shall be occupied until confirmation has been provided that either:

i) all sewage works upgrades required to accommodate the additional flows from the development have been completed; or

ii) a development and infrastructure phasing plan has been agreed in writing by the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage treatment upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

7. Prior to the commencement of development a Construction Phase Surface Water Management Plan' (CPSWMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved CPSWMP.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14. If the surface water design is not agreed before works commence, it could increase the risk of flooding in the area.

8. The entire landscaping scheme (other than that relating to the attenuation pond) shall be completed by the end of the first full planting season (1st October to the 31st March the following year) 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 Policies EN2 and EN4.

9. 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 Policies EN2 and EN4.

10. A 10-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management, including the delivery of suitable habitats for grass snake.
- v. Appropriate management options for delivering ecological enhancements, including suitable habitats for grass snake.
- vi. Prescriptions for all management actions;
- vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;
- viii. Details of the body or organisation responsible for the implementation of the plan;
- ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place; and
- x. Timeframe for reviewing the plan.

The LEMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To secure the delivery of at least a 10% biodiversity net gain and ecological enhancements for protected species through the successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the

Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan Policies EN7 and EN8.

11. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
 - i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones', including a receptor site for reptiles;
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. A precautionary working method statement for reptiles, badger, hedgehog, commuting and roosting bats, and nesting birds;
 - v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset) construction lighting should not be directed towards tree T2;
 - vi. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vii. Responsible persons and lines of communication;
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - ix. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
 - x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason; To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), the Protection of Badgers Act 1992, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. Prior to the erection of any external walls of the development hereby permitted being undertaken, details of the provision of 6no. integrated swift bricks on north or east-facing elevations, 3no. integrated bat roosting feature on south or southeast-facing elevations of the new dwellings and a reptile hibernaculum shall be submitted to the Local Planning Authority for approval. The details shall include a drawing showing the types of features, their locations and positions within the site, and a timetable for their

provision. The approved details shall be implemented prior to first use of the development hereby approved and thereafter permanently retained.

Reason: To provide biodiversity enhancements in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006

13. Prior to the installation of any external lighting on the application site, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using wildlife corridors. All external lighting shall be installed/sited only in accordance with the specifications and locations set out in these details and no other external lighting shall be installed or sited on the application site.

Reason; To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

14. Prior to the commencement of development, including demolition, site clearance, delivery of materials or the siting/erection of site buildings, tree protection fencing shall be installed fully in accordance with document 'Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection)' dated August 2024 (Ref: edp8662_r003a) and Tree Protection Plan edp8662_d007a.

The approved tree protection measures shall remain in place until the completion of development unless an alternative timeframe is otherwise agreed in writing with the Local Planning Authority.

Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the Local Planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area, in accordance with Local Plan Policy EN7.

15. Notwithstanding the details hereby permitted, prior to the construction of the attenuation pond adjacent to the southern boundary of the application site, a detailed landscaping scheme designed to minimise the potential of the attenuation pond to be used by waterfowl or other bird species that may cause a danger to aircraft shall be submitted to and approved in writing by the Local Planning Authority. The design of

the waterbody shall include a wall surrounding the open water, at least 50cm above the high water level.

The approved landscape scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) following the implementation of the construction of the attenuation pond.

Any 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 minimise the potential of the proposed works to provide a habitat desirable to hazardous large and/or flocking birds which could pose a considerable hazard to aviation safety, which is exacerbated by the proximity of the application site to RAF Fairford.

16. Prior to the installation of the solar panels, details demonstrating that the underside of the panels would not be accessible by birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved details and retained as such thereafter.

Reason: To minimise the potential of the proposed works to provide a habitat desirable to flocking birds which could pose a considerable hazard to aviation safety, which is exacerbated by the proximity of the application site to RAF Fairford.

Informatives:

1. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite

habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

2. The applicant will need to apply to approve the details reserved by the 10-year Landscape and Ecological Management Plan (LEMP) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here:

<https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

3. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL
4. This estate road and drainage layout will require approval under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Gloucestershire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for any design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk

5. Any identified asbestos containing material should be removed from site prior to demolition and proof of its removal retained for inspection if required.

Any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of asbestos with reference to the Control of Asbestos Regulations 2012 and HSE guidance

6. The Ministry of Defence (MOD) advises:

'The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. External amenity areas will also be adversely affected by military aircraft noise and mitigation may not be possible. Future occupants should also be made aware that aircraft types, flight paths and ground based activity can vary over time and this may cause disturbance. The MOD would not accept responsibility for any future complaints regarding noise or light which may arise from activity within its estate, on the basis that the applicant (or successors in title) is the 'agent of change' and would be deemed to have full knowledge of the immediate location and the general nature of training activity taking place.'