

# Public Document Pack



**COTSWOLD**  
DISTRICT COUNCIL

Tuesday 2 November 2021

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## **PLANNING AND LICENSING COMMITTEE**

A meeting of the Planning and Licensing Committee will be held in the Council Chamber, Trinity Road, Cirencester on **Wednesday, 10 November 2021 at 10.00 am.**

Rob Weaver  
Chief Executive

To: Members of the Planning and Licensing Committee  
(Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Sue Jepson, Julia Judd, Juliet Layton, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

# AGENDA

1. **Apologies**
2. **Substitute Members**  
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**  
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes**  
To confirm the minutes of the meeting of the Committee held on 13 October 2021.
5. **Chair's Announcements (if any)**
6. **Gambling Act 2005 - Review of the Gambling Policy Statement (Pages 5 - 88)**  
Purpose  
To consider any issues raised in the consultation with stakeholders and the public on the Council's Draft Revised Gambling Act 2005 Licensing Policy Statement and consider amendments to the Policy prior to adoption.  
  
Recommendations  
a) That the Committee considers the draft policy attached at Annex A and makes the appropriate recommendation to the Council in relation to the adoption of the Council's revised Statement of Principles; and  
  
b) That the Council continues to adopt a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.
7. **Schedule of Applications (Pages 89 - 168)**  
To consider and determine the applications contained within the enclosed schedule:

Application No	Description	Ward Councillor(s)	Case Officer / Page No:
20/04147/FUL	Conversion of existing Grade II Listed Coln House into 7no residential units (C3), demolition of modern teaching blocks and outbuildings, erection of 17 no new residential units within former school grounds, soft and hard landscaping and drainage works at Coln House School Horcott Road Fairford Gloucestershire GL7 4DNB	Councillors Steve Trotter and Stephen Andrews	Martin Perks Page 91

20/04148/LBC	Conversion of existing Grade II Listed Coln House into 7no residential units (C3) and associated works at Coln House School Horcott Road Fairford Gloucestershire GL7 4DB	Councillors Steve Trotter and Stephen Andrews	Martin Perks Page 121
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8. **Sites Inspection Briefing**

9. **Licensing Sub-Committees**

Members for Wednesday 24 November 2021 (if required):

Councillors Ray Brassington, Sue Jepson, Juliet Layton, Dilys Neill, Gary Selwyn

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Planning and Licensing Committee  
13/October2021



COTSWOLD  
DISTRICT COUNCIL

## Minutes of a meeting of the Planning and Licensing Committee held on Wednesday, 13 October 2021.

### Councillors present:

Ray Brassington  
Patrick Coleman  
Stephen Hirst  
Sue Jepson

Julia Judd  
Juliet Layton  
Andrew Maclean  
Dilys Neill

Gary Selwyn  
Steve Trotter  
Clive Webster

### Officers present:

Justin Ayton (Conservation and Design Consultant)  
Susan Gargett (Interim Head of Legal Services)  
David Ditchett (Senior Planner)  
Caleb Harris (Democratic Services Officer)  
Anthony Keown (Consultant Planner)  
Andrew Moody (Senior Case Officer)  
Mike Napper (Team Leader, Development Management)  
Ben Patel-Sadler (Senior Democratic Services Officer)

Observers:  
None.

### **37** Apologies

There were no apologies for absence.

### **38** Substitute Members

There were no substitute Members.

### **39** Declarations of Interest

Councillor Patrick Coleman declared a non-pecuniary interest in schedule item 1 (Reserved Matters Application 20/04343/REM) as a member of Cirencester Town Council who were listed as a consultee on the planning application in relation to phase 1a of the proposed Steadings development.

Councillor Sue Jepson declared a non-pecuniary interest in schedule item 1 (Reserved Matters Application 20/04343/REM) having previously used Savills (the agent in relation to schedule item 1) to sell her home.

#### **40 Minutes**

Members noted that in relation to Minute 34 (page six of the draft Minutes), the wording (specifically the final sentence) should be amended to read 'The approval of the Officer recommendation was put to the vote and was carried'.

Members noted that an amendment should be made to Councillor Clive Webster's recommendation to read instead as 'Councillor Clive Webster proposed that the Committee endorsed the Officer's recommendation for further negotiations to take place as per the report's recommendations outlined at A, B, C, D and F, rejecting recommendation E'.

Members noted that in relation to page six of the draft Minutes (specifically application 21/00950/FUL), the wording should be amended to reflect that the example given in relation to a previous, similar application was that the proposed condition with regards to a pathway and cycleway had been overturned on appeal.

Members noted that page numbers would be included on all future copies of the Minutes.

Subject to the above amendments being incorporated, the Minutes of the meeting held on the 8 September 2021 were agreed as a true, accurate record.

**Record of Voting – for: 10, against: 0, abstention: 1.**

#### **41 Chair's Announcements (if any)**

There were no announcements made by the Chair.

#### **42 Schedule of Applications**

**20/04343/REM**

**The Steadings Development Phase 1A, Chesterton, Wilkinson Road, Cirencester, Gloucestershire**

The Consultant Planner, Anthony Keown introduced the application:

Reserved Matters (Phase 1A) pursuant to Outline permission 16/00054/OUT (mixed use development comprising demolition of existing buildings (as detailed on the submitted demolition plan) and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane) landscaping and associated supporting infrastructure to include vehicle access points from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road) for scale, layout, appearance and landscaping for the erection of 68 dwellings with associated open space and landscaping at The Steadings Development Phase 1A Chesterton Wilkinson Road Cirencester Gloucestershire.

The Committee noted the Update Report, which included additional information collated following the previous meeting of the Committee on 8 September 2021.

The Committee further noted the additional information provided by the Consultant Planner, which included photographs of the site, views to each side of the site (including the surroundings) and a plan of the layout including the design layout, which was being submitted for approval.

The Consultant Planner outlined the matters identified in the September meeting resolution, which included tree planting, substitution of ancillary buildings, consequential updating of supporting documents, building performance and low carbon heating.

The Committee noted that no objections had been received from the local Highways Authority.

The Committee noted that the application would not be brought back to a future meeting unless any significant issues arose.

The following people addressed the Committee:

Mr Adrian Bloor (Agent), supporting

Councillor Gary Selwyn (Ward Member)

Following a Member question, the Committee noted that the proposed development would have a Community Management Trust. An application process to establish this Trust was underway.

The Committee noted that the Highways Authority would adopt the road space, any open space would be maintained by the Trust (the Ecology Management Plan would help to manage the components of it). Over time, some of the roles and responsibilities of the Community Management Trust would transition to become the direct responsibilities of the community.

The Committee noted that, in relation to ancillary buildings, it was not always appropriate to include garages with new houses. In order to achieve greater beauty in housing, ancillary buildings could be incorporated to provide space for home working, bike parking, etc.

The Committee further noted that, in relation to great crested newts, the ecological survey had not flagged any concerns.

The Committee expressed a view that it would be important to determine the feasibility of including electrical bicycle charging points as part of the development.

The Committee noted that cycle storage provision had been included as part of the proposed development.

With regards to air source heat pumps, the Committee noted that the homes included on the development would be much more efficient due to heat pumps now being incorporated into the development. There was a condition included relating to the installation and housing of the

air source heat pumps to mitigate noise pollution. The condition was in line with the national policy (in regards to low carbon heating solutions).

The Committee acknowledged that the applicant had adopted a collaborative approach in relation to acknowledging and addressing the points raised by the Committee at the September 2021 meeting.

Councillor Clive Webster proposed that the Committee delegate to Officers authority to approve subject to completion of the consultation period and any necessary finalisation of planning conditions.

This was seconded by Councillor Sue Jepson.

The Officer recommendation was then put to the vote and was carried.

**Record of Voting - for: 11, against: 0, abstention: 0, absent: 0.**

**21/00616/FUL**

**2,3,4,6,7,8 & 11, Tally Ho Lane, Guiting Power, Gloucestershire, GL54 5TY**

The Case Officer, David Ditchett introduced the application:

Installation of external wall insulation to No. 2, 3, 4, 6, 7, 8, & 11 Tally Ho Lane, Guiting Power at 2,3,4,6,7,8 & 11, Tally Ho Lane, Guiting Power.

The Committee noted the Update Report including the additional information submitted by Councillor Dilys Neill.

The Committee further noted the site outline (including the block plan). Members were also presented with details of the existing elevations.

The Committee noted that stone slips had now been omitted from the scheme.

Members noted the efficiency improvements, which had already been completed at each individual property.

The Committee noted other options available in relation to energy efficiency improvements and why they had been ruled out for this particular application.

The Committee further noted the proposed materials to be used to complete the proposed works and the additional information available in terms of ongoing care and maintenance of the proposed render systems.

The following people addressed the committee:

Mr Michael Wells, objecting

Councillor Richard Keeling (Ward Member)

The Committee acknowledged that the energy performance rating of social housing was required to be rated at a minimum of C, hence the proposing of these works to assist in the heat retention capabilities of the properties.

The Committee expressed concerns in relation to the proposed cladding, specifically that where it had been installed previously, buildings were unable to breathe adequately which had resulted in excess moisture becoming an issue within some homes. The Committee acknowledged the possibility of damage being caused to the buildings at a future point if the cladding was not breathable.

The Committee noted that, although a site visit had not been undertaken to this specific site, Members had viewed a property that had been clad using the proposed materials related to this application.

The Committee was also concerned in relation to the 9cm eaves depth on the properties, which would result in sharp and awkward angles. The application of the cladding would have a negative impact on the Conservation Area in the view of the Committee.

The Committee expressed a view that other energy efficiency performance improvement measures should be considered (such as loft insulation for example), before cladding was proposed as a solution. Additional and less significant works could be carried out whereupon the energy performance of the buildings could again be measured to ensure that the minimum standards were met.

Councillor Sue Jepson proposed that the application be refused on the grounds that the properties in their current form contributed visually to the Conservation Area. The style of the proposed cladding would impact negatively on the Conservation Area. The proposed development was therefore contrary to section 72(1) of the Listed Buildings and Conservation Areas Act 1990 and the associated paragraphs of the National Planning Policy Framework (NPPF).

This was seconded by Councillor Julia Judd.

The proposal was then put to the vote and the application was refused.

**Record of Voting - for: 10, against: 0, abstention: 1, absent: 0.**

**21/00617/FUL**

**No. 3 & 5, Pear Tree Close, Lower Swell, Gloucestershire, GL54 1JA**

The Case Officer, David Ditchett introduced the application:

Installation of external wall insulation to No. 3 & 5 Pear Tree Close, Lower Swell at No. 3 & 5, Pear Tree Close, Lower Swell.

The Committee noted the Update Report including the additional information submitted by Councillor Dilys Neill.

The Committee noted the presentation provided which included details of the site location, existing elevations and the views from Pear Tree Close and the surrounding areas.

The following people addressed the committee:

Councillor Jane de St. Croix (Swell Parish Council)

Councillor Andy Lucas, objector (statement read out by Democratic Services)

Mr Peter King, supporter (statement read out by Democratic Services)

Councillor Dilys Neil (Ward Member)

Following advice from the Conservation and Design Consultant, the Committee noted that the physical context of the site, when compared to the previous application (21/00616/FUL), was different and this should be taken into account.

The Committee noted that the proposed rendering material was the same as in the previous application (21/00616/FUL).

The Committee acknowledged the importance of ensuring that all homes were insulated to at least the minimum prescribed levels as determined by current legislation. Members expressed a view that any rendering of properties should seek to compliment the areas in which they were located and further agreed that other insulation options be considered in order to improve the energy efficiency ratings of properties.

Councillor Sue Jepson proposed that the application be refused on the grounds that the properties in their current form contributed visually to the Conservation Area. The style of the proposed cladding would impact negatively on the Conservation Area. The proposed development was therefore contrary to section 72(1) of the Listed Buildings and Conservation Areas Act 1990 and the associated paragraphs of the National Planning Policy Framework (NPPF).

This was seconded by Councillor Clive Webster.

The proposal was then put to the vote and the application was refused.

**Record of Voting - for: 9, against: 0, abstention: 2, absent 0.**

## **21/00736/FUL**

**Haydons Bank, Station Road, Chipping Campden, Gloucestershire, GL55 6HY**

The Case Officer, Andrew Moody introduced the application:

Single storey ancillary accommodation within garden at Haydons Bank  
Station Road Chipping Campden.

The Committee noted the Update Report including additional photographs of the site, the site layout and the comments received by Members following the completion of the Site Inspection visit.

The following people addressed the committee:

Mr Paul Leighton, objecting

Councillor Gina Blomefield (Ward Member) (statement read out by Democratic Services)

The Committee noted that the site was located outside of the Conservation Area.

The Committee expressed a view that the proposed structure was extremely close to the property boundary and existing treeline. Members further commented that the proposed structure would result in the existing plot becoming a cramped space.

The Case Officer acknowledged the comments made by the Committee and informed Members that the application as submitted did not breach any planning regulations.

Whilst acknowledging the views of the Committee in terms of the potential future uses of the proposed annexe, Officers advised Members that a decision could be taken only in relation to the submitted application.

The Committee noted the potential impact on the street scene, the current lack of ancillary accommodation in the area and the physical position of the proposed accommodation in relation to the existing property.

The Committee further noted that the proposed application met the minimum standards in relation to living space.

Councillor Clive Webster proposed that the application be approved as per the Officer's recommendation with the planning development rights removed.

This was seconded by Councillor Juliet Layton.

The Officer recommendation (with planning development rights being removed) was then put to the vote and the application was permitted.

**Record of Voting - for: 7, against: 4, abstention: 0, absent: 0.**

#### **43 Sites Inspection Briefing**

There were no scheduled Sites Inspection Briefing visits.

#### **44 Licensing Sub-Committees**

The Committee noted the rota for attendance at the Licensing Sub-Committee on the 27 October 2021 (if the meeting was required).

Planning and Licensing Committee  
13/October2021

The Meeting commenced at 14:00 and closed at 17:40

Chair

(END)



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 10 NOVEMBER 2021
Report Number	AGENDA ITEM 06
Subject	<b>GAMBLING ACT 2005</b> <b>REVIEW OF THE GAMBLING POLICY STATEMENT</b>
Wards affected	All
Accountable member	Cllr Juliet Layton, Cabinet Member for Development Management and Licensing Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a>
Accountable officer	Michelle Bignell, Service Leader (Licensing and Business Support) Email: <a href="mailto:michelle.bignell@publicagroup.uk">michelle.bignell@publicagroup.uk</a>
Summary/Purpose	To consider any issues raised in the consultation with stakeholders and the public on the Council's Draft Revised Gambling Act 2005 Licensing Policy Statement and consider amendments to the Policy prior to adoption.
Annexes	<b>Annex A</b> – Copy of draft Statement of Principles <b>Annex B</b> – Copy of responses <b>Annex C</b> – Copy of current Statement of Principles
Recommendation/s	<i>a) That the Committee considers the draft policy attached at <b>Annex A</b> and makes the appropriate recommendation to the Council in relation to the adoption of the Council's revised Statement of Principles; and</i> <i>b) That the Council continues to adopt a "no- casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement</i>
Corporate priorities	Delivering our services to the highest standards
Key Decision	No
Exempt	No
Consultees/ Consultation	The revised policy was subject to a 12 week consultation period which came to an end on the 27 September 2021.



## **I. BACKGROUND**

- 1.1. The Council is required by the Gambling Act 2005 (the Act) to publish a Gambling Policy (Licensing Policy Statement) and review the Policy every three years. The current Statement was approved by the Licensing Committee on 14 November 2018 and formally adopted on 31 January 2019.
- 1.2 The Planning and Licensing Committee considered the draft Policy at its meeting in May 2021 and agreed that it should be put out to formal consultation.

## **2 MAIN POINTS**

- 2.1 The revised Policy was subject to a 12 week consultation period which came to an end on the 27 September 2021.
- 2.2 The only change made was the removal of a reference to shared partnership working so that the draft document is solely for Cotswold District Council.
- 2.3 Information about the consultation period was on the Council's website. The licensing team consulted with the Responsible Authorities under the Act, Elected Members, all Town/Parish Councils and representatives of the trade and industry were also consulted.
- 2.4 There were 2 responses to the consultation. Copies of these are attached at **Annex B**. These comments were from:
  - the Betting and Gaming Council updating the document on recent changes to the Guidance
  - the Gloucestershire Safeguarding Children Partnership updating the contact details relating to safeguarding.

Changes have been made to the draft Policy accordingly.

- 2.5 S.166(1) of the Act states that a Licensing Authority may resolve not to issue Casino Premises Licences. Such a recommendation was made by the Licensing Committee in 2012. Notwithstanding all the Casinos have been allocated by Central Government, S.166(3) of the Act states that this resolution expires after three years and the Council needs formally to re-affirm at this time that a "no-Casino resolution" is still in place.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 None.

## **4 LEGAL IMPLICATIONS**

- 4.1 There are no legal implications arising directly from the report.

## **5 CLIMATE CHANGE IMPLICATIONS**

- 5.1 There are no implications arising directly from this report.
- 5.2 The Licensing Act 2003 is heavily regulated and, at present, there are no requirements for applicants to provide any climate impact assessments as part of their



applications. This can be driven by local planning requirements and also by Central Government amending statutory requirements.

## **6 ALTERNATIVE OPTIONS**

- 6.1 Subject to legal requirements, the Committee may choose to make recommendations on specific sections of the policy, as they see fit.

## **7 BACKGROUND PAPERS**

- 7.1 Gambling Commission's Guidance to Licensing Authorities April 2021.

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Gambling Act 2005

## **Statement of Principles**

**This Statement of Principles applies from 31 Jan 2022  
until 30 Jan 2025  
(unless revised sooner)**

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## **GLOSSARY**

<b>Council</b>	Cotswold District Council
<b>Guidance</b>	The Gambling Commission's "Guidance to Licensing Authorities" Latest edition
<b>Licensing Authority</b>	The Licensing Authority of Cotswold District Council
<b>The 2005 Act</b>	Gambling Act 2005
<b>The 2003 Act</b>	Licensing Act 2003



## **PART A: GENERAL MATTERS**

### **1. The Licensing Objectives**

The Gambling Act 2005 (“the Act”) requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

### **2. Introduction**

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2022 and will continue until 30 January 2025. It must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

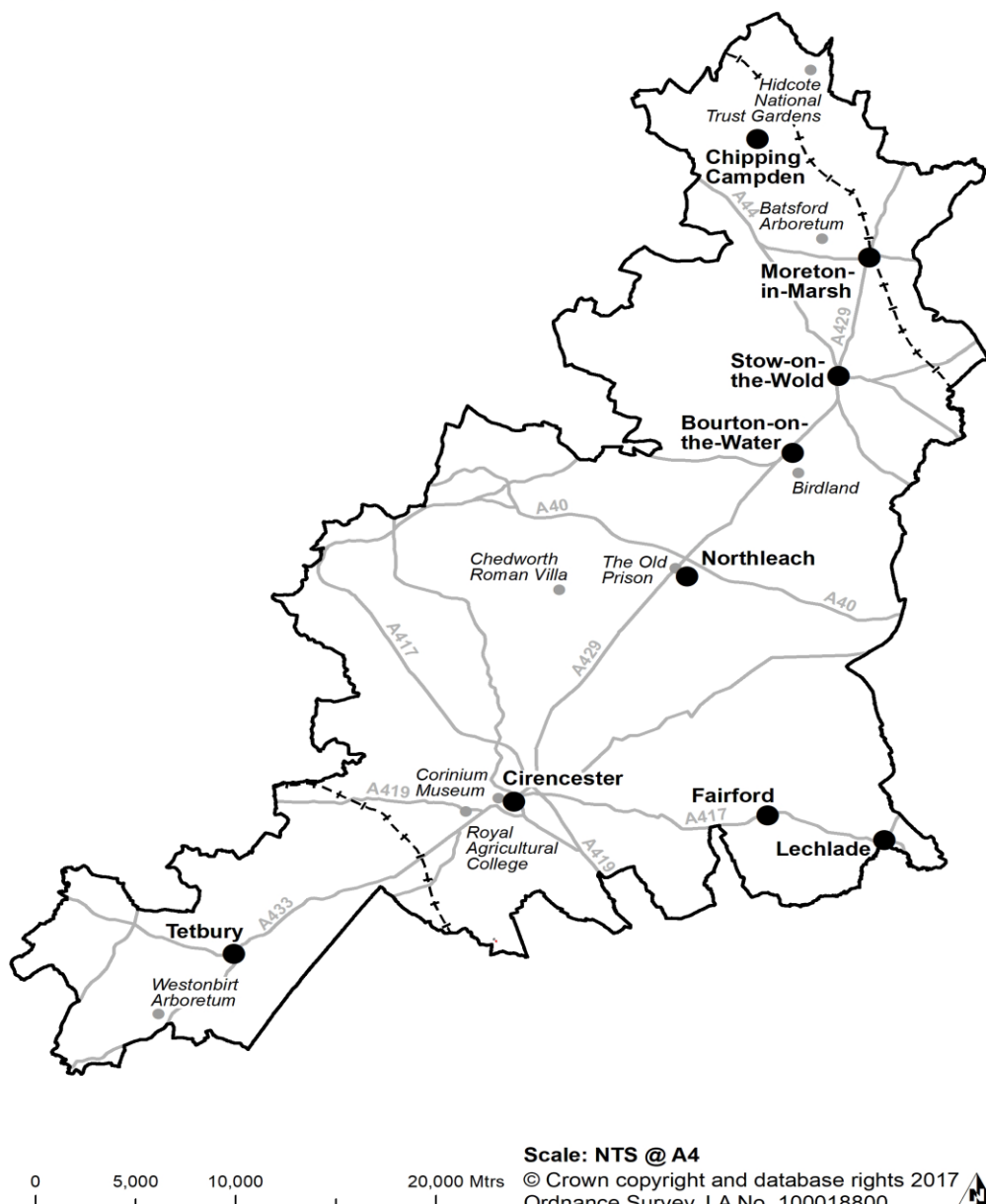
This document was approved by Full Council on TBC.

### 3. The Local Areas

#### 3.1 The Cotswold District

The Authority is one of six district Councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns, Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury. It has a population of 85,000 with a strong economy and one of the lowest unemployment rates in the country. Tourism plays a major role in the district's economy, and the industry is worth over £1 billion across the Cotswolds Tourism area. A map of the area [450 sq miles] is shown below:

#### COTSWOLD DISTRICT



#### **4. Consultees**

The 2005 Act requires each Licensing Authority to consult the following parties:

- the chief officer of police for the authority's area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- Gloucestershire Police
- ~~County Safeguarding Children Board~~ Gloucestershire Safeguarding Children Partnership;
- Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority
- Environmental Health department
- Fire Service
- Consultation took place from 5 July to 26 September 2021

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

#### **5. Declaration**

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, Guidance, and any responses from those consulted on the policy statement.

#### **6. Effective period**

This Statement of Principles becomes effective on 31 January 2019.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) unless replaced sooner by a revised version that the Council adopts. At the date of publication, this licensing policy is expected to last until 30 Jan 2025.

#### **7. Responsible Authorities**

##### **7.1 Protection of children from harm**

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the [Gambling Commission's Guidance to Local Authorities, this Authority designates the Gloucestershire Safeguarding Children Partnership \(GSCP\) for this purpose, comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary.](#)

[The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document. Guidance the Licensing Authority has designated the County Safeguarding Children Board for this purpose.](#)

## 7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

## 8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)"

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.944 to 8.179 (if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

## **9. Information Exchange**

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

## **10. Enforcement**

Licensing authorities are required by Regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

## **11. Functions under the 2005 Act**

### **11.1 Functions of the Licensing Authority**

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

### **11.2 Others' functions**

Spread betting is regulated by The Financial Services Authority.

The National Lottery is regulated by The National Lottery Commission.

## **PART B: PREMISES LICENCES**

### **1. Premises Licence**

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

Premises licences will be subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

### **2. Applications**

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;  
an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or  
has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

### 3. Local Risk Assessments

The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstances, including those identified in this policy statement; and
- where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

This authority will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder
- how vulnerable people, including people with gambling dependencies are protected

This authority will also expect local risk assessments to include, specifically, any relevant information about:

- Self exclusion details
- Attempts to gamble by under 18s
- Outcome(s) of test purchase results
- ASB issues on incident logs
- Police reports and call outs
- Sharing information with nearby agencies e.g. treatment centres
- Any protections in place when footfall is the highest
- Details of any best practise schemes such as Betwatch or similar

The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from 6 April 2016.

Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will  
Statement of Principles - Gambling Act 2005 (2021) set out the measures the licensee has in place to address specific concerns.

This practice should reduce the occasions on which a premises review and the imposition of licence conditions are required.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:



- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- locations where children may congregate such as bus stops, cafes, shops etc
- areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc;
- the demographics of the area in relation to vulnerable groups;
- local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics or help centres
- other facilities in the proximity such as other gambling outlets, banks, public houses etc
- proximity to places where alcohol and drug dependant persons may congregate
- whether the premises is in an area subject to high levels of crime and/or disorder.
- known problems in the area such as those arising from street drinkers, and drug dealing activities etc
- policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken, the layout of the premises so that staff have unobstructed view of customers, location of CCTV and numbers of staff available at the premises at any one time.
- records held of the numbers of self-exclusions, and underage refusals at the premises
- results of any in house underage test purchasing at the premises

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities
- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of the Local Authority or the Gambling Commission

#### 4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be

circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

## **5. Plans of the Premises**

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the Licensing Authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Licensing Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. This could include the moving of gaming machines which impacts on the line of sight for staff.

## **6. Decision Making**

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

In determining an application this Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

## **7. Other Mechanisms to address unruly behaviour**

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

## **8. Location**

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics , help centres etc

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

## **9. Primary Activity**

~~By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.~~

~~The Licensing Authority will take account of the Gambling Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.~~

## **10.9. Meaning of "Premises"**

In the Act, "premises" is defined as including "any place". Section 152 therefore, prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: "Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also

preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.”

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority will take account of the Guidance in Part 7 which details the relevant access provisions for each premises type. These include

#### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

#### Betting Shops

- Access must be from a street (as per para 7.234 Guidance ) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

#### Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino;
  - an adult gaming centre;
  - a betting premises, other than a track.

### **11.10. Premises “ready for gambling”**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Guidance.

## **12.11. Planning**

The Guidance to Licensing Authorities states in Part 7:

“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.

This Authority will not take into account irrelevant matters as per the Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

## **13.12. Duplication with other regulatory regimes**

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **14.13. Licensing Objectives**

#### **14.113.1 Prevention of crime and disorder objective**

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is, therefore, expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

#### **14.213.2 Ensuring that gambling is conducted in a fair and open way objective**

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

#### **14.313.3 Protection of children and other vulnerable persons objective**

Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with the County's Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

#### **14.413.4 Vulnerable Persons**

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.”

#### **14.513.5 Door Supervisors**

The Guidance advises that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that 'in house' door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

#### **14.613.6 Adult Gaming Centres**

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

#### **14.713.7 (Licensed) Family Entertainment Centres:**

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;



- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

This Licensing Authority will, in accordance with the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

#### **14.813.8 Casinos**

There are currently no casinos operating within the District.

At present this Licensing Authority has passed a resolution not to issue casino premises licences generally in the District. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, revoke that resolution. Any such revocation would be made by the Full Council and this Statement of Principles would be updated.

#### **14.913.9 Bingo Premises**

The Guidance in Part 18 states:

"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas".

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular, that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Guidance states:

"Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed."

#### **14.1013.10 Betting Premises**

Betting machines – This Licensing Authority will, in accordance with the Gambling Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **14.1113.11 Tracks**

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons

and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**a) Gaming machines –**

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

**b) Betting machines –**

This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

**c) Applications and plans -**

The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance, Part 20).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance, Part 20)

#### **14.1213.12 Travelling Fairs**

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

#### **14.1313.13 Provisional Statements**

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can

consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement;
- stage, or
- they reflect a change in the applicant's circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

#### **14.14.13.14 Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

#### **14.15 13.15 Complaints against Licensed Premises**

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

## **PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES**

### **I. Unlicensed Family Entertainment Centre gaming machine permits**

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted.

## **2. (Alcohol) Licensed Premises - Gaming Machine Permits**

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the Codes of Practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to The Licensing Authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits**

The Act 2003 states that a Licensing Authority can decide to prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs,. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or



- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a Code of Practice regarding the location and operation of gaming machines.

## **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centers and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

## **6. Occasional Use Notices**

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

## **7. Small Society Lotteries**

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months
- after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is

for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:  
by, or on behalf of, a charity or for charitable purposes  
to enable participation in, or support of, sporting, athletic or cultural activities.  
Charities and community groups should contact this Licensing Authority for further advice.

## **APPENDICES**

Appendix 1 – Licensing Authority delegations for Cotswold District

Appendix 2 – Responsible Authorities

### Appendix I – Licensing Authority delegations – Cotswold District

<b>MATTER TO BE DEALT WITH</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Licensing policy	X			
Policy not to issue casino premises licences	X			
Fee Setting – when appropriate				X (to be approved by Cabinet)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				X (in consultation with the Head of Legal and Democratic Services)
Review of a premises licence		X		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X		
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice				X

## Appendix 2 - Responsible Authorities

The Responsible Authorities under the 2005 Act and their contact details are as follows.

Responsible Authority	Address	Telephone number and email address
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 licensing@gloucestershire.pnn.police.uk
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 fire.safety@glosfire.gov.uk
<a href="#">Gloucestershire Children Safeguarding Partnership</a> <a href="#">Gloucestershire Safeguarding Children Board</a>	<a href="#">Gloucestershire Safeguarding Children Board</a> <a href="#">Room 128, 1st Floor, Block 4</a> <a href="#">Shire Hall</a> <a href="#">Westgate Street</a> <a href="#">Gloucester</a> <a href="#">GL1 2TG</a>	<a href="#">Police are a member of the partnership and will act on behalf of GCSP – see Police contact above</a> <a href="#">01452 583629</a> <a href="#">mail@gseb.org.uk</a>
Environmental Services -Public Protection	Operations Team Environmental and Regulatory Services Cotswold District Council Trinity Road Cirencester GL7 1PX	01285 623000 <a href="#">ers@publicagroup.uk</a>
Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000 <a href="#">planning@cotswold.gov.uk</a>
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	publichealth@gloucestershire.gov.uk

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BY EMAIL ONLY  
LICENSING SECTION  
FOREST OF DEAN COUNCIL

**Please ask for:** Richard Taylor  
**Direct Tel:**  
**Email:**  
**Our ref:** RJT / MJM / 123267.00001  
#GS4110093  
**Your ref:**  
**Date:** 22 September 2021

Dear Sirs,

## **Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the



industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the draft Gambling Act 2005 statement of licensing principles 2022 to January 2025**

The draft statement of principles refers to the Gambling Commission Guidance to Licensing Authorities and Gambling Commission publications but the references contained within the draft statement of principles need updating or amending.

Section 8 of Part A needs to be amended as the Guidance with regard to interested parties is now at paragraphs 8.9 to 8.17 of the latest version of the guidance (last updated in May 2021). Similarly, the access provisions detailed within in section 10 of Part B are now at paragraph 7.23 of the guidance.

Finally, the draft statement of principles refers to primary activity and a Gambling Commission document “setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.” This document is dated 2013 and is no longer relied upon by the Gambling Commission. Indeed, the Gambling Commission does not use the phrase “primary gambling activity” any longer. This section

should be amended simply to reflect the requirements of of SR Code Provision 9 which deals with gaming machines in gambling premises.

Paragraph 2 of Part B explains the Licensing Authority's approach to premises licence applications and the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and in the circumstances, it is unlikely that additional conditions will need to be imposed. This section should also be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of the particular case that requires that the mandatory and default conditions be supplemented.

Paragraph 3 of Part B is headed "local risk assessments". This section contains a list of bullet points detailing matters that the Licensing Authority would expect the local risk assessment to consider as a minimum. This list of bullet points needs to be re-drafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.

SR Code Provisions 10.1.1 and 10.2.2 provide for "relevant matters identified in the Licensing Authority's Statement of Licensing Policy" to be taken into account. The bullet points therefore need only to reflect matters that are relevant to the licensing objectives.


In the circumstances, *"issues of youth participating in antisocial behaviour, including underage drinking, drug taking, graffiti etc"* should be removed as it is impossible to see how such issues could pose a risk to the licensing objectives. For exactly the same reason, references to the proximity of public houses, banks and issues arising from street drinking and drug dealing activities should all be removed from this list of bullet points.

Finally, *"local gaming trends that may mirror days for financial payment such as pay days or benefits payments"* should be removed as this can only be relevant to an assessment of risk to the licensing objectives if the Authority's view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and this bullet point should therefore be deleted.

## **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**

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# Gambling Act 2005 Statement of Principles

This Statement of Principles applies from 31 Jan 2019  
until 30 Jan 2022 (unless revised sooner)



**COTSWOLD**  
DISTRICT COUNCIL



**WEST OXFORDSHIRE**  
DISTRICT COUNCIL



**Forest of Dean**  
DISTRICT COUNCIL

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## **GLOSSARY**

<b>Councils</b>	Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council collectively
<b>GC Guidance</b>	The Gambling Commission's "Guidance to Licensing Authorities" Latest edition
<b>Licensing Authority</b>	The Licensing Authority of Cotswold District Council, Forest of Dean District Council or West Oxfordshire District Council
<b>The 2005 Act</b>	Gambling Act 2005
<b>The 2003 Act</b>	Licensing Act 2003

## Part A: General Matters

### I. The Licensing Objectives

The Gambling Act 2005 ("the Act") requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

### 2. Introduction

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2019 and will continue until 30 January 2022. It must also be reviewed from "time to time" and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

This Statement of Principles has been prepared by officers of Publica Group (Support) Limited who work on behalf of Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council.

The Statement of Principles covers each of the Council areas. Where this policy refers to the 'Licensing Authority' this relates to the Council area in which the gambling activity is located.

This document was approved by Full Council on the following dates:

Cotswold District Council	11th December 2018
Forest of Dean District Council	18th October 2018
West Oxfordshire District Council	24th October 2018

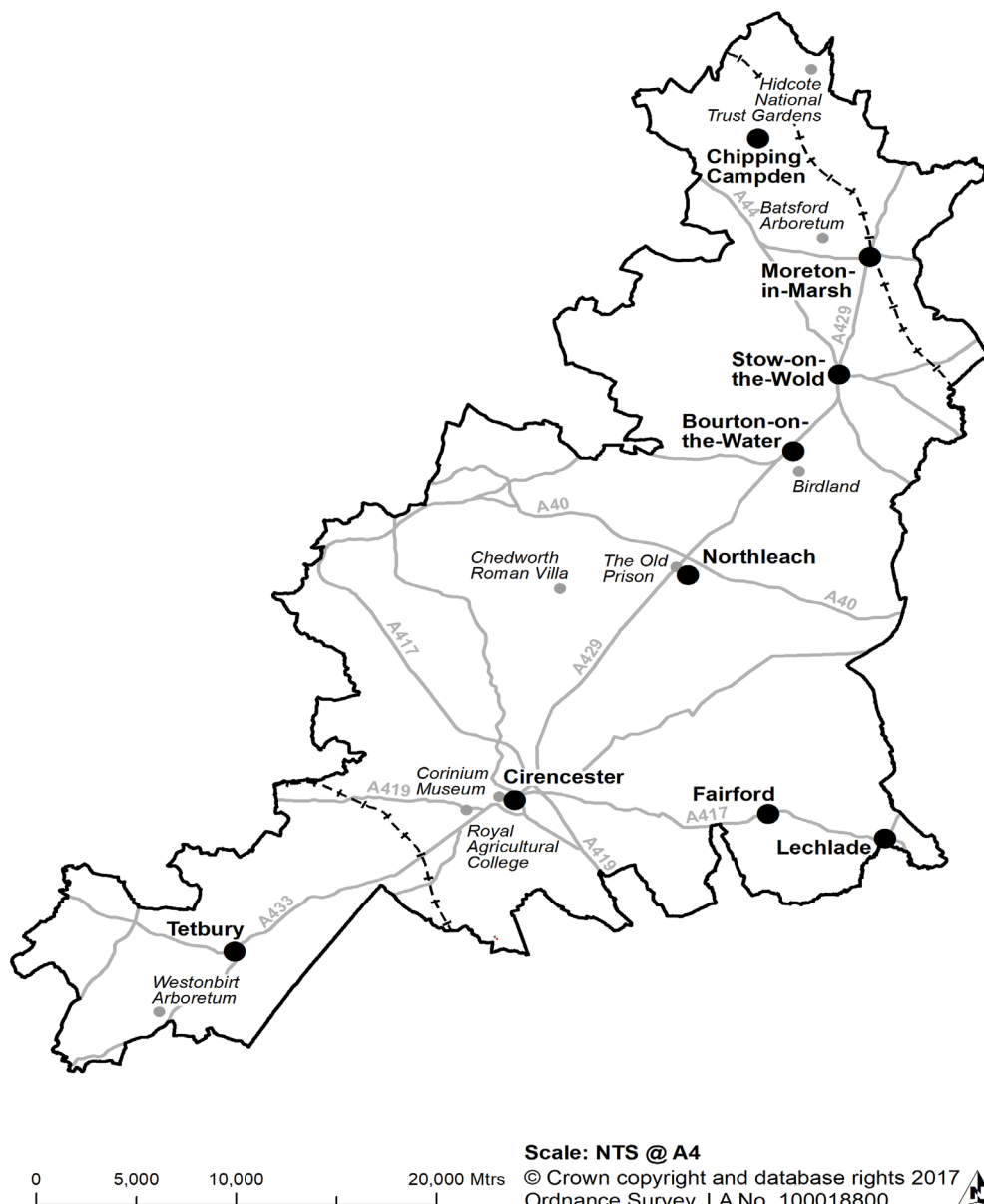


## 3. The Local Areas

### 3.1 The Cotswold District

The Authority is one of six district Councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns, Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury. It has a population of 85,000 with a strong economy and one of the lowest unemployment rates in the country. Tourism plays a major role in the district's economy, and the industry is worth over £1 billion across the Cotswolds Tourism area. A map of the area [450 sq miles] is shown below:

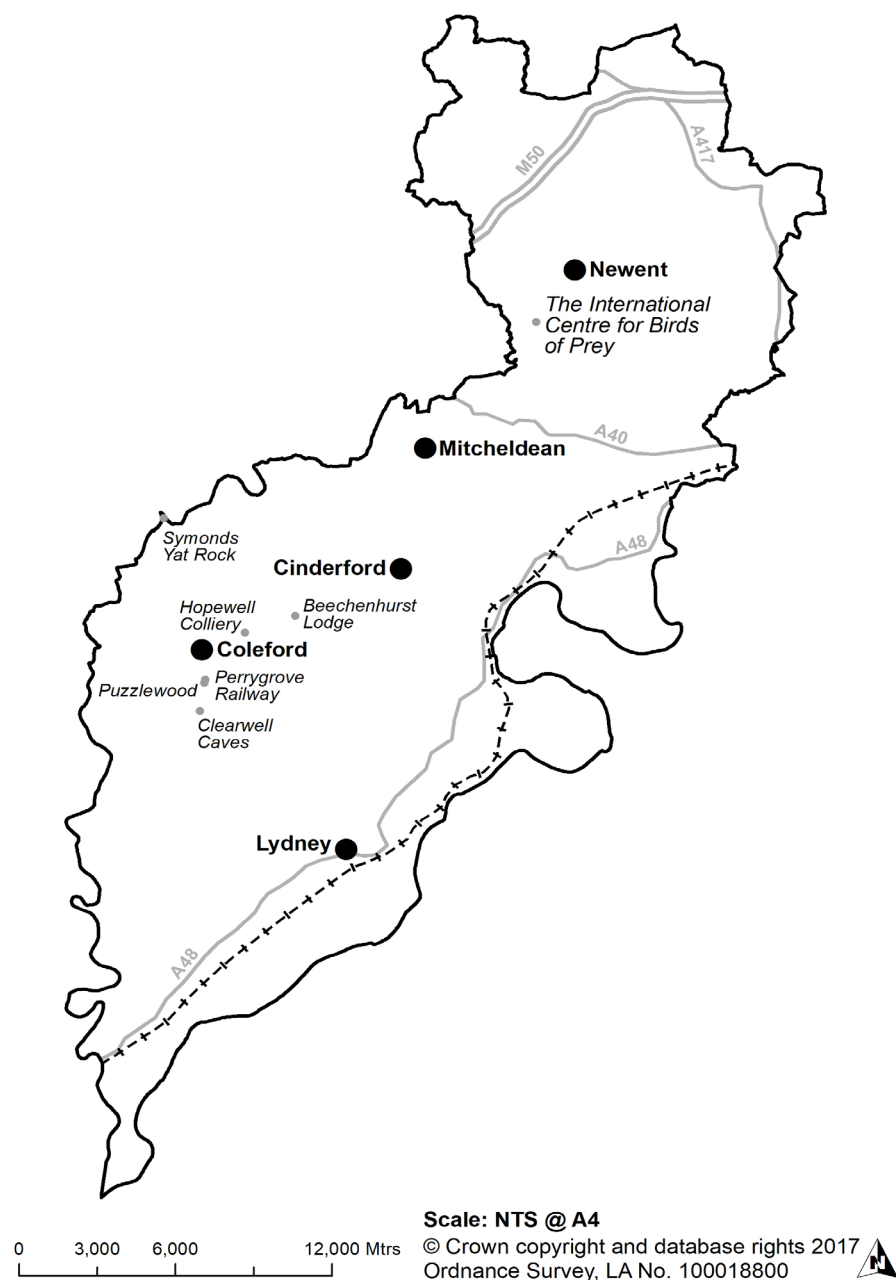
#### COTSWOLD DISTRICT



### 3.2 The Forest of Dean District

The Forest of Dean is one of six district Councils within Gloucestershire. It is rural in nature and made up of four major towns of Coleford, Lydney, Cinderford and Newent which are all surrounded by numerous villages, with the remainder of the district comprising of wooded areas, farmland and open space. The main industry is manufacturing and primarily industrial with many light engineering firms. It has a population of 85,000.

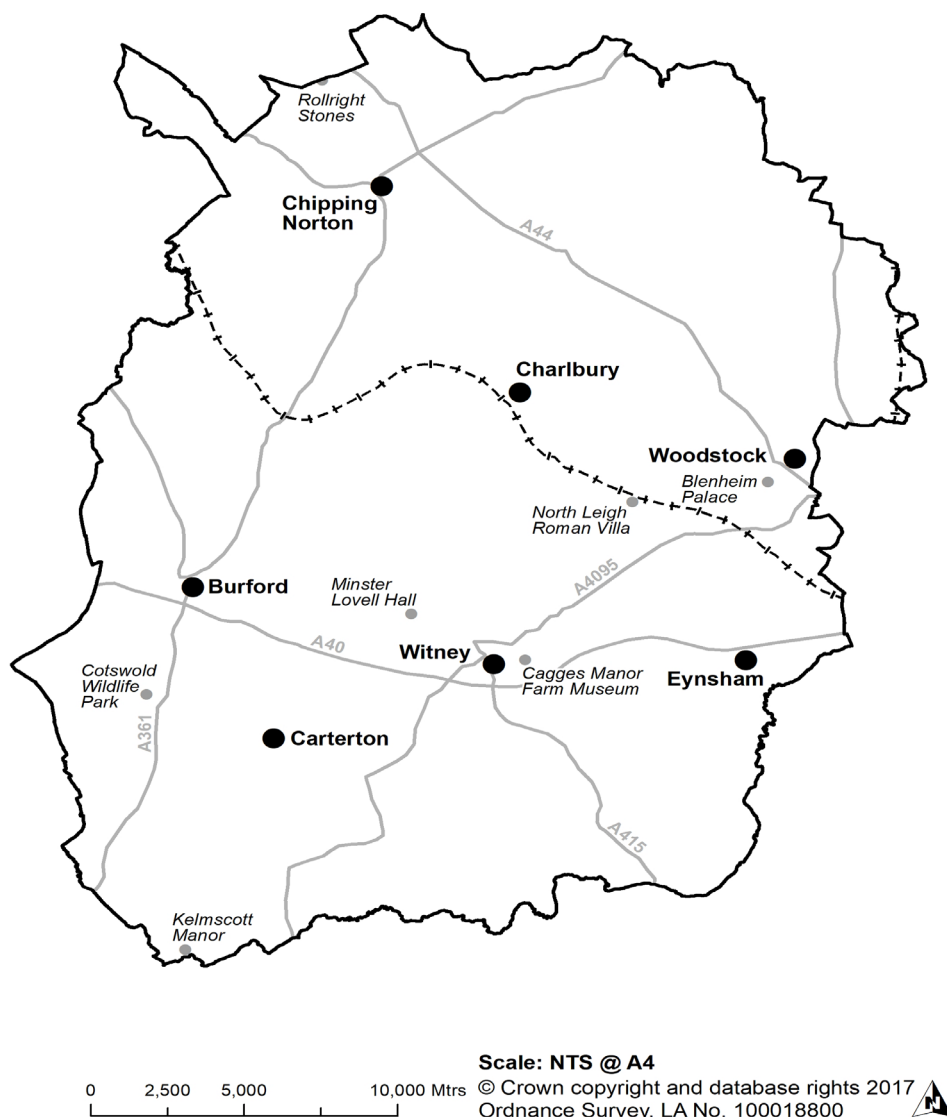
#### FOREST OF DEAN DISTRICT



### 3.3 The West Oxfordshire District

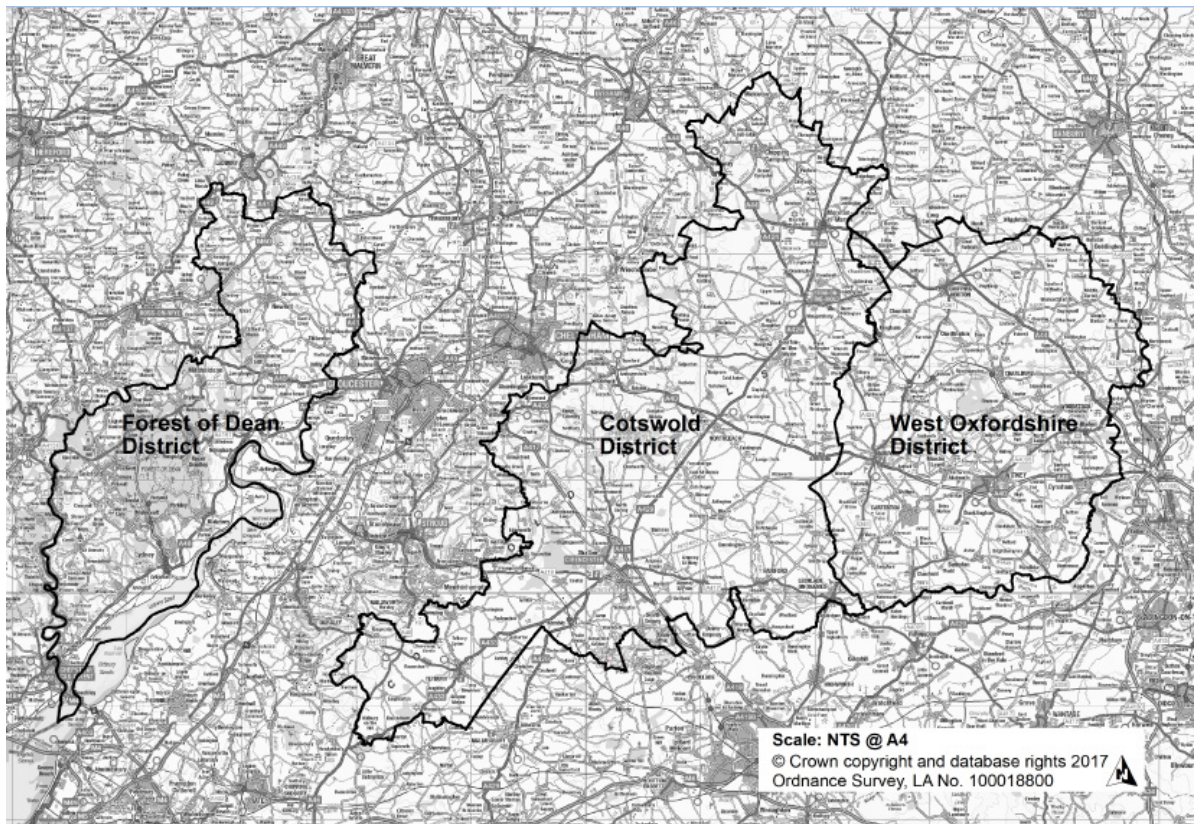
West Oxfordshire has a rich architectural and historic heritage ranging from the Cotswold stone houses to the splendour of Blenheim Palace, a World Heritage Site. The business sector is made up of a mixture of 'high technology' small and medium enterprises. The area faces no major social problems and crime figures are amongst the lowest in the country. It is a rural district covering 714 km<sup>2</sup> with a population of 105,000 and is spread across 83 parishes. Situated in a prime central location, there are excellent communications to most parts of the country via the A40/M40 and the A34. There are railway stations at Charlbury, Hanborough and Kingham with regular services to London and Birmingham.

#### WEST OXFORDSHIRE DISTRICT



### 3.4 The Three Districts

A map showing the location of the three Districts in relation to each other:



## 4. Consultees

The 2005 Act requires each Licensing Authority to consult the following parties:

- the chief officer of police for the authority's area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- The relevant Police force (Gloucestershire and Thames Valley Police)
- County Safeguarding Children Board
- Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority

- Environmental Health department for each Local Authority
- Fire Service
- Consultation took place from 21 May 2018 to 10 August 2018.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

## 5. Declaration

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, GC Guidance, and any responses from those consulted on the policy statement.

## 6. Effective period

**This Statement of Principles becomes effective on 31 January 2019.**

## 7. Responsible Authorities

### 7.1 Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the GC Guidance the Licensing Authority has designated the County Safeguarding Children Board for this purpose.

### 7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

## 8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)”

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19 (if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)). It will also consider the Gambling Commission's Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/ or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

## 9. Information Exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.



## 10. Enforcement

Licensing authorities are required by Regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

## 11. Functions under the 2005 Act

### 11.1 Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities the following functions:

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits

- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

## 11.2 Others' functions

Spread betting is regulated by The Financial Services Authority.  
The National Lottery is regulated by The National Lottery Commission.



## Part B: Premises Licences

### I. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

Premises licences will be subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

### 2. Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds; an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

### 3. Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- locations where children may congregate such as bus stops, cafes, shops etc
- areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc;
- the demographics of the area in relation to vulnerable groups;
- local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics or help centres
- other facilities in the proximity such as other gambling outlets, banks, public houses etc
- proximity to places where alcohol and drug dependant persons may congregate
- whether the premises is in an area subject to high levels of crime and/or disorder.
- known problems in the area such as those arising from street drinkers, and drug dealing activities etc
- policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken, the layout of the premises so that staff have unobstructed view of customers, location of CCTV and numbers of staff available at the premises at any one time.
- records held of the numbers of self exclusions, and underage refusals at the premises
- results of any in house underage test purchasing at the premises

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities

- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of the Local Authority or the Gambling Commission.

## 4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

## 5. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the Licensing Authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Licensing Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. This could include the moving of gaming machines which impacts on the line of sight for staff.

## 6. Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

In determining an application this Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

## 7. Other Mechanisms to address unruly behaviour

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

## 8. Location

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics , help centres etc

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

## 9. Primary Activity

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Gambling Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

## 10. Meaning of “Premises”

In the Act, “premises” is defined as including “any place”. Section 152 therefore, prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow

large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: "Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority will take account of the Guidance in Part 7 which details the relevant access provisions for each premises type. These include

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

## Betting Shops

- Access must be from a street (as per para 7.24 Guidance ) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

## Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino;
  - an adult gaming centre;
  - a betting premises, other than a track.

## 11. Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Guidance.

## 12. Planning

The Guidance to Licensing Authorities states in Part 7:

“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.

This Authority will not take into account irrelevant matters as per the Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

## 13. Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## 14. Licensing Objectives

### 14.1 Prevention of crime and disorder objective

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is, therefore, expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

## **14.2 Ensuring that gambling is conducted in a fair and open way objective**

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

## **14.3 Protection of children and other vulnerable persons objective**

### **Access to Licensed Premises**

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with the County's Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.



It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

#### **14.4 Vulnerable Persons**

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/ written statements should be attached to the application.”

#### **14.5 Door Supervisors**

The Guidance advises that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

## **14.6 Adult Gaming Centres**

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **14.7 (Licensed) Family Entertainment Centres:**

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

This Licensing Authority will, in accordance with the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

## **14.8 Casinos**

There are currently no casinos operating within the District.

At present this Licensing Authority has passed a resolution not to issue casino premises licences generally in the District. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, revoke that resolution. Any such revocation would be made by the Full Council and this Statement of Principles would be updated.

## **14.9 Bingo Premises**

The Guidance in Part 18 states:

“Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas”.

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular, that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Guidance states:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

## **14.10 Betting Premises**

Betting machines – This Licensing Authority will, in accordance with the Gambling Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/ circumstances of betting machines an operator wants to offer.

## **14.11 Tracks**

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore, expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

a) Gaming machines –

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

b) Betting machines –

This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

c) Applications and plans -

The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance, Part 20).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Licensing Authority can satisfy itself that the plan indicates

the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance, Part 20)

#### **14.12 Travelling Fairs**

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

#### **14.13 Provisional Statements**

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement;
- stage, or
- they reflect a change in the applicant's circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

#### 14.14 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;

- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

#### **14.15 Complaints against Licensed Premises**

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

## Part C: Permits, Temporary & Occasional Use Notices

### I. Unlicensed Family Entertainment Centre gaming machine permits

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use ( Section 238 of The Act).

The Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.



If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted.

## 2.(Alcohol) Licensed Premises - Gaming Machine Permits

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the Codes of Practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to The Licensing Authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### 3. Prize Gaming Permits

The Act 2003 states that a Licensing Authority can decide to prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

### 4. Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;

- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a Code of Practice regarding the location and operation of gaming machines.

## 5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centers and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

## 6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

## 7. Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

by, or on behalf of, a charity or for charitable purposes

to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this Licensing Authority for further advice.

## Appendices

Appendix 1 – Licensing Authority delegations for Cotswold District

Appendix 2 – Licensing Authority delegations for Forest of Dean District

Appendix 3 – Licensing Authority delegations for West Oxfordshire District

Appendix 4 – Responsible Authorities for each Council area

## Appendix I - Licensing Authority delegations - Cotswold District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers
Licensing policy	X			
Policy not to issue casino premises licences	X			
Fee Setting – when appropriate				X (to be approved by Cabinet)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				X (in consultation with the Head of Legal and Democratic Services)
Review of a premises licence		X		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X		
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice				X

## Appendix 2 - Licensing Authority delegations - Forest of Dean District

<b>MATTER TO BE DEALT WITH</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Licensing policy	×			
Policy not to issue casino premises licences	×			
Fee Setting – when appropriate				<p style="text-align: center;">X (to be approved by Executive Committee)</p>
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				<p style="text-align: center;">X (in consultation with the Head of Legal Services)</p>
Review of a premises licence		×		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			×	
Applications for other permits				×
Cancellation of licensed premises gaming machine permits				×
Consideration of temporary use notice				×
Decision to give a counter notice to a temporary use notice			×	×

## Appendix 3 - Licensing Authority delegations - West Oxfordshire District

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers	
Final approval of three year licensing policy	×				
Policy not to issue casino premises licences	×				
Fee Setting – when appropriate				×	(to be approved by Executive Committee)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission	
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Request to review a premises licence				×	(in consultation with the Head of Legal Services)
Review of a premises licence		×			
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn	
Cancellation of club gaming/ club machine permits			×		
Applications for other permits				×	
Cancellation of licensed premises gaming machine permits				×	
Consideration of temporary use notice				×	
Decision to give a counter notice to a temporary use notice			×	×	



## Appendix 4 - Responsible Authorities

The Responsible Authorities for each Council area under the 2005 Act, and their contact details are as follows.

Cotswold and Forest of Dean District Councils:

<b>Responsible Authority</b>	<b>Address</b>	<b>Telephone number and email address</b>
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 licensing@gloucestershire.pnn.police.uk
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 fire.safety@glosfire.gov.uk
Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Room 128, 1st Floor, Block 4 Shire Hall Westgate Street Gloucester GL1 2TG	01452 583629 mail@gscb.org.uk
Environmental Services -Public Protection	Operations Team Environmental and Regulatory Services Cotswold District Council Trinity Road Cirencester GL7 1PX Or Operations Team Environmental and Regulatory Services Forest of Dean District Council High Street Coleford GL16 8HG	01285 623000 ers@publicagroup.uk  01594 810000

Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX Or Planning Department Forest of Dean District Council High Street Coleford GL16 8HG	01285 623000 planning@cotswold.gov.uk  01594 810000 planning@fdean.gov.uk
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	publichealth@gloucestershire.gov.uk

**West Oxfordshire District Council:**

<b>Responsible Authority</b>	<b>Address</b>	<b>Telephone number and email address</b>
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office 165 Oxford Road Kidlington OX5 2NX	01865 266109 licensing@thamesvalley.pnn.police.uk
Oxfordshire Fire and Rescue Service Fire and Rescue Service	Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU	01865 842999 fire.service@oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor County Hall New Road Oxford OX1 1ND	01865 810628

Planning and Regulatory Services	Planning Services West Oxfordshire District Council Elmfield Witney OX28 1P	01883 861000 planning@westoxon.gov.uk
Public Health	Merlyn Mistry, Health Improvement Practitioner Public Health Team Oxfordshire County Council County Hall New Road Oxford OX1 1ND	merlyn.mistry@oxfordshire.gov. uk

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## PLANNING AND LICENSING COMMITTEE 10th November 2021

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### SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
  - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
  - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

**PLANNING AND LICENSING COMMITTEE 10th November 2021**  
**INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION**

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Parish	Application	Schedule No.
<hr/>		
Fairford	Coln House School Horcott Road Fairford Gloucestershire 20/04147/FUL Full Application	01
Fairford	Coln House School Horcott Road Fairford Gloucestershire 20/04148/LBC Listed Building Consent	02

**Item No 01:-**

**20/04147/FUL**

**Coln House School  
Horcott Road  
Fairford  
Gloucestershire  
GL7 4DB**

## Item No 01:-

**Conversion of existing Grade II Listed Coln House into 7no residential units (C3), demolition of modern teaching blocks and outbuildings, erection of 17 no new residential units within former school grounds, soft and hard landscaping and drainage works at Coln House School Horcott Road Fairford Gloucestershire GL7 4DNB**

<b>Full Application 20/04147/FUL</b>	
Applicant:	Gloucestershire County Council
Agent:	Quattro Design Architects Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Steve Trotter Councillor Stephen Andrews
Committee Date:	10th November 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b> subject to completion of <b>Unilateral Undertakings</b> covering financial contributions to primary and secondary education and affordable housing.

### **I. OFFICER UPDATE**

**1.1** This application was originally heard by Planning and Licensing Committee at the meeting held on the 7th July 2021. Members voted to defer the application in order that the applicant could provide further information regarding other development options it has considered for the site. In particular, Members were seeking to establish whether other community uses had been considered. In addition, Members asked the applicant to provide further information regarding energy efficiency and details of how the scheme would address the issue of climate change.

**1.2** The applicant has now provided additional information in response to the request by Members. The submitted information is attached to this report (email from Andy Carr (i. GCC Senior Planning Coordinator, Asset Management & Property Services), dated 21.10.21; ii. 'Sustainability Statement' by Energist UK Ltd, dated 15.10.21).

**1.3** Subsequent to the meeting held in July, the Government has issued an updated version of the National Planning Policy Framework (NPPF). The new document results in changes to NPPF paragraph numbers referred to in the original Officer report. The principal changes are that paragraph 118 c is now paragraph 120 c, paragraph 193 is now paragraph 199 and paragraph 196 is now paragraph 202. The content of the aforementioned paragraphs in the new NPPF has not changed.

**1.4** With regard to financial contributions, Gloucestershire County Council Community Infrastructure (GCC) has undertaken a review of the contributions



it originally requested. It has submitted a new response which seeks to secure £128,753.94 towards primary education and £106,978.06 to secondary education. The contribution requests have been reduced from the £142,308.13 to primary education and £126,703.32 to secondary education originally sought. The reduction is in light of the findings of the Coombe Hill nr Tewkesbury appeal decision (APP/G1630/W/20/3257625) in which the Planning Inspector questioned GCC's calculation of Pupil Product Ratios.

**1.5 The report presented to the 7th July meeting was as follows:**

**2. Main Issues:**

- (a) Residential Development in a Development Boundary
- (b) Affordable and Self-Build/Custom Build Housing
- (c) Design and Impact on the Special Architectural and Historic Interest of a Listed Building
- (d) Impact on the Character and Appearance of Fairford Conservation Area
- (e) Access and Parking
- (f) Impact on Residential Amenity
- (g) Arboricultural Impact
- (h) Flooding and Drainage

**3. Reasons for Referral:**

3.1 This application has been referred to Planning and Licensing Committee following a request from Cllr Andrews. See attached reason.

**4. Site Description:**

4.1 This application relates to a parcel of land measuring approximately 0.95 hectares in size located in the western part of the town of Fairford. The site is located within Fairford Development Boundary.

4.2 The application site is occupied by a Grade II listed building and an associated range of post war modular buildings, hard surfaces and grassed areas. The site is presently vacant. However, it was last used by Gloucestershire County Council as a school providing county wide residential and day places for children and young people aged 9-16 with Social, Emotional and Mental Health needs (SEMH). The school closed in March 2017.

4.3 The majority of the north-western boundary of the site adjoins Milton Street which is one of the main roads running through the centre of Fairford. The aforementioned boundary measures approximately 110m in length and is defined by the principal elevation of Coln House, stone boundary walls and a bus shelter. A playground area located adjacent to Milton Street and to the north-east of Coln House is elevated approximately 1m above Milton Street. A further section of the north-western boundary of the site measuring approximately 43m in length is set back approximately 37m from Milton Street. The aforementioned boundary extends along the rear of residential properties and Fairford United Church. The aforementioned church and two of the dwellings (Annerley and The Manse) are designated as Grade II listed buildings.

4.4 The south-west boundary of the site adjoins Horcott Road. It measures approximately 75m in length and is defined by the side elevation of Coln House and high and low level stone walls. A car parking area is located adjacent to the south-western boundary and is visible from Horcott Road.

4.5 The south-eastern boundary of the site adjoins playing fields and is relatively open. The northern eastern boundaries of the application site adjoin residential properties.

4.6 The site is located partly within Fairford Conservation Area (CA). Coln House School and the land to its rear (south-east) are located within the CA. The modular buildings and playgrounds to the north-east are located outside the CA. The boundary of the CA extends along the north-western and north-eastern edges of the application site.

4.7 A Group Tree Preservation Order covers a section of the south-western part of the application. An Area Tree Preservation Order extends along the northern boundary of the application site.

4.8 The site is located within a Flood Zone I.

## **5. Relevant Planning History:**

### **5.1 Application Site**

CT.0056/F Erection of 1 No. Elliott demountable classroom. Permitted 1985

CT.0056/G Provision of Elliott-Medway hall. Permitted 1995

CT.0056/H LBC upgrading and replacement of doors and screens for fire precautions. Permitted 1997

CT.0056/J Construction of replacement school buildings and associated works. Refused 1999  
Glos County Council Application Withdrawn 2000

CT.0056/L Alterations to boundary walls. Permitted 2001

CT.0056/M Alterations to boundary walls. Permitted 2001

CT.0056/P Internal alterations to science laboratory. Permitted 2001

08/00348/CPO Provision of replacement Elliott classroom accommodation. Permitted 2008

08/01756/CPO Provision of replacement Elliott classroom block. Permitted 2008

09/01586/LBC Stonework repairs to porch. Permitted 2009

16/02149/LBC Re-building of section of stone wall to Milton Street. Permitted 2016

### **5.2 Applestone Court to south-west**

20/03972/FUL Conversion of former school building to 4no residential (C3) units with stair core extension and associated hard and soft landscaping. Permitted. February 2021

## **6. Planning Policies:**

DS2 Dev within Development Boundaries

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

EN10 HE: Designated Heritage Assets  
EN11 HE: DHA - Conservation Areas  
EN14 Managing Flood Risk  
EN15 Pollution & Contaminated Land  
INF2 Social & Community Infrastructure  
INF3 Sustainable Transport  
INF4 Highway Safety  
INF5 Parking Provision  
H1 Housing Mix & Tenure to meet local needs  
H2 Affordable Housing

## **7. Observations of Consultees:**

- 7.1 Gloucestershire County Council Highways: No objection
- 7.2 Gloucestershire County Council Lead Local Flood Authority: No objection
- 7.3 Gloucestershire County Council Archaeology: No objection
- 7.4 Gloucestershire County Council Community Infrastructure: Financial contribution requested towards primary and secondary education
- 7.5 Historic England: No comments
- 7.6 Tree Officer: No objection
- 7.7 Conservation Officer: No objection

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

- 8.1 Response dated the 21st January 2021 to plans originally submitted:

### **'(1) Loss of Community Infrastructure**

*8.1.1 Loss of a community facility when it has not been demonstrated that there is no local demand for the facility or demand for an appropriate, alternative community use for the facility (or replacement facilities or services are provided in and appropriate alternative location), contrary to CDLP policy INF2. The school did previously serve a function as community facility as well.*

*8.1.2 GCC has suggested that Fairford Town Council could take over the adjacent former playing field on a long-term basis. However, since discussions last year it has failed to pursue key questions we have raised about the terms on which we could do this with the Department for Education, who would be required to give their consent, or give necessary assurances about access and the potential for developing ancillary facilities among other things, which would be relevant to the sustainability of such an arrangement. There could be a need for access (and facilities) on the former school site itself. We are therefore not in a position to support this proposal.*

8.1.3 We would expect Gloucestershire County Council as a responsible public authority to do much better than this, rather than effectively stripping a public asset and giving no benefit to the local community in return. We note that GCC has already reaped significant financial benefits (including New Homes Bonus payments) from recent large housing developments in Fairford without offering or consulting the community on how these proceeds should be spent for local benefit in accordance with the intent of National policy on this.

## **(2) Design**

8.1.4 The proposal for 3 houses of 'contemporary' design at the eastern side of the development is contrary to CDLP policy EN2. The proposed design is of no particular architectural or environmental merit to justify this. Specifically, it does not require building standards that help to address the Climate Emergency.

## **(3) Impact on Heritage and Landscape/Townscape**

8.1.5 The proposal for the 3 'contemporary' houses at the eastern side of the development will harm the setting and significance of Fairford United Church (Grade II listed) as well as this part of the Fairford Conservation Area, and is therefore contrary to CDLP policies EN10 and EN11.

8.1.6 The modern houses, which would be on essentially greenfield land (apart from some former temporary structures, now removed), would obscure views of the United Church from the open land from the south and destroy its semi-rural setting. They would also be prominent in views from the Playing field and Horcott Road towards the centre of the town, detracting from views of the tower of the Grade I listed St Mary's Church above a wooded landscape. It should be noted that the playing fields are identified as an "important setting of the settlement" in the Study of Land Surrounding Key Settlements in Cotswold District (White Consultants, 2000). The design of any houses sited here needs to be sensitive to this, preferably blending into the landscape on what is a 'soft edge' of the town, not looking like modern barn conversions or Water Park 'pavilions' and trying to make a 'statement'.

8.1.7 The unsightly mess GCC have allowed to develop with modular buildings etc (essentially temporary) on the site, largely unscreened from the south, is no basis for judging the visual merits of what new development they might propose now.

8.1.8 The proposed '2018 Cotswold Design Code' design of the other new houses (apart from the 'contemporary' ones) is not consistent with other buildings either in Coln House itself or along Milton Street and as far as we are concerned is just more of the rather mediocre design we have seen of recent new developments both west and east of the town. Deep-footprint modern buildings with steep roof angles (which are functionally unnecessary if slate covering is used) result in disproportionately high roofs and are out of keeping with most traditional buildings in the immediate area, i.e. along Milton Street and Waterloo Lane.

## **(4) Archaeology**

8.1.9 The report on a partial archaeological evaluation in 1999 concluded (among other things):

"From the small area sampled in the evaluation it is not possible to suggest what form the structures would have taken, but further archaeological excavation may provide evidence for the layout of timber structures" ... "Features were recorded across the whole of the evaluated area, suggesting an extensive Anglo-Saxon settlement on the western edge of Fairford. The pottery suggests that the site is possibly contemporary with the early Anglo-Saxon cemetery to the north, but there may also be pottery from the later Anglo-Saxon period." ... "Any groundworks penetrating to more than 0.32m in depth would destroy significant archaeological deposits."

8.1.10 We would therefore suggest that a full archaeological investigation is needed before any development. This may provide significant finds of national as well as local interest.

**(5) The additional market housing is not needed in Fairford.**

8.1.11 This is already provided for quite adequately by housing site allocations in the Local Plan and the emerging Fairford Neighbourhood Plan as well as other windfall sites developable under policy DS2 of the Local Plan.

8.1.12 If there is a need for more housing that is already being provided for (which the Inspector on the recent Totterdown Lane appeal does not agree there is), it is particularly for smaller units and affordable accommodation.

8.1.13 There are potential implications for the risk of sewage flooding in the Horcott area, where this has been a problem in the past, since the recent uprating for the development south of Cirencester Road did not take account of this additional development. The adequacy of the capacity would need to be confirmed with the sewage undertaker (Thames Water).

**(6) Other Comments**

8.1.14 The continued sustainability of Fairford depends on maintaining an appropriate balance of housing, economic activity and community facilities, and we would expect GCC as a responsible local authority to give this due consideration. Its economic strategy continues to be focused on Gloucester, Cheltenham and the M5 corridor to the detriment of other areas.

8.1.15 Coln House School was an important employer in the town, and we are disappointed that no consideration seems to have been given to including at least some potential office space for local small businesses within the buildings as part of the proposals, as has been suggested in our response to the public consultation and the draft Fairford Neighbourhood Plan, to compensate for this loss. The school office was located in the building immediately adjacent to the cross-roads, and this is clearly a less environmentally desirable location for a large private dwelling as is proposed.

8.1.16 Alternatively, the site has also been suggested as a possible one for community facilities (to replace the one lost to a speculative planning application on London Road), potentially including a replacement or additional doctors' surgery, if the existing one no longer has sufficient capacity to serve the needs of the growing town in the future, or other community use.

8.1.17 The site is particularly well located in this respect for those living at the western end of the town and in Horcott. The current proposals would effectively sterilise these possibilities

for the Coln House site itself, although other limited possibilities for sports or community related facilities may be feasible on the adjoining playing fields.

8.1.18 As we said in our response to the public consultation, we also think it would be helpful if pedestrian access towards the town centre from the Coln House site could be provided either directly onto Milton Street or via Waterloo Lane, to give a shorter route, rather than relying on a route via the entrance on Horcott Road.'

## **Response dated the 7th June 2021**

8.1.19 'Fairford Town Council strongly disagree with parts of the Conservation & Design Officer's report (27 May) and the recommendation.

8.1.20 The attached photo view is more representative of the 'setting' of Fairford United Church (and St Mary's from this direction) than the 'Indicative Street View'. This will still be significantly impacted by the new design and layout of the 3 'contemporary' houses.

8.1.21 While the reduction in scale of both the proposed 'contemporary' buildings and the central block is to be welcomed, so that they no longer compete with and detract from the setting and significance of the heritage buildings to the same extent, what they have ended up with looks like 'more of the same' from the new estates, which in no way meets the requirement of CDLP policies EN2 and EN4 to consider the local character of the particular context.

8.1.22 The proposed 3 'contemporary' houses neither follow "an authentic vernacular and traditional approach, in line with the local architectural character" nor are they "designed in a high quality contemporary and innovative manner, which reflects and respects local character" (CDLP para 10.2.11).

8.1.23 It should also be pointed out that the new central block design now has the undesirable (and non-vernacular) tall slate roofs mentioned previously, because of the wide plan depth, making them more prominent in the townscape and almost inevitably leading to loft conversions and a 2 1/2 (i.e. effectively 3) storey result unless PDR are restricted as part of any permission. There are plenty of examples of low-pitched slate roofs on 18th/19th century terraced cottages and other houses in the older parts of Fairford (as well as the United Church itself), as the Conservation & Design Officer should be aware.

8.1.24 The Conservation & Design Officer's report is now contradictory in parts, because the comments on the original design have been retained along with the new additions.'

## **9. Other Representations:**

### **Objections and 1 general comment received to plans originally submitted:**

9.1 Main grounds of objection were:

- i) The town has changed for a small semi-rural town to become urban and increasingly sprawling. What was once a characterful Cotswold town is being overtaken by new builds which have started to affect the attractiveness of the many listed buildings.

- ii) The volume of traffic on Milton Street, Horcott Road and Coronation Street has increased significantly causing often dangerous queueing, frayed tempers and damage to cars. Removing existing parking is not an option as due to the nature of the older properties there is often no off road parking and the existing parking supply is insufficient. The junction is difficult to navigate at rush hour and pushes overflow traffic around the unsuitable mill pond route which is turn is damaging the environment and posing risk to children who use the route for school.
- iii) Flooding is becoming a real problem and further building will make this worse. The drainage system around Horcott Road, Coronation Street and Milton Street is simply not sufficient to provide for the existing houses. Adding more properties will aggregate this further.
- iv) The proposed houses will look directly into the upper floor of our house causing privacy issue. The aspect over the single storey buildings on site will disappear and we will not be able to see the playing field and open aspect towards Horcott.
- v) The existing town infrastructure is stretched and facilities are limited. Additional facilities promised as a part of earlier developments have not come to fruition. In a time of increased need for medical services increasing the stretched supply further is potentially dangerous.
- vi) Much wildlife still lives in and around the proposed site. The development will push this away to new habitats.
- vii) We support the comments made by the town council in questioning the need for more building. Newer sites are often bought by landlords for financial gain and do not serve the local community. Larger houses re-sell quickly and residence can be transitory and not supporting the infrastructure of the town itself.
- viii) The needs of local residents for a sustainable infrastructure and the need to protect the character and attractiveness of the town need to upheld over commercial gain.
- ix) This is a conservation area populated with beautiful Grade II listed properties. These proposals are not in any way in keeping with the surroundings and will devalue an important part of this historic town.
- x) The level of traffic is causing a decrease in air quality.
- xi) An excess of new house building has already taken place in Fairford causing an unacceptable overload of the sewage system.
- xii) Loss of community infrastructure.
- xiii) Adverse impact on heritage and townscape.
- xiv) Any development of the Coln House site should definitely not exacerbate existing problems. New residents and their visitors must have enough parking within the development not to have to try to use Milton Street. If a Coln House site development included a road along the back of our property and adjoining ones, we and our neighbours would be able to gain rear access. This would have the double benefit of reducing the pressure on local on-road parking and making it possible for us to charge (and, therefore, run) electric vehicles. We understand that this final point is in line with the Cotswold District Council's recent Electric Vehicle Charging Strategy (mentioned in the Cabinet Meeting Notes of the meeting on January 4th 2021), which is designed to be the first step in the development of a comprehensive Sustainable Transport Strategy for the district.
- xv) I am objecting specifically to the development of the 17 new houses, not the 7 properties that would use the existing old building. Fairford has seen huge building development over the last 10 years or so, which has changed the feel of the market town. There is simply no need for more new houses of this type.
- xvi) It is starter homes that are needed for hard-working locals to be able to afford their first home.

## 9.2 General Comments

i) For and behalf of Fairford Rugby Football Club. We as a club agree with the Fairford Town Council Objection and in particular point 1, regarding loss of community resource. I, on behalf of the club which is an active part of the town community would strongly support community use and development of the site by the developers for the benefit of all sports clubs and the community within Fairford.

## 9.3 No responses to amended plans

## 10. Applicant's Supporting Information:

- Ecological Appraisal
- Design and Access Statement
- Flood Risk Assessment
- Technical Report: Historic Building Survey
- Heritage Statement
- Archaeological Evaluation
- Planning Statement
- Transport Statement
- Tree Survey

## 11. Officer's Assessment:

### Background and Proposed Development

11.1 The application site was used previously for education purposes in connection with the adjacent Applestone Court which is located to the south-west of the application site. Both school sites were closed by Gloucestershire County Council (GCC) in 2017 with the result that this application site and the Applestone Court site are now vacant.

11.2 By way of background, the applicant's Planning Statement states:

*'Coln House, with next-door Applestone Court, is part of the former Coln House School. The school provided countywide residential and day places for children and young people aged 9-16 with Social, Emotional and Mental Health needs (SEMH). Coln House School formally closed on 31 March 2017 following a statutory process carried out by Gloucestershire County Council (GCC) which began in 2016; both the location of the school and its buildings were not suitable for meeting the more complex needs of the children.*

*11.3 Since Coln House School was closed GCC has been developing options to look at focussing on more bespoke provision to meet the needs of children and young people (CYP) with SEMH in Gloucestershire, with a focus to offering more local provision to where they live. A key part of this strategy is the construction of a bespoke 75 place free school designed specifically to meet SEMH needs with a more therapeutic and holistic approach (rather than purely academic as was previously offered by Coln House School). The School will open in 2022 and will be more readily accessible to where the greatest area of need is located across Cheltenham and Gloucester. The new school will complement the existing additional multi agency support for mainstream schools and independent providers in meeting the needs of children and young people with SEMH needs.'*



11.4 GCC is now looking to convert this site and the adjacent Applestone Court site into residential use. A separate planning application (20/03972/FUL) has been approved for the conversion of Applestone Court to 4 dwellings. This application relates solely to the conversion of Coln House School and the erection of new housing within its grounds.

11.5 The applicant is seeking to convert the Grade II listed Coln House into 7 dwellings. The proposed dwellings will comprise 1 x one bed apartment, 2 x two bed apartments, 1 x two bed house, 1 x three bed maisonette, 1 x five bed house and 1 x six bed house. It is also proposed to erect 17 new build dwellings in the grounds of the school in place of existing modular buildings. The proposed dwellings will be 2 storey units and will comprise 2 x 1 bed apartments, 1 x two bed dwelling, 11 x three bed dwellings and 3 x four bed dwellings.

11.6 The applicant is seeking to remove a number of post war modular buildings to enable the erection of the new build housing.

11.7 With regard to the principal listed building, the proposed conversion will primarily involve internal alterations to the building. External alterations primarily consist of the removal of external fire escape staircases, the re-instatement of a door to give access to a cycle store, the re-roofing of a conservatory and the replacement of a second storey fire escape door with a sash window to match existing. With regard to internal changes, the applicant is seeking to retain historic features. A number of new internal partitions are proposed, in addition to the removal of modern partitions. A new staircase will be introduced to access the second floor.

11.8 With regard to the new build dwellings, Plots 1-14 will be arranged in a U-shaped form around a central courtyard. Plots 15-17 will be located to the east of the Plots 1-14.

11.9 Plots 1-4 will take the form of a terrace and will be set back approximately 42m to the east of Horcott Road and approximately 26m to the south-east of the principal listed building. The front of the terrace will face to the east and it will measure approximately 26m in length by 7.9m in height.

11.10 Plots 5-12 will be arranged in 2 terraces, each containing 4 dwellings. The terraces will be separated by an access path measuring approximately 1.6m in width. The front of the dwellings will face to the south. In combination, the terraces will measure approximately 53.5m in length. The height of the dwellings within the terrace will measure between approximately 7.6m and 8.7m. The terraces will be set back approximately 20m from Milton Street to the north. The western end of the terrace will be located approximately 10m from the listed building.

11.11 Plots 13 and 14 will lie to the south-east of Plots 9-12 and will face to the west. The frontage of the aforementioned plots will measure approximately 16.5m. The height of the units will be approximately 7.7m.

11.12 Plots 15-17 will comprise 3 detached dwellings and will be located in the north-eastern part of the application site. The proposed units will each measure approximately 8m in height. A 3 bay garage building measuring approximately 9.8m long by 4.4m in height will serve the aforementioned dwellings.

11.13 The external walls of Plots 1-14 will be constructed in natural stone. The roofs will be covered with blue slate. The external walls of Plots 15-17 will be constructed in a mix of natural stone and timber cladding. The roofs will be covered with a grey standing seam metal sheeting.

11.14 A total of 60 car parking spaces (plus 3 garage spaces) will be provided as part of the development. Vehicular access to the development will be via the existing school access onto Horcott Road to the south-west.

11.15 The size and design of the proposed dwellings has been amended following discussions with Officers. Plots 1-4 have been changed from a terrace of 4 dwellings to a terrace of 2 dwellings and 2 apartments in order to lessen the impact of the proposal on a protected beech tree and to prevent overshadowing by the aforementioned tree. Plots 5-12 have been reduced in size and split into 2 terraces rather than a single terrace. A number of the original units included a third storey which has now been removed. Plots 15-17 have been reduced in size and re-positioned to form a line of dwellings rather than a group of buildings set around a cul-de-sac. The applicant has also agreed to use natural stone rather than re-constituted stone for the external walls of the dwellings.

#### **(a) Residential Development in a Development Boundary**

11.16 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 an application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

11.17 The application site is located within Fairford Development Boundary as designated in the aforementioned Local Plan. New development in such locations is primarily covered by the following Local Plan policy:

#### **11.18 Policy DS2 Development Within Development Boundaries**

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

11.19 The introduction of residential development onto the site is acceptable in principle. Notwithstanding this, in order for a scheme to be acceptable it also has to accord with other policies in the Local Plan. The following paragraphs and sections will cover the other issues arising from the proposed development.

11.20 The site has an established use as an educational facility. It therefore constitutes a social/community facility for the purposes of Local Plan Policy INF2: Social and Community Infrastructure. Criterion 2 of Policy INF2 states:

*'2. Planning permission for development which results in the loss of a local community facility or service, including an open space, will be permitted provided:*

- a. *it is demonstrated that there is no local demand for the facility or service, or demand for an appropriate, alternative local community use for the facility; or*
- b. *replacement facilities or services are provided in an appropriate alternative location having regard to the requirements of Clause 1 above.'*

11.21 The school was closed in 2017 and has therefore been vacant for a number of years. It is surplus to GCC requirements. GCC is intending to provide alternative facilities at a site near Gloucester which will address the county's needs in relation to the education services previously provided on this site. In addition, no proposals have come forward to develop the site for alternative education or social/community facilities in the period since the school closed. It is considered that there is no reasonable demand for the existing facility as either an education facility or an alternative community facility. It is considered that the proposal does not conflict with the requirements of Policy INF2.

11.22 It is noted that Fairford Town Council is in the process of producing a Neighbourhood Plan. Paragraph P16.3 of the draft plan states that *'Proposals for a change of use of Coln House School, as shown on the Policies Map, from its established C2 (residential institutions) use will only be supported if they comprise the reuse and/or conversion of the site to include B1 business and/or community uses'*. However, the plan is currently at the Regulation 14 pre-submission stage. It has not yet reached the Regulation 16 publicity stage. As such, it can be attributed very limited weight at the present time. Paragraph 48 of the National Planning Policy Framework (NPPF) states that *'the more advanced its preparation, the greater the weight that may be given'*. Planning Practice Guidance (PPG) also explains that *'where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF.'* (PPG Paragraph: 007 Reference ID: 41-007-20190509). At the time of writing this report, the Neighbourhood Plan has not reached the aforementioned publicity stage. Consequently, the Local Plan is the most recently adopted plan (2018). The PPG states that *'should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'* (PPG Paragraph: 044 Reference ID: 41-044-20190509).

11.23 Whilst the comments of the Town Council regarding the development of the site for community purposes are noted, the proposal does not conflict with Local Plan Policy DS2 or the provisions of Local Plan Policy INF2 with regard to the loss of community facilities.

11.24 In addition to the above, paragraph 118 c of the National Planning Policy Framework (NPPF) states that planning decisions should *'give substantial weight to the value of using suitable brownfield within settlements for homes and other identified needs.'* The aforementioned guidance is a significant material consideration.

11.25 The concerns raised by Cllr Andrews about the potential loss of playing fields to the south-east of the site are noted. In response to the concerns raised, the applicant states:

*'The former school playing fields are not affected by the proposals. GCC has granted under licence use of the fields for a number of years to Fairford Rugby Club and Fairford Youth Football Club. This use will be protected under the terms of The Secretary of State for Education's consent for disposal of the remainder of the site under S77 of The School Standards and Framework Act.'*

11.26 GCC initiated discussions with Fairford Town Council in 2018 following closure of the school with a view to the Town Council taking over management of the playing fields for use by the local community under a long lease. These discussions are ongoing.

11.27 In any event the former school playing fields will remain available for use by the local community under the terms of the S77 consent and under the management of either the Town Council or GCC.'

11.28 The playing fields and open space lying to the south-east of the application site are protected by other legislation and agreements that fall outside the scope of the planning system. GCC is required to maintain the land for recreational purposes unless it obtains the separate agreement of the Secretary of State for Education. It is considered that the development of the current application site can be dealt with independently of the land to the south-east without prejudicing the availability of the playing fields as a recreational space.

#### **(b) Affordable and Self-Build/Custom Build Housing**

11.29 This application seeks permission for more than 10 dwellings and is therefore subject to the requirements of Local Plan Policy H2: Affordable Housing. Policy H2 seeks to secure up to 30% on-site affordable housing provision. However, in considering the level of affordable provision on the site, it is also necessary to have regard to national guidance and, in particular, the Vacant Building Credit (VBC). Paragraph 026 (Reference ID:23b-026-20190315) of the Planning Practice Guidance (PPG) is a significant material consideration and states:

*'National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.'*

11.30 The current proposal will enable the re-use of a redundant building and the removal of a number of other buildings. The guidance on VBC establishes that the floorspace of the existing and removed buildings can be offset against the floorspace of the proposed development. In the case of this proposal, the floorspace of existing development is approximately 2391sq metres and the floorspace of the amended scheme is approximately 2730 sq metres. The overall increase in floorspace results in a requirement to provide 0.89 affordable dwellings. As the figure is below 1, it is considered reasonable to accept a financial contribution in lieu of on-site provision. A figure of £116,812.50 has been agreed with the applicant and is considered to be acceptable.

11.31 In addition to the above, the proposed development will be required to provide 1 self-build/custom house build plot. This is in accordance with Local Plan Policy H1 which seeks to secure 5% provision on schemes of more than 20 dwellings.

#### **(c) Design and Impact on the Special Architectural and Historic Interest of a Listed Building**

11.32 This application involves the conversion of a Grade II listed building and the erection of development within its curtilage.

11.33 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight and importance must be given to the aforementioned legislation.

11.34 The following policies and guidance are considered applicable to this application:

11.35 Local Plan Policy EN1 Built, Natural and Historic Environment states:

*'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*

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

11.36 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.'*

11.37 Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. i *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*

2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*

11.38 Policy EN10 Designated Heritage Assets states:

- 1. 'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.'*

2. *Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.*
3. *Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:*
  - *The importance of the asset;*
  - *The scale of harm; and*
  - *The nature and level of the public benefit of the proposal.'*

11.39 Paragraph 193 states '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*'

11.40 Paragraph 196 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*'

11.41 The principal listed building predominantly dates from the early 19th Century, although part of the building dates from the 18th Century. The building is located in the northern part of the site adjacent to the A417. The building is 2-3 storeys in height and has a formal, institutional appearance. It is constructed in natural stone and is characterised by hipped roofs and sash windows. The area of the site around the building reflects its previous educational use and consists of hard/grassed surfaces, parking areas and modular school buildings.

11.42 The submitted scheme seeks to convert the listed building to 7 dwellings consisting of a mix of dwellinghouses and apartments. The scheme has sought to utilise much of the internal layout of the building and to retain historic features and room layouts where possible. A number of modern partitions are to be removed and new partitions introduced in certain areas. An internal staircase will be installed in the western part of the building to facilitate access from the first floor to the second floor of the building. The applicant has agreed to retain a historic partition on the ground floor following discussions with the Conservation Officer. With regard to external changes, the applicant is proposing to remove two external fire escapes, to replace a second floor fire escape door with a sash window and to add slate to the roof of a conservatory building.

11.43 It is considered that the proposed alterations respect the historic character and appearance of the building. The floor layout of the building means that it is capable of conversion without having an adverse impact on features of historic or architectural importance. The removal of the fire escapes and fire door are also considered to enhance the appearance of the building. Land to the rear of the building will be landscaped and turned into private and communal garden space. The landscaping will replace existing hard surfaced areas and is considered to represent a betterment in terms of the building's setting.

11.44 With regard to the new build development, the proposed scheme will remove a number of post war modular buildings and associated playgrounds and school infrastructure. The majority of the proposed dwellings will be set around a central courtyard and will have the appearance of traditional terraces. Amendments to the design of the scheme also mean that the scale and mass of Plots 5-12 has been reduced. The aforementioned plots therefore appear more subservient to the principal listed building than those originally proposed.

11.45 The roof pitches of the dwellings have been reduced to reflect the pitches typically seen on houses with blue slate roofs. The roof pitches are approximately 38 degrees. Blue slate is typically used on pitches of below 45 degrees. Stone tiles tend to be used on pitches of over 45 degrees. In addition, the gable depths of a number of dwellings have also been reduced. Plots 1-4, 5, 12 and 13-14 have spans of approximately 5.8m and 6.8m, which is considered to be a traditional gable depth. Plots 6-11 have wider depths of approximately 8.8m. However, the end gables are joined by narrower spanned properties which break up the mass and width of the wider spans. The proportions of the proposed dwellings are considered appropriate for the site and its setting.

11.46 The arrangement and design of Plots 1-14 is considered to respond sympathetically to their setting within the grounds of a listed building. In addition, the aforementioned plots have a relatively plain and uniform appearance which is considered to reflect the character of traditional Cotswold terraces and which is not unlike a development of almshouses.

11.47 Plots 15-17 are more modern in appearance. However, they are set further away from the principal building and will be separated from it by Plots 1-14. Following a reduction in the size of the plots, the units are considered not to detract from the setting of Coln House. The dwellings are located adjacent to the Grade II listed Fairford United Church. Two other listed buildings (The Manse and Annerley) are located adjacent to the north-western boundary of the site. The re-positioning of Plot 15 to the east reduces the impact of development on the aforementioned dwellings and retains views through to the buildings. It is noted that Plots 15-17 will lie to the rear of the church. However, the setting of the church is already affected by existing educational development. Its historic context has therefore been compromised to a certain extent. Residential development also lies to the either side of the building. On balance, it is considered that Plots 15-17 will not have an adverse impact on the setting of the listed church.

11.48 With regard to the design of Plots 15-17, 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'*. It is considered that the design of Plots 15-17 references traditional building forms in a modern manner and is appropriate for this particular part of the application site.

11.49 The proposed scheme incorporates green space and new landscaping within the development which are considered to enhance the appearance of the site.

11.50 It is considered that the proposed scheme will sustain and enhance the character and setting of the listed building and secure the long term viable use of the building as a heritage asset. The proposal is considered to accord with Local Plan Policies EN1, EN2, EN10 and guidance in Section 16 of the NPPF.

### **(c) Impact on the Character and Appearance of Fairford Conservation Area**

11.51 The western and northern parts of the application site are located within Fairford Conservation Area (CA).

11.52 With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

11.53 In addition, to Local Plan Policies EN1, EN2, EN4 and EN10 and guidance contained in Section 16 of the NPPF previously referred to in this report, the following Local Plan policy is also applicable to this proposal:

11.54 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

*'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:*

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;*
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*

11.55 The application site occupies a roadside position adjacent to the main road leading through the town. The northern boundary of the site is defined by the principal listed building and stone walls. The site is elevated approximately 1m above the level of Milton Street. The western boundary of the site lies adjacent to Horcott Road. It is defined by the western elevation of the listed building and roadside stone walls.

11.56 The character of the existing site is heavily influenced by its recent educational use. The hard and soft landscaping, modular buildings and parking areas all reflect its established use. Moreover, land to the south-east of the site is currently used as playing fields and has an educational/recreational character.

11.57 With regard to the area of the site within the CA, the land is defined by the Grade II listed Coln House and associated parking space. Two roadside trees and a beech tree are also prominent features within the CA. The proposed scheme seeks to replace a parking area with new soft landscaping including tree planting. The proposal will therefore remove areas of hard surfacing and replace them with an increased level of green infrastructure. The existing trees will also be retained and the listed building will retain its existing external appearance. Overall, it is considered that the proposal will result in an enhancement of the character and appearance of this part of the CA.



11.58 With regard to the area of the site adjacent to the CA, the proposal will result in the removal of a number of post war modular buildings and their replacement with dwellings of a traditional design constructed in natural stone. The new build elements will be located outside the CA. Plots 1-14 will have a relatively plain and simple character, which in combination with their terraced form and courtyard arrangement, is considered to respond sympathetically to traditional building patterns. The set back positions of the respective dwellings from Milton Street and Horcott Road also means that the buildings will not appear unduly prominent when viewed from public vantage points. The new build houses will have the appearance of traditional terrace development when viewed from the aforementioned roads. It is considered to represent a form of development which is respectful of the building types lying alongside the main road leading through the centre of this part of the settlement. The size, scale and design of the proposed dwellings is also considered to respond more sensitively to the CA than the existing former educational buildings and associated development that currently lie adjacent to the heritage asst.

11.59 Plots 15-17 are located in the north-eastern corner of the site and will be subject to limited public view. The change to the size and layout of the aforementioned plots is considered to reduce their impact on the adjacent CA and not to have an adverse impact on its setting, especially when taking into consideration the existing character and appearance of the application site.

11.60 When viewed from the playing fields to the south-east and from the approach into the town along Horcott Road, also to the south-east, the proposed development will be seen in context with existing development in the town. In addition, the proposal will not result in an encroachment of development into the open space to the south-east. The 2 storey form of the new housing is considered not to be out of scale with existing development in the vicinity of the site. A group of four 2 storey post war dwellings are already located between the playing fields and the south-eastern boundary of the application site. The setting of the town when viewed from the south-east is therefore already influenced by existing residential development. It is considered that the proposed development will not have an adverse impact on the setting of the CA.

11.61 The buildings proposed for removal are considered not to be of any historic or architectural significance and no objection is raised to their demolition/removal.

11.62 Overall, it is considered that the proposed development will enhance the character and appearance of the CA in accordance with Local Plan Policies EN1, EN2, EN4, EN10 and EN11 and guidance contained in Section 16 of the NPPF.

#### **(e) Access and Parking**

11.63 The proposed development will be served by an existing vehicular access located on Horcott Road to the south-west. The entrance is currently characterised by an entrance apron measuring approximately 11m in width which narrows to a width of approximately 4-4.5m. A 1m high stone wall extends from the highway to the aforementioned entrance point. The applicant is seeking to remove a section of the wall measuring approximately 2-3m in length in order to increase the width of the access. The proposed access width is considered suitable to accommodate passing vehicles and larger service vehicles. Access visibility along the lane is also considered satisfactory and to meet the minimum requirement of 43m in each direction. The internal layout of the site can accommodate the Council's refuse vehicles.

11.64 The vehicular entrance point is located approximately 80m to the south-east of the junction of Horcott Road with the A417. The junction also serves Coronation Street to form a crossroads. Access visibility from Horcott Road is partly restricted to the east by roadside buildings. However, when considering accessibility, it is also necessary to have regard to the established use of the site and the level of traffic that could be generated by the existing educational use compared to the proposed residential scheme. For example, the submitted Transport Statement indicates that the former school use generated 82 two way vehicle movements in the peak AM period from staff and pupil drop off movements. The proposed residential use is predicted to generate 13 two way movements in the same period. The proposed development is predicted to generate fewer vehicle movements than the established use of the site.

11.65 Comments regarding increased traffic movements arising from other development in the Fairford area are noted. However, as previously stated the current proposal will generate fewer vehicle movements than the established use of the site and is therefore considered to represent a betterment in terms of traffic generation. Whilst vehicular activity on the local road network may increase as a result of other developments, the current proposal will not increase vehicle movements above that which could be generated by the established educational use.

11.66 The site is within reasonable walking and cycling distance of a range of services and facilities within the town. Bus stops are also present on the A417 to the north-west of the site. Future occupiers of the development will not therefore be dependent on the use of the private motor vehicle to undertake day to day activities.

11.67 With regard to car parking, the proposed scheme will provide 60 car parking space and 3 garage spaces. The proposed parking will serve the 24 proposed dwellings and 4 existing dwellings located adjacent to the south-eastern boundary of the site. The proposed level of car parking meets the guidelines set out in the Council's Parking Toolkit as recommended in Local Plan Policy INF5.

11.68 Comments from local residents relating to the creation of a vehicular access through the site to the rear of their dwellings to the south of Milton Street are noted. However, no such access currently exists and there is no requirement in policy terms for the applicant to create such an access to serve other dwellings on third party land. The proposal will not result in the creation of displacement parking on the public highway and will not cause a highway safety issue in this respect. Whilst it is noted that residents of existing adjacent properties who park on the main public highway have a difficulty in charging electric vehicles, it would not be reasonable to address an existing problem unrelated to this development through this planning application.

11.69 It is considered that the proposed development can be undertaken without having an adverse impact on access, highway safety or parking. Gloucestershire County Council Highway Officers raise no objection to the application. The application is considered to accord with Local Plan Policies INF4 and INF5.

#### **(f) Impact on Residential Amenity**

11.70 The proposed dwellings will be provided with an area of outdoor garden space commensurate with the size of the respective units. Outdoor space will also be provided for

the proposed apartment units. It is considered that an adequate level of outdoor space will be provided as part of the development scheme in accordance with guidance in the Cotswold Design Code.

11.71 The floor areas of the proposed units meets the minimum space requirements set out in the nationally described space standards as advised by Local Plan Policy H1.

11.72 The distance between facing windows of dwellings within the scheme and in relation to existing properties adjacent to the site is in excess of the 22m minimum distance set out in the Cotswold Design Code. The proposed development does not breach the guidelines on light set out in BRE document IP23/12 Site Layout Planning for Daylight.

11.73 The proposed development is considered to be acceptable in terms of its impact on residential amenity.

### **(g) Arboricultural Impact**

11.74 The south-western and north-western parts of the application site are subject to group and area Tree Preservation Orders (TPO) respectively. The south-western TPO covers 2 beech trees and a false acacia. The north-western TPO extends over an area of roadside vegetation that lies between an existing playground and the A417.

11.75 With regard to the south-western area, Officers initially had concerns about the proximity of Plots 1-4 to an attractive beech tree that was located to the rear of Coln House School. There were concerns that the canopy spread of the tree could cause loss of light and overshadowing to future residents of the aforementioned dwellings. In response, the applicant has reduced the length of Plots 1-4 in to ensure that a greater degree of separation of achieved between the tree and future occupants of the respective dwellings.

11.76 With regard to the north-western area TPO, the proposed development is set back sufficient from the protected area in order to avoid any harm to trees within the designated area.

11.77 The Council's Tree Officer has assessed the proposal and raises no objection to the application subject to conditions covering compliance with recommendations in the submitted

arboricultural report and the installation of tree protection measures prior to construction. The proposal is considered to accord with Local Plan Policy EN7.

### **(h) Flooding and Drainage**

11.78 The application site is located within a Flood Zone 1 which is the lowest designation of flood zone and one in which new residential development can be acceptable in principle.

11.79 The proposed development seeks to remove a number of hard surfaces which will result in a reduction in the amount of impermeable surfaces within the site. In addition, infiltration tests indicate that on-site infiltration can be used on the site. An attenuation basin will be created in the courtyard area in addition to soakaways serving individual dwellings and the creation of additional soft landscape areas.

11.80 Gloucestershire County Council in its role as Lead Local Flood Authority has assessed the application and raises no objection to the proposal.

11.81 It is considered that the proposed development can be undertaken without having an unacceptable impact on flooding and drainage in accordance with Local Plan Policy EN14.

## **Other Matters**

11.82 Gloucestershire County Council Archaeology has assessed the application and notes that archaeological evaluations in 1999 and 2018 noted the presence of features associated with Anglo-Saxon settlement remains. GCC recommends that '*a programme of archaeological investigation is made a condition of planning permission*'. Subject to the attachment of such a condition, GCC Archaeology has no objection to the application.

11.83 This application is accompanied by an Ecological Appraisal which has undertaken surveys of the site and the interior of buildings. No evidence of protected species was found within the application site. In addition, features such as trees and boundary planting will be retained. Additional soft landscaping will be introduced as part of the scheme and measures such as the installation of bird and bat boxes can be secured by way of condition. It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat. The proposal will also bring about biodiversity enhancements. It is considered that the proposal accords with Local Plan Policy EN8.

11.84 Gloucestershire County Council Community Infrastructure has identified that primary and secondary education infrastructure will need to be improved to accommodate the child places arising from the proposed. It has recommended that contributions of £142,308.13 to primary education and £126,703.32 to secondary education are secured. The contributions are considered to be directly related to the development proposed and necessary to make the development acceptable in planning terms. The proposed contribution requests are therefore considered reasonable having regard to paragraphs 56 of the NPPF and 122 of the Community Infrastructure Levy Regulations 2010.

11.85 This application is liable for a payment under the Community Infrastructure Levy (CIL) and there will be a CIL charge payable. 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.

## **12. Conclusion:**

12.1 Overall, it is considered that the proposed development represents the sustainable re-development of a redundant brownfield site. The scheme will secure the viable long term use of a listed building and also bring about enhancements to the setting of the conservation area. In addition, the proposal is considered not to have an adverse impact in terms of highway safety, parking, residential amenity, flooding and drainage or protected species. It is therefore recommended that the application is granted permission.

## **13. Proposed conditions:**

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

5875-P-130 A, 5875-P-131, 5875-P-132, 5875-P-175, 5875-P-176, 5875-P-1200 B, 5875-P-1201 C, 5875-P-1202 B, 5875-P-1203 B, 5875-P-1204, 5875-P-1205, 5875-P-1206, 5875-P-1600 C, 5875-P-1700 B, 5875-P-1701 C, 5875-P-1702 B, 5875-P-1703 B, 5875-P-1704 B, 5875-P-1705 B, 5875-P-1706, 5875-P-1205, 5875-P-1750 C, 5875-P-110 H.

**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 Policies EN2, EN10 and EN11, 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 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 and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, 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. All door and window frames in the new build dwellings hereby permitted shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

6. No bargeboards, exposed rafter feet or eaves fascias shall be used in the proposed development.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

7. No new external windows and doors including finish, head and cill treatments, eaves & verge details, chimneys, porches, bay windows, garage doors, fencing and railings, gates, new boundary walling including capping shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

8. Prior to the first occupation of each new build dwelling hereby permitted, external windows and doors in each respective dwelling shall be finished in their entirety in a colour/finish that has first been approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

9. Prior to the first occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4, EN10 and EN11.

10. The entire landscaping scheme shall be completed by the end of the planting season (1st October to 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, EN4, EN10 and EN11.

11. 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, EN4, EN10 and EN11.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan 21011.502 A shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

13. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report: Arboricultural Survey, Impact Assessment, Tree Protection

Plan and Method Statement by MHP Ref: 21011\_COLN HOUSE SCHOOL, FAIRFORD\_TS AIA TPP AMS\_V2.

All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

14. Prior to the first occupation of the development hereby permitted, electric vehicle charging points shall be installed fully in accordance with details and a scheme to be agreed in writing by the Local Planning Authority. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

**Reason:** To promote sustainable travel and healthy communities in accordance with Local Plan Policy INF3..

15. Prior to the first occupation of the development hereby permitted, the vehicular accesses shall be laid out and constructed in accordance with the submitted plans with any gates situated at least 5.0m back from the carriageway edge of the public highway and hung so as not to open outwards towards the public highway, and shall be retained as such thereafter.

**Reason:** In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic in accordance with Local Plan Policy INF4..

16. No building hereby permitted shall be occupied until car/vehicle parking areas and turning spaces have been completed in accordance with the approved plans and the areas shall thereafter be kept free of obstruction and available for the parking of vehicles associated with the development.

**Reason:** To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard in accordance with Local Plan Policies INF4 and INF5.

17. Prior to the commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- i) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles; and
- viii) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development. It is important that these details are agreed prior to the commencement of development as any on site works could have implications for highway safety having regard to Local Plan Policy INF4.



18. The development hereby approved shall not be brought into use until 4 accessible car parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

**Reason:** To provide safe and suitable access for all users in accordance with Local Plan Policy INF5.

19. The development shall be completed in accordance with the recommendations in Section 4 of the Ecological Appraisal report dated 20th September 2020 (ref. 1899, version 1.1) prepared by All Ecology Ltd, as submitted with the planning application, including precautionary mitigation measures for bats, nesting birds and small mammals (such as hedgehogs). All the recommendations shall be implemented in full according to the specified timescales.

**Reason:** To ensure that bats, birds and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 to 175 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

20. Before the first occupation of any of the dwellings hereby permitted, a scheme for biodiversity enhancement shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter implemented, retained in accordance with the approved scheme. The scheme shall include the incorporation of bat, bird, bee and hedgehog boxes, hedgehog gaps beneath fences, deadwood piles for invertebrates, native hedgerow (or tree/shrub) planting, the creation of a wildlife pond (where possible) and the creation of wildflower meadow or species-rich tussocky grassland areas. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of features or measures to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and, where appropriate, the elevation of the features or measures to be installed or undertaken;
- iv. Confirmation of when the features or measures will be installed within the construction or operational phases of the development permitted; and
- v. A 10-year biodiversity management plan.

**Reason:** To provide biodiversity enhancements in accordance with Policy EN8 of the Cotswold District Local Plan, paragraphs 170(d), 174 (b) and 175(d) of the National Planning Policy Framework and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

21. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

22. Notwithstanding the provisions of Schedule 2 Part 1 Class A and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings shall be erected or constructed within the application site other than those permitted by this Decision Notice.

**Reason:** In order to preserve the setting, character and appearance of a Grade II listed building and Fairford Conservation Area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN10 and EN11.

23. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no walls, fences, gates, gate piers or other means of enclosure shall be erected or constructed within the application site other than those permitted by this Decision Notice.

**Reason:** In order to preserve the setting, character and appearance of a Grade II listed building and Fairford Conservation Area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN10 and EN11.

#### **Informatives:**

1. 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](http://www.cotswold.gov.uk/CIL).

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

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

Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address.

3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. It will be expected that the developer will demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk) Please refer to the Wholesale; Business customers; Groundwater discharges section.

4. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full.

5. Future external works to the listed building following its conversion may have an impact on bats. It is recommended that the applicant commissions a bat survey prior to undertaking any such works.

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**Item No 02:-**

**20/04148/LBC**

**Coln House School  
Horcott Road  
Fairford  
Gloucestershire  
GL7 4DB**

**Item No 02:-**

**Conversion of existing Grade II Listed Coln House into 7no residential units (C3) and associated works at Coln House School Horcott Road Fairford Gloucestershire GL7 4DB**

<b>Listed Building Consent 20/04148/LBC</b>	
Applicant:	Gloucestershire County Council
Agent:	Quattro Design Architects Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Steve Trotter Councillor Stephen Andrews
Committee Date:	10th November 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. OFFICER UPDATE**

**1.1 This application was originally heard by Planning and Licensing Committee at the meeting held on the 7th July 2021. Members voted to defer the application in order that the applicant could provide further information regarding other development options it has considered for the site. In particular, Members were seeking to establish whether other community uses had been considered. In addition, Members asked the applicant to provide further information regarding energy efficiency and details of how the scheme would address the issue of climate change.**

**1.2 The applicant has now provided additional information in response to the request by Members. The submitted information is attached to this report (email from Andy Carr (i. GCC Senior Planning Coordinator, Asset Management & Property Services), dated 21.10.21; ii. 'Sustainability Statement' by Energist UK Ltd, dated 15.10.21).**

**1.3 Subsequent to the meeting held in July, the Government has issued an updated version of the National Planning Policy Framework (NPPF). The new document results in changes to NPPF paragraph numbers referred to in the original Officer report. The principal changes are that paragraph 193 is now paragraph 199 and paragraph 196 is now paragraph 202. The content of the aforementioned paragraphs in the new NPPF has not changed.**

**1.4 The report presented to the 7th July meeting was as follows:**

**2. Main Issues:**

**(a) Design and Impact on the Special Architectural and Historic Interest of a Listed Building**

### **3. Reasons for Referral:**

3.1 This application accompanies planning application 20/04147/FUL. Cllr Andrews has requested that the applications be referred to Planning and Licensing Committee. See reason attached to application 20/04147/FUL.

### **4. Site Description:**

4.1 This application relates to a parcel of land measuring approximately 0.95 hectares in size located in the western part of the town of Fairford. The site is located within Fairford Development Boundary.

4.2 The application site is occupied by a Grade II listed building and an associated range of post war modular buildings, hard surfaces and grassed areas. The site is presently vacant. However, it was last used by Gloucestershire County Council as a school providing county wide residential and day places for children and young people aged 9-16 with Social, Emotional and Mental Health needs (SEMH). The school closed in March 2017.

4.3 The majority of the north-western boundary of the site adjoins Milton Street which is one of the main roads running through the centre of Fairford. The aforementioned boundary measures approximately 110m in length and is defined by the principal elevation of Coln House, stone boundary walls and a bus shelter. A playground area located adjacent to Milton Street and to the north-east of Coln House is elevated approximately 1m above Milton Street. A further section of the north-western boundary of the site measuring approximately 43m in length is set back approximately 37m from Milton Street. The aforementioned boundary extends along the rear of residential properties and Fairford United Church. The aforementioned church and two of the dwellings (Annerley and The Manse) are designated as Grade II listed buildings.

4.4 The south-west boundary of the site adjoins Horcott Road. It measures approximately 75m in length and is defined by the side elevation of Coln House and high and low level stone walls. A car parking area is located adjacent to the south-western boundary and is visible from Horcott Road.

4.5 The south-eastern boundary of the site adjoins playing fields and is relatively open. The northern eastern boundaries of the application site adjoin residential properties.

4.6 The site is located partly within Fairford Conservation Area (CA). Coln House School and the land to its rear (south-east) are located within the CA. The modular buildings and playgrounds to the north-east are located outside the CA. The boundary of the CA extends along the north-western and north-eastern edges of the application site.

4.7 A Group Tree Preservation Order covers a section of the south-western part of the application. An Area Tree Preservation Order extends along the northern boundary of the application site.

4.8 The site is located within a Flood Zone 1.

## **5. Relevant Planning History:**

### **5.1 Application Site**

CT.0056/F Erection of 1 No. Elliott demountable classroom. Permitted 1985

CT.0056/G Provision of Elliott-Medway hall. Permitted 1995

CT.0056/H LBC upgrading and replacement of doors and screens for fire precautions. Permitted 1997

CT.0056/J Construction of replacement school buildings and associated works. Refused 1999

Glos County Council Application Withdrawn 2000

CT.0056/L Alterations to boundary walls. Permitted 2001

CT.0056/M Alterations to boundary walls. Permitted 2001

CT.0056/P Internal alterations to science laboratory. Permitted 2001

08/00348/CPO Provision of replacement Elliott classroom accommodation. Permitted 2008

08/01756/CPO Provision of replacement Elliott classroom block. Permitted 2008

09/01586/LBC Stonework repairs to porch. Permitted 2009

16/02149/LBC Re-building of section of stone wall to Milton Street. Permitted 2016

### **5.2 Applestone Court to south-west**

20/03972/FUL Conversion of former school building to 4no residential (C3) units with stair core extension and associated hard and soft landscaping. Permitted. February 2021

## **6. Planning Policies:**

TNPPF The National Planning Policy Framework

## **7. Observations of Consultees:**

7.1 Historic England: No comments

7.2 Conservation Officer: No objection

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

8.1 No response received to LBC application. Response received to accompanying planning application 20/04147/FUL

## **9. Other Representations:**

1 objection received.

9.1 'We agree with the objections raised by the Fairford Town Council with regard to:

- Loss of community infrastructure.
- Design.
- Impact on heritage and landscape / townscape.
- Lack of local need for planned housing.



9.2 We acknowledge that the site should be developed in some form and believe strongly that the needs and views of neighbouring residents should be listened to, specifically regarding traffic and parking on Milton Street and rear access to a handful of properties (including our own) to allow off-street parking and the possibility of electric car charging.

9.3 Milton Street has already become a much busier road since other Fairford housing developments with insufficient room for vehicles to pass each other safely and inadequate parking for local homes. In our opinion, any development of the Coln House site should definitely not exacerbate these problems. New residents and their visitors must have enough parking within the development not to have to try to use Milton Street.

9.4 We are currently unable to consider electric vehicles as we have to park on the opposite side of Milton Street to our house, making it impossible to charge them. However, if a Coln House site development included a road along the back of our property and adjoining ones, we and our neighbours would be able to gain rear access. This would have the double benefit of reducing the pressure on local on-road parking and making it possible for us to charge (and, therefore, run) electric vehicles.

9.5 We understand that this final point is in line with the Cotswold District Council's recent Electric Vehicle Charging Strategy (mentioned in the Cabinet Meeting Notes of the meeting on January 4th 2021), which is designed to be the first step in the development of a comprehensive Sustainable Transport Strategy for the district.

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

Technical Report: Historic Building Survey  
Heritage Statement

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

### **Background and Proposed Development**

11.1 The application site was used previously for education purposes in connection with the adjacent Applestone Court which is located to the south-west of the application site. Both school sites were closed by Gloucestershire County Council (GCC) in 2017 with the result that this application site and the Applestone Court site are now vacant.

11.2 By way of background, the applicant's Planning Statement states

*'Coln House, with next-door Applestone Court, is part of the former Coln House School. The school provided countywide residential and day places for children and young people aged 9-16 with Social, Emotional and Mental Health needs (SEMH). Coln House School formally closed on 31 March 2017 following a statutory process carried out by Gloucestershire County Council (GCC) which began in 2016; both the location of the school and its buildings were not suitable for meeting the more complex needs of the children.*

*11.3 Since Coln House School was closed GCC has been developing options to look at focussing on more bespoke provision to meet the needs of children and young people (CYP) with SEMH in Gloucestershire, with a focus on offering more local provision to where they live. A key part of this strategy is the construction of a bespoke 75 place free school designed specifically to meet SEMH*

*needs with a more therapeutic and holistic approach (rather than purely academic as was previously offered by Coln House School). The School will open in 2022 and will be more readily accessible to where the greatest area of need is located across Cheltenham and Gloucester. The new school will complement the existing additional multi agency support for mainstream schools and independent providers in meeting the needs of children and young people with SEMH needs.'*

11.4 GCC is now looking to convert this building and the adjacent Applestone Court site into residential use. A separate planning application (20/03972/FUL) has been approved for the conversion of Applestone Court to 4 dwellings. This application relates solely to the conversion of Coln House School.

11.5 The applicant is seeking to convert the Grade II listed Coln House into 7 dwellings. The proposed dwellings will comprise 1 x one bed apartment, 2 x two bed apartments, 1 x two bed house, 1 x three bed maisonette, 1 x five bed house and 1 x six bed house. It is also proposed to erect 17 new build dwellings in the grounds of the school in place of existing modular buildings. However, the aforementioned new build dwellings do not require Listed Building Consent as they will not be attached to a listed building. Planning permission for the new build dwellings is covered by accompanying application 20/04147/FUL.

11.6 With regard to the principal listed building, the proposed conversion will primarily involve internal alterations to the building. External alterations primarily consist of the removal of external fire escape staircases, the re-instatement of a door to give access to a cycle store, the re-roofing of a conservatory and the replacement of a second storey fire escape door with a sash window to match existing. With regard to internal changes, the applicant is seeking to retain historic features. A number of new internal partitions are proposed, in addition to the removal of modern partitions. A new staircase will be introduced to access the second floor.

#### **(a) Design and Impact on the Special Architectural and Historic Interest of a Listed Building**

11.7 This application involves the conversion of a Grade II listed building and the erection of development within its curtilage.

11.8 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant Listed Building Consent for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable weight and importance must be given to the aforementioned legislation.

11.9 Paragraph 193 states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

11.10 Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

11.11 The principal listed building predominantly dates from the early 19th Century, although part of the building dates from the 18th Century. The building is located in the northern part of the site adjacent to the A417. The building is 2-3 storeys in height and has a formal, institutional appearance. It is constructed in natural stone and is characterised by hipped roofs and sash windows. The area of the site around the building reflects its previous educational use and consists of hard/grassed surfaces, parking areas and modular school buildings.

11.12 The submitted scheme seeks to convert the listed building to 7 dwellings consisting of a mix of dwellinghouses and apartments. The scheme has sought to utilise much of the internal layout of the building and to retain historic features and room layouts where possible. A number of modern partitions are to be removed and new partitions introduced in certain areas. An internal staircase will be installed in the western part of the building to facilitate access from the first floor to the second floor of the building. The applicant has agreed to retain a historic partition on the ground floor following discussions with the Conservation Officer. With regard to external changes, the applicant is proposing to remove two external fire escapes, to replace a second floor fire escape door with a sash window and to add slate to the roof of a conservatory building.

11.13 It is considered that the proposed alterations respect the historic character and appearance of the building. The floor layout of the building means that it is capable of conversion without having an adverse impact on features of historic or architectural importance. The removal of the fire escapes and fire door are also considered to enhance the appearance of the building. Land to the rear of the building will be landscaped and turned into private and communal garden space. The landscaping will replace existing hard surfaced areas and is considered to represent a betterment in terms of the building's setting.

11.14 The proposed scheme incorporates green space and new landscaping within the development which are considered to enhance the appearance of the site.

11.15 The Council's Conservation Officer and Historic England have not raised any adverse comments to the proposal.

11.16 It is considered that the proposed scheme will sustain and enhance the character and setting of the listed building and secure the long term viable use of the building as a heritage asset. The proposal is considered to accord with guidance in Section 16 of the NPPF.

11.17 The comments of the objector regarding vehicular access and electric vehicle charging are noted. However, they are not matters which fall within the remit of this Listed Building Consent application. The comments will be addressed as part of planning application 20/04147/FUL.

## **12. Conclusion:**

12.1 Overall, it is considered that the proposed development will preserve the character and appearance of the listed building and will not have an adverse impact on its special architectural or historic interest. It is therefore recommended that consent is granted.

### **13. Proposed conditions:**

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

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

2. The development hereby granted consent shall be implemented in accordance with the following drawing number(s):

5875-P-130 A, 5875-P-131, 5875-P-132, 5875-P-175, 5875-P-176

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 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 and shall be permanently retained as such thereafter.

**Reason:** To ensure that the development will be constructed of materials that are appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

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 has been 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 and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in the light of advice within Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. Retention of the sample panel on site during the work will help to ensure consistency.

5. No new external windows and doors including finish, head and cill treatments where applicable shall be installed/inserted in the development hereby approved until its/their design have been submitted to and approved in writing by the Local Planning Authority.

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

**Reason:** To ensure that the design of the aforementioned details are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. These are important details which need to be undertaken in a manner which ensures that they serve to preserve the special merit of the building.

6. Notwithstanding the details shown in drawing 5875-P-175, the roof of the conservatory shall not be covered in 'slate effect tiles'.

**Reason:** To ensure that the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in the light of advice within Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

**Informatives:**

1. Unless otherwise specifically described on the submitted plans, external and internal architectural structures, including roof timbers, floors, beams, other features and fittings shall not be removed from the building and shall be retained in their present locations unless the prior written approval of the Local Planning Authority is obtained.

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**Martin Perks**

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**From:** CARR, Andy <Andy.CARR@gloucestershire.gov.uk>  
**Sent:** 21 October 2021 14:50  
**To:** Martin Perks  
**Subject:** RE: Coln House School Fairford 20/04147/FUL and 20/04148/LBC  
**Attachments:** Coln House Sustainability Statement.pdf

Dear Martin,

Thank you for your e mail of 8 July 2021 providing feedback from Planning and Licensing Committee on 7 July 2021 and the resolution to defer determination of the applications.

In addition to the comprehensive supporting information already submitted with the applications and the comprehensive officers report to Committee recommending approval I have provided further information below as requested

- Coln House School closed on 31<sup>st</sup> March 2017 and with the exception of the former school playing fields no other use by GCC or the community has taken place since with the buildings remaining vacant
- The former school playing fields have continued to be used by the community following closure of the school under licence granted by GCC
- Property Board recommended to Cabinet that the site be declared surplus to GCC requirements in July 2017. This process included consideration of alternative GCC service uses. None were identified, due, in large part, to the unsuitability of the listed building for service type uses, including the very high maintenance and running costs.
- Cabinet declared the site surplus to requirements of GCC in September 2017 and approved the strategy of developing proposals to secure planning permission for the development of the site to secure best value for the council and deliver a viable re-use of the listed building.
- A decision was taken at the outset to protect the playing fields for future community use and discussions took place with the Town Council to look at options for the future control and management of this asset. It was agreed that the best solution would be to transfer the site to the Town Council so that they had control over its use and management.
- There followed a series of investigation works, scheme development and consultation events, including the statutory planning consultation process, regarding the future use of the site and redevelopment. One consultation undertaken posted information sheets to 2000 homes in Fairford, 18 replies were received and considered.
- During this process The Town Council had expressed aspirations to develop ancillary facilities on the playing fields to enhance the use by the community
- GCC has successfully negotiated with the Secretary of State for Education to allow this this to happen, subject to planning permission, under the terms of their approval to the disposal of the former school site under S77 of The School Standards and Framework Act. This approval will also, in any event, safeguard the ongoing community use of the playing fields. The playing fields do not form part of the ongoing planning application under consideration.
- GCC has developed detailed planning applications for redevelopment of the site excluding the playing fields, the first part at Applestone Court was granted permission in 2020 with the second part presented to and deferred by Cotswold District Council Planning Committee on 7 July.
- Since Planning Committee GCC has engaged again with the Town Council and considered their latest aspirations in relation to the site.
- We discussed that sports facilities provided by Cotswold District Council had been withdrawn from Fairford and the Town Council's desire to develop facilities to enhance the playing fields usage which could involve developing a sports pavilion, changing rooms, toilets and showers and a community room. The Town Council requested that this facility be accessed and sited on the brownfield development site where GCC has submitted its redevelopment proposals for housing.
- The Town Council also presented aspirations to use the former listed school buildings for a business centre with multi-purpose meeting rooms, café and restaurant and serviced offices.

GCC Property Board considered this information and continues to support the aspirations of the Town Council to develop ancillary facilities on the playing fields to support and enhance their future use should they agree to take on responsibility for them.

It agreed that a fair contribution to infrastructure and community facilities was being provided through S106 and Community Infrastructure Levy contributions. The CIL contribution arising from redevelopment for housing totals over £300,000. It was not supportive of allocating land already identified as part of the development site for this purpose as this would seriously affect the viability of the development that already has the support of planning officers and is viable and deliverable.

Property Board also considered other ambitions to use the listed buildings for business and catering purposes. It considered the cost of refurbishment and on-going maintenance and running costs against potential revenue generation and concluded that these uses and community use were not viable. The proposed redevelopment delivers a viable and long term re-use of the listed buildings.

Property Board also agreed a commuted sum would be provided to the Town Council for the future maintenance and upkeep of the playing fields under an agreement for the Town Council to take on responsibility for them.

In addition, and to help the Town Council develop its ideas to consider the provision of ancillary facilities on the playing fields in the future, GCC has commissioned its development consultants to carry out an initial feasibility report looking at the viability of siting a building with associated access and car parking on the playing fields whilst maintaining current playing pitch provision. This information was sent to the Town Council on 13 September 2021. Discussions with the Town Council on the future control of the playing fields are ongoing.

Should no agreement be reached with the Town Council for them to take responsibility for the playing fields their existing use by the community will be maintained as required by the approval of the Secretary of State for Education under continued GCC ownership.

With regard to questions raised over the Climate Change agenda I have attached a report from Energist UK Ltd providing further evidence of the overall sustainability of the proposals.

I trust that this additional information will enable you to refer the applications for planning permission and listed building consent to your Planning Committee for determination at the earliest opportunity.

**Andy Carr**  
**Senior Planning Coordinator**  
Asset Management & Property Services  
Gloucestershire County Council  
Shire Hall, Gloucester GL1 2TG

**Please note my new number 01452 328810**

Email: [andy.carr@gloucestershire.gov.uk](mailto:andy.carr@gloucestershire.gov.uk)

Go to [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk) to find information on any County Council service. It couldn't be easier to find information instantly and in some cases apply for services online.

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**From:** Martin Perks [<mailto:martin.perks@cotswold.gov.uk>]  
**Sent:** 08 July 2021 15:01  
**To:** CARR, Andy  
**Subject:** Coln House School Fairford 20/04147/FUL and 20/04148/LBC

Dear Andrew,



# Sustainability Statement

Coln House School, Horcott Road, Fairford

Sustainability Statement

On Behalf of Gloucestershire County Council

Revision C

Date: 15<sup>th</sup> October 2021



## REVISION HISTORY

Revision	Issue Date	Description	Issued By	Checked by
A	28/09/2021	First Issue	TW	MA
B	06/10/2021	Amendments	TW	
C	14/10/2021	Amendments	TW	

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Calculations contained within this report have been produced based on information supplied by the Client and the design team. Any alterations to the technical specification on which this report is based, will invalidate its findings.

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## EXECUTIVE SUMMARY

This Sustainability Statement outlines how Gloucestershire County Council ('the Applicant') has designed the scheme: Coln House School, Horcott Road, Fairford ("the Site") as a sustainable development.

The Applicant has sought to make this a green and sustainable development that complements the character of the local area.

This Sustainability Statement supports the planning application submitted to Cotswold District Local Council.

The key sustainability features outlined within the Sustainability Statement are:

**ENERGY and CLIMATE CHANGE:** The Applicant is committed to a design approach that aligns with the principles of the energy hierarchy. The Site will achieve a total reduction in regulated CO<sub>2</sub> emissions in order to reach the Target Emission Rate (TER) Approved Document Part L (AD L) 2013 through fabric-first, demand reduction and low carbon and renewable energy measures and will successfully deliver the minimum on-site reduction target in regulated CO<sub>2</sub> emissions over AD L 2013 for domestic elements of the Site.

**FLOOD RISK:** Full consideration has been given to the Development's vulnerability to fluvial and tidal flooding, surface water flooding, groundwater flooding and drainage and infrastructure flooding. The Applicant's accompanying drainage strategy will ensure that appropriate measures for the management of surface water run-off have been fully considered and incorporated within the development scheme.

**WATER EFFICIENCY AND WATER MANAGEMENT:** All dwellings included in the application proposals will be designed to meet a maximum water consumption rate of 110 litres per person per day.

**MATERIALS AND WASTE:** As the site is a re-development of an existing property as well as the demolition and development of new build dwellings, the existing structure will be improved upon by insulating and improving the structure, already in situ. A sustainable and environmentally responsible approach should be taken to the management of domestic waste and waste during the design and construction process of the Application Proposal.

**TRANSPORT AND TRAVEL:** A transport statement has been completed by Helix Transport Consultants Ltd to accompany this application and concludes that there are no valid highway or transportation reasons to prevent this proposed development.

**ECOLOGY AND BIODIVERSITY:** An Ecology Assessment has been carried out and a report compiled by All Ecology Ltd. Ecological Impacts on the site have been investigated to assess the Application Proposal to Biodiversity. The potential environmental effects of the proposal have been considered through a series of studies which, in combination, will contribute to the overall, long-term sustainability of the Application Proposal.

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## 1. INTRODUCTION

### 1.1 Objectives

This Sustainability Statement has been produced by Energist UK on behalf of Gloucestershire County Council ('the Applicant').

The proposed scheme will replace an existing, inefficient site. The existing structures currently have a high energy usage due to older, less efficient heating systems as well as a lack of thermal efficiency throughout. The more modern approach to the re-development and the inclusion of the new build dwellings within the scheme, will improve upon the efficiency of the whole site significantly, due to the use of modern building techniques, the improvement in existing building fabric and the new building elements as well as the installation of modern, more efficient heating systems.

The surrounding environmental spaces will also benefit greatly, the current surroundings being mainly hardstanding which will be replaced with a more improved and welcoming green infrastructure.

This report will set out the sustainability benefits and improvements that can be achieved through the proposed re-development scheme at: Coln House School, Horcott Road, Fairford ('the Site') which falls under jurisdiction of Cotswold District Local Council.

For the purposes of this Statement, sustainable development is defined as:

*Development that meets the needs of the present without compromising the needs of future generations to meet their own needs.*

*Source: Brundtland (1987)*

This definition addresses the idea that limitations can be imposed by development and on the environment's ability to meet present and future needs.

The proposed development aims to:

- Address key environmental issues.
- Respond to planning policies specific to these environmental issues.
- Deliver actions and standards of environmental performance demonstrating measures that can be taken to embed sustainability.

The ways in which this development can deliver a sustainable development is set out using the following headings:

- Climate Change, Energy & Overheating
- Water Management
- Flood Risk
- Materials & Procurement
- Waste
- Transport
- Ecology and Biodiversity

This Statement sets out how measures can be integrated that ensure an environmentally responsible approach to the Site and construction of the scheme.



## 2. THE APPLICATION PROPOSAL

Planning permission is sought for:

The re-development of the Grade 2 listed, Coln House School, Horcott Road, Fairford will provide 7 residential dwellings, across the existing 3 storey property.

The properties proposed are a combination of one, two and three bedroom flats and a two, five and six bedroom house ('the development'). It also proposes 17 new build dwellings, built predominantly on the footprint of the existing, more modern school buildings.

Map 1. Site layout - Coln House School, Horcott Road, Fairford



Source: Quattro Design Architects (Dwg no: 5875/P/110)

### 3. CLIMATE CHANGE, ENERGY AND OVERHEATING

Policy Drivers	Cotswold District Local Plan (2011-2031) – Adopted 3 August 2018) – Policy INF10  Climate Change, Sustainable Design, Construction and Energy SPD  Refer to Appendix 2 for detailed policies.
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#### 3.1 Introduction

Achieving sustainable development means that plans should secure net gains within economic, social and environmental objectives (NPPF, paragraph 8). Environmental objectives include using natural resources prudently, minimising waste, mitigating and adapting to climate change and moving to a low carbon economy. The South of England is likely to face significant challenges from a changing climate and changing weather patterns. To avoid the costs associated with retrofitting and replacement, new buildings should be future proofed; suited to, and easily adaptable for, the range of climate conditions and weather patterns we are likely to see over the next century, and adaptable to new technologies. The buildings we build today are likely to be with us into the next century, so the benefits of building adaptable and efficient developments will last a long time.

The Application Proposal will be designed to achieve a total reduction in CO<sub>2</sub> emissions which exceeds the Target Emission Rate, defined as the baseline emissions permitted under Approved Document Part L of the Building Regulations 2013 using SAP12 emission rates. This will be achieved through fabric first and demand-reduction measures as well as low carbon and renewable energy measures.

As the proposal includes conversion of a listed building, there are certain constraints in place which limit the design and improvements normally available, but opportunities to reduce CO<sub>2</sub> emissions are proposed which include:

- Introduction of secondary glazing
- Efficient heating of the building through the proposed improvement in insulation
- Introduction of a more effective and efficient heating system that can be generated through renewable resources, subject to site constraints.
- Zone/ unit-controlled heating, meaning areas are only heated when required
- The use of sustainable drainage solutions

The overall scheme, a mixture of converted and new build dwellings, will bring into the area the benefits of modern building techniques, the forthcoming building regulation standards and the continued use of local, natural materials.



Passive measures to reduce overheating will be favoured and prioritised over other conventional measures, focusing on the selection of high-albedo materials, effective ventilation and site microclimate improvements (such as tree planting and limiting areas of tarmac or other highly absorbent materials).

Natural ventilation being the most effective way of mitigating overheating ventilation will be prioritised wherever technically feasible.

The following combination of measures, summarised in Table 1, are included in the design of the Site.

Table 1. Measures incorporated to deliver the energy standard.

Fabric first: Demand-reduction measures	<ul style="list-style-type: none"><li>▪ Energy-efficient building fabric and insulation to relevant heat loss floors, walls and roofs.</li><li>▪ High-efficiency secondary glazing throughout.</li><li>▪ Efficient-building services including high-efficiency heating and ventilation systems.</li><li>▪ Low-energy lighting throughout the building.</li></ul>
Renewable and low-carbon energy technologies	<ul style="list-style-type: none"><li>▪ Low-carbon heating and hot water options and practical renewable technologies.</li></ul>

## 4. WATER MANAGEMENT & STORAGE

Policy Drivers	Cotswold District Local Plan (2011-2031) – Adopted 3 August 2018)  Climate Change, Sustainable Design, Construction and Energy SPD  Refer to Appendix 2 for detailed policies.
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### 4.1 Increasing water efficiency and reducing water demand in new dwellings.

It is acknowledged that the water consumption of homes has a significant impact on not only direct operational running costs (i.e., water consumption charges), but also indirectly through additional energy usage and the heating of water for domestic use. This is, in part, reflected in SAP 2012 methodology which assumes reduced energy consumption should a dwelling be compliant with Approved Document Part G.

By incorporating water-efficient fixtures and fittings as a standard specification within each new dwelling, a standard of 110 litres per person per day can be achieved (excluding an allowance of 5 litres or less per person per day for external water consumption).

## 5. FLOOD RISK

Policy Drivers	Cotswold District Local Plan (2011-2031) – Adopted 3 August 2018)  Climate Change, Sustainable Design, Construction and Energy SPD  Refer to Appendix 2 for detailed policies.
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### 5.1 Strategy for Delivery

Full consideration has been given to the Development's vulnerability to fluvial and tidal flooding, surface water flooding, groundwater flooding and drainage and infrastructure flooding through a Flood Risk Assessment (FRA). The Applicant's accompanying drainage strategy ensures that appropriate measures for the management of surface water run-off have been fully considered and incorporated within the development scheme.

The reports concludes that the site is considered to be of low to negligible risk from all sources and is considered to accord with the requirements of the National Planning Policy Framework, with residual risk to the site fully mitigated.

## 6. MATERIALS AND WASTE

Policy Drivers	Cotswold District Council Local Plan (2011-2031) – Adopted 3 August 2018)  Climate Change, Sustainable Design, Construction and Energy SPD
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### 6.1 Introduction

The impact of materials selection is an important consideration when designing any development. The energy and natural resources consumed over the course of extraction or procurement, processing and manufacturing can be significant. The continued use of natural, local materials will be prioritised where possible, in line with local policy.

As the proposal includes conversion, the existing structure will be utilised. Currently on the existing site, there are also more modern, yet inefficient buildings which are due to be demolished and those materials can also be re-used, where possible, within the development.

A sustainable and environmentally responsible approach should be taken to the management of domestic waste and waste during the design and construction process of the Application Proposal.

## 7. TRANSPORT, CYCLING & WALKING

Policy Drivers	Cotswold District Local Plan (2011-2031) – Adopted 3 August 2018)  Climate Change, Sustainable Design, Construction and Energy SPD  Refer to Appendix 2 for detailed policies.
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### 7.1 Strategy for Delivery

A Transport Assessment has been carried out and a statement compiled to accompany this application. The statement concluding that there are no major changes to either access to site, therefore preserving the historic stone boundary walls. Due to the nature of the proposed scheme being residential, the traffic cluster effect previously recorded will be minimised, therefore making access and exit to the development safer and less obtrusive and a lesser amount of transport around the development in general.

To future proof the application proposals, the Applicant will be installing the required car charging points to encourage the use of electric cars by residents and visitors. They will also be providing the required cycle parking spaces, assisting in the promotion of the benefits for a healthier and more sustainable community.



## 8. ECOLOGY & BIODIVERSITY

Policy Drivers	Cotswold District Council Local Plan (2011-2031) – Adopted 3 August 2018) – Policy EN8  Climate Change, Sustainable Design, Construction and Energy SPD  Refer to Appendix 2 for detailed policies.
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### 8.1 Strategy for Delivery

An Ecology Assessment has been carried out and a report compiled by All Ecology Ltd. Ecological Impacts on the site have been investigated to assess the Application Proposal to Biodiversity. The potential environmental effects of the proposal have been considered through a series of studies which, in combination, will contribute to the overall, long-term sustainability of the Application Proposal.

## 9. CONCLUSIONS

The Applicant has designed a scheme that will exceed the minimum carbon emission reductions as outlined in the Local Plan and ensure this development is future proofed against climate change and to reflect the increasing decarbonisation of the national grid.

It is concluded that the proposed development can deliver a Strategy that provides opportunity to meet:

- I. A total reduction in CO<sub>2</sub> emissions which exceeds the TER ADL 2013. (using SAP 12 emission factors)
- II. A total water consumption of 110 litres per person per day.

## APPENDICES

### APPENDIX 1: LIST OF ABBREVIATIONS

ADL 2013	Approved Document Part L of Buildings Regulations 2013
ASHP	Air Source Heat Pump
BER	Building Emission Rate
BMS	Building Management Systems
BREEAM	Building Research Establishment Environmental Assessment Methodology
DHW	Domestic Hot Water
LPA	Local Planning Authority
PV	Photovoltaics
SAP	Standard Assessment Procedure



## APPENDIX 2. PLANNING POLICY AND DESIGN GUIDANCE

<p><b>The Climate Change Act (2008)</b></p>
<p>Passed in November 2008, the Climate Change Act mandated that the UK would reduce emissions of six keys greenhouse gases, including Carbon Dioxide, by 80% by 2050.</p> <p>As a consequence, the reduction of carbon dioxide emissions is at the forefront of National, Regional and Local Planning Policy, along with continuing step changes in performance introduced by the Building Regulations Approved Document L (2013).</p>
<p><b>Approved Document L (2013)</b></p>
<p>This development is subject to the requirements of Approved Document L (2013). ADL 2013 represented an approximate reduction of 6% in the Target Emission Rate (kilograms CO<sub>2</sub>/m<sup>2</sup>/year) over the requirements of Approved Document L (2010) for residential development and an aggregate 9% reduction for non-residential development. ADL (2013) also sees the introduction of a Fabric Energy Efficiency Target, a measure of heating demand (kWhrs/M<sup>2</sup>/Year) to ensure new build dwellings with low carbon heating systems, still meet satisfactory energy efficiency standards.</p>
<p><b>National Planning Policy Framework (2021)</b></p>
<p>The National Planning Policy Framework encourages Local Planning Authorities to <i>'support the transition to a low carbon future in a changing climate, taking full account of flood risk and costal change'</i> (NPPF paragraph 152), <i>'whilst taking a proactive approach to mitigating and adapting to client change, taking into account the long-term implication for flood risk, costal change, water supply, biodiversity and landscapes, and the risk of over shading from rising temperatures'</i>. (NPPF Paragraph 153).</p> <p>Paragraph 155, upholds the requirement for Local Plans to: <i>'To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas of renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.'</i></p> <p>In paragraph 157, NPPF stipulates that local planning authorities should take account of the benefits of decentralised energy and passive design measures as a means of energy efficiency in new development: <i>'In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its</i></p>

*design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

Cotswold District Local Plan (2011-2031) – Adopted 3 August 2018)

**Fairford (Policy S5):**

7.6.1 Fairford is one of the largest settlements in the District. Horcott lies a very short distance to the south-west of Fairford's built up area. Although separated by the River Coln flood plain, the two areas all but join at the northern end of Horcott Road and their physical separation is fairly imperceptible on the ground. Given this, and the fact that Horcott Industrial Estate is the town's main employment area, Horcott is considered to be an integral part of Fairford.

7.6.2 RAF Fairford, located to the south of Horcott, is an important strategic 'stand by' airfield, which continues to host the world famous annual Air Tattoo.

7.6.3 Although Fairford is not located within the AONB, it has a pleasant riverside setting, with a Special Landscape Area (SLA) covering Fairford Park and the Coln valley to the north of the town. Wherever development is located, it should be carefully conceived to ensure that it helps the built environment, as far as possible, to blend into the town's subtle landscape setting.

7.6.4 The town has a good range of community facilities and services and has a reasonable employment base with a higher than average proportion of those jobs in growth sectors. Fairford's employment role, however, is in danger of decreasing as there is a poor balance of jobs to workers.

7.6.5 Perhaps unsurprisingly, given the close proximity of Swindon (12 miles), Fairford's self-containment is lower than some of the District's other larger settlements.

7.6.6 Tourism is important to Fairford's economy, and the wider Cotswold Water Park. The benefits of tourism to the town should be maximised, for example, through the improvement of cycle/footpath links with the Cotswold Water Park, Lechlade, and the route of the Thames and Severn Canal.

7.6.7 Community-led planning documents and surveys have identified infrastructure projects including the provision of land for allotments and the development of sporting facilities. Proposals for new development will take account of parking facilities and congestion issues.

7.6.8 Two sites have been allocated for housing development. Evidence suggests that it would be prudent to phase these sites to the latter part of the Plan period.

**Policy EN1:**

**BUILT, NATURAL AND HISTORIC ENVIRONMENT** New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

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

**Policy EN2:**

DESIGN OF THE BUILT AND NATURAL ENVIRONMENT Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

**Policy EN7:**

**TREES, HEDGEROWS AND WOODLANDS**

1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:
  - a. trees of high landscape, amenity, ecological or historical value;
  - b. veteran trees;
  - c. hedgerows of high landscape, amenity, ecological or historical value; and/or
  - d. woodland of high landscape, amenity, ecological or historical value.
2. Where trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.
3. Development proposals affected by (2) above should, where appropriate, have regard to the potential for new or extended woodland to assist in carbon storage and to be a potential local source of biomass or biofuel.

**Policy EN8:**

**BIODIVERSITY AND GEODIVERSITY: FEATURES, HABITATS AND SPECIES**

1. Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.
2. Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.
3. Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.
4. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.
5. Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity"(42) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

**Policy EN11:**

HISTORIC ENVIRONMENT: DESIGNATED HERITAGE ASSETS - CONSERVATION AREAS Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b. include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c. will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area;
- d. have regard to the relevant Conservation Area appraisal (where available); and

e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.

**Policy EN14:**

**MANAGING FLOOD RISK**

1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.
2. Minimising flood risk and providing resilience to flooding will be achieved by:
  - a. applying the sequential test for assessment of applications for development in Flood Zones 2 or 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;
  - b. requiring a site specific flood risk assessment for:
    - i. proposals of one hectare or greater in Flood Zone 1;
    - ii. all proposals in Flood Zones 2 and 3; or
    - iii. proposals in an area in Flood Zone 1 that has critical drainage problems.
3. The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).
4. Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.

**Policy EN15:**

**POLLUTION AND CONTAMINATED LAND**

1. Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:
  - a. pollution of the air, land, surface water, or ground water sources; and/or
  - b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.
2. Unless proposals would result in no unacceptable risk to future occupiers of the development and/or the surrounding land, development will not be permitted:
  - a. that is located on or in the vicinity of land that is contaminated or suspected of being contaminated; and/or
  - b. on land that contains or which potentially would create through development a pathway for migration of a potentially hazardous substance into a sensitive receptor.
3. In respect of affected sites the developer and/or landowner will be required to undertake appropriate investigation(s) and to carry out necessary remedial works.

**Policy INF10:**

**RENEWABLE AND LOW CARBON ENERGY DEVELOPMENT**

1. Proposals for the generation of energy from renewable or low carbon sources will be permitted, provided it is demonstrated that:
  - a. any adverse impacts individually and/or cumulatively, including; visual amenity; landscape character; heritage assets; biodiversity; water quality and flood risk; highways; residential amenity, including shadow flicker, air quality and noise, are or can be satisfactorily mitigated;
  - b. it is of an appropriate type, scale, and design for the location and setting;
  - c. it is compatible with surrounding land uses, such as military activities; and d. it avoids using the best and most versatile agricultural land unless justified by compelling evidence.

2. The infrastructure and all associated apparatus and structures relating to the installation must be removed, and the site reinstated where appropriate, should it become redundant for energy generation purposes.

























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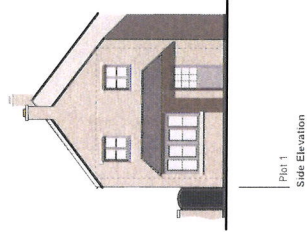
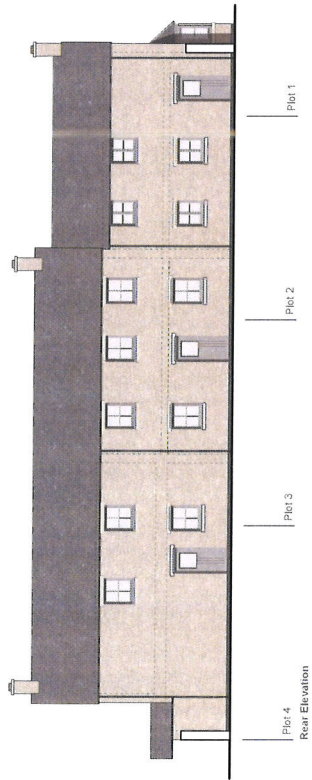
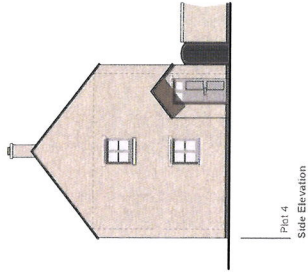
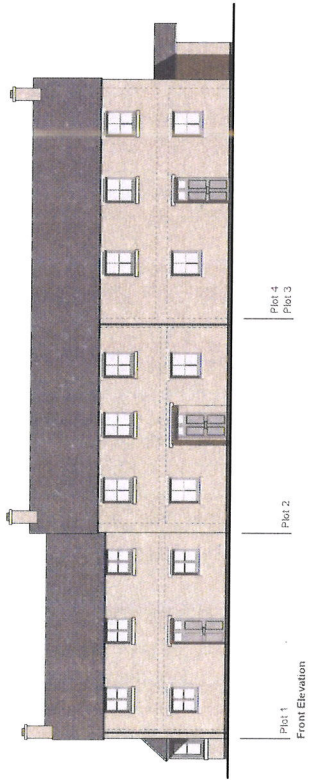
REVISIONS

REV DATE DRAWN - CHECKED NOTES

- 23.09.19 - DC - CC: Drawing created.
- 13.08.20 - DC: Final design updated in line with revised floor plan 1200RevA
- 09.03.21 - DC: Final design updated with 1 Bed flats to front amenity space within shade of trees to rear. Materials palette revised in line with conservation officers comments.

Key

- Natural blue slate tiles
- Natural stone walling
- Light grey window frames
- Grey RWG



DRAWING TITLE

Proposed Elevations:  
Plots 1 - 4

PROJECT

Coin House,  
Fairford

CLIENT

Gloucestershire County  
Council

SCALE

1:100@A1

DATE

Sept 2019



DRAWING NO.

5875-P-1700

REV

B

Matthew Widdows, Matt Widdows, Stuart  
Gloucestershire County Council, T: 01452 814234

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REVISIONS

REV DATE DRAWN CHECKED NOTES

- 23.08.19 - DC - CC  
Drawing created.
- A 13.08.20 - DC  
Plot 12 revised to be updated in line with revised floor plan 1201/RevA.
- B 08.02.21 - DC  
Plot 12 revised to be updated in line with revised floor plan 1201/RevB.
- C 13.08.20 - DC  
Plot 12 revised to be updated in line with revised floor plan 1201/RevC.
- House types revised to reduce overall height.  
Materials palette revised in line with conservation objectives.  
Third storey removed from 2nd central units to reduce overall height.

- Key
- Natural blue slate tiles
  - Natural stone walling
  - Light grey window frames
  - Grey RWG



DRAWING TITLE

Proposed Elevations:  
Plots 5 - 12

PROJECT

Coin House,  
Fairford

CLIENT

Gloucestershire County  
Council

SCALE

1:100@A1

DATE

Sept 2019



DRAWING NO.

5875-P-1701

REV

C

Quattro Architects, High Orchard Street,  
Gloucester, Glos GL1 2JY. T: 01452 42424

Key

- Natural blue slate tiles
- Natural stone walling
- Light grey window frames
- Grey RWG

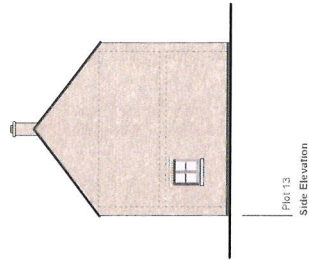
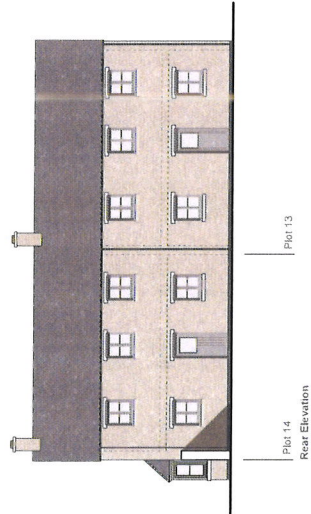
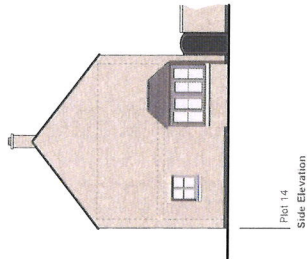
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REVISIONS

REV DATE - DRAWN - CHECKED NOTES

- A - 23.08.19 - DC - CC Drawing created.
- A - 13.08.20 - DC Drawing created.
- B - 13.08.20 - DC Drawing created.
- B - 08.03.21 - DC Drawing created.
- B - 08.03.21 - DC Drawing created.



DRAWING TITLE

Proposed Elevations:  
Plots 13 - 14

PROJECT

Coin House,  
Fairford

CLIENT

Gloucestershire County  
Council

SCALE

1:100@A1

DATE

Sept 2019



DRAWING NO.

5875-P-1702

REV

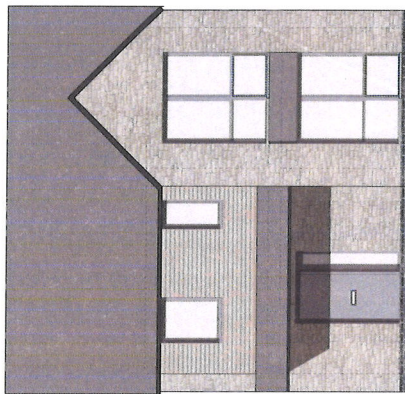
B

Matthews Architects, High Street, Fairford, Gloucestershire, GL54 5JY. T: 01453 44244

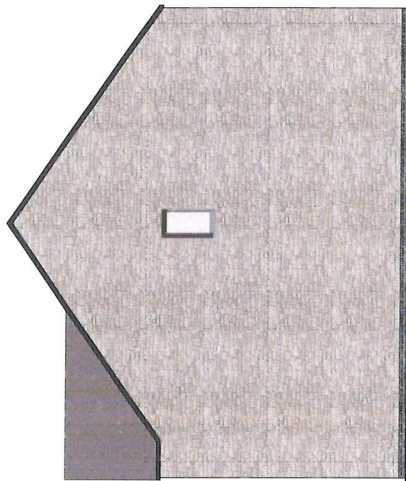


Key

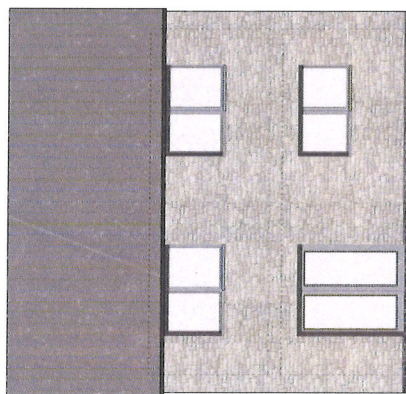
- Light Grey Stone
- Horizontal Timber Cladding
- Blue brick
- Grey Standing Seam Metal Roofing
- Light Grey window frames



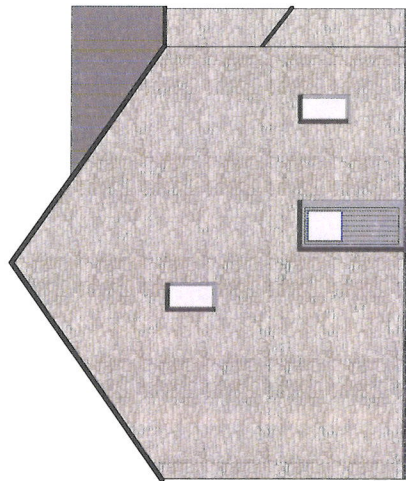
Plot 15  
Front Elevation



Plot 15  
Side Elevation



Plot 15  
Rear Elevation



Plot 15  
Side Elevation

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REVISIONS

REV DATE DRAWN CHECKED NOTES

- 25.08.19 - DC - CC  
Drawing created.  
- 25.08.19 - DC - CC  
House type revised following conservation  
officers comments.  
B 24.03.21 - DC  
P01 Revised.

DRAWING TITLE

Proposed Elevations:  
Plot 15

PROJECT

Coin House,  
Fairford

CLIENT

Gloucestershire County  
Council

SCALE

1:50@A1

DATE

Sept 2019



DRAWING NO.

5875-P-1703

REV

B

Matthews, Fairford House, High Church Street,  
Gloucester, Glos. GL1 2DY T: 01527 424234

Letter from  
Cllr Andrews  
7<sup>th</sup> June 2021

## **20/04147/FUL & 20/04148/LBC Coln House School Fairford**

### **Housing Requirement within Fairford**

The need of the current Local Plan for housing provision in Fairford are fully met, and indeed exceeded, within the nascent Neighbourhood Development Plan (NDP) for Fairford. Although the NDP can be afforded little weight given its stage of development, taken together with the approved Local Plan, there is no requirement or justification for additional housing within Fairford that would support the change of use of any land within the Fairford Development Boundary from its currently approved use to that of residential use on the grounds of there being an unmet housing need.

**Comment:** There is no extant/unplanned requirement for housing in Fairford.

### **Change of Use**

The present Coln House School Site encompasses:

- the Grade II listed Building;
- car parking to its rear;
- a number of originally "temporary" classroom structures;
- a small number of "workers" houses providing accommodation for School Staff; and,
- a large area of sports field.

This planning application does not include the entire site and specifically excludes the large area of sports field that is integral to the site as a whole.

As things stand at present, the viability of the sports field is dependent upon issues relating to access, parking and other facilities provided from within the application site. In excluding the Sports field from the application site, and in not considering the impact of the proposed development upon the continued use of the sports field, it is quite likely that the future use of this community facility will be blighted should this application, which seeks approval for change of use of the application site from community use to residential use, be approved.

**Comment:** There should be no change of use for the whole of the application site until an assessment has been made and agreed on the viability of the future use of the sports field. In order that any use of the application area that might be needed to ensure the viability of the sports field is recognised in the use, design and layout of any Planning Application.

### **Impact upon the Conservation Area**

Matters relating to interpretation of the relative harm of the design in the context of its impact upon public views of the edge of the Fairford Conservation Area across an open sports field that form part of the preserved gap between Horcott and Fairford, the importance of which has been recognised in the refusal of other development applications in that gap, versus the benefit to the public of additional housing.

These points have been addressed by Fairford Town Council in both its earlier objection comment and its most recent objection comment, with the latter submitted in response to the most recent comment from the Conservation Officer. I attach a copy of that latest comment for ease of Reference. Their objection comment highlights the undesirable proposal to inappropriately adopt a standard vernacular form whilst also intruding upon views of the Grade II listed buildings, Annerley and the Manse, that form part of the public benefit of their setting and views into the Conservation Area from the Horcott Road and the Sports Field.



**Comment:** Whilst harm to the views into the Conservation Area and the setting of Listed Buildings has been recognised little or no Public Benefit has been identified in this planning application.

#### **Cumulative Impact**

The application has been made by GCC who are also a statutory consultee in a number of areas, most notably the assessment of GCC Highways which has (e.g.) not considered the cumulative effect of this development on the continued use of the Sport Fields as a community facility, nor the increased traffic at a constricted junction already agreed at 19/094349/SCR and related plans for the increased use of RAF Fairford that will involve an increase in traffic levels along the Horcott Road. GCC Highways make the assumption that there will be no impact in comparison to level of traffic generated by the School when it was operational without recognising the change of circumstances in the intervening period, in particular the increased traffic generated by the planned expansion of the base.

**Comment:** It is in the interests of GCC as the applicant to focus solely upon its intent to gain permission for this development and to ignore any other related matters which it might otherwise have regard to as Local Government Authority whether promoting broader issues such as Public Health, Environment, etc. as well as, in this case, the changed circumstances that means this application, which will have a cumulative impact upon road safety, should be judged on that cumulative, rather than any historic, basis.

#### **Public Interest Test**

As already noted, GCC is in this case the applicant.

Matters considered under delegated powers do not have the reasons for the decisions made published and are to all practical purposes "Exempt".

There is a general consideration for all decisions made by the Council to consider the Public Interest when making decisions to either exclude or to involve/fully inform the public in its decision making. Taking into account the application of the Freedom of Information Act 2000 (FOIA) to decision making by the Council, accepted relevant decision making that should involve the public includes cases where:

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public Health.
- Contingency plans in an emergency.
- Damage to the environment.

In addition, In the introduction to the FOIA the Information Commissioner lists the following public interest factors that would encourage the disclosure of information:

- Furthering the understanding of and participation in the public of the issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions.
- Bringing to light information affecting public safety.

**Comment:** Given the points made above, it is in the Public Interest that this application be considered in Public by the Planning Committee. The public have a right to fully understand the thinking behind any decision that lies solely within the purview of their Local Government Authorities and that is the subject of their legitimate Public Interest given their general and specific objections to it on planning grounds.

Stephen Andrews BSc(Eng)Hon MDA MIET  
Councillor and Chair Overview & Scrutiny Committee  
Cotswold District Council  
Lechlade Kempsford and Fairford South Ward  
Website: [www.cotswold.gov.uk](http://www.cotswold.gov.uk)  
Office: +44 (1285) 719924  
Mobile: +44 (7795) 915902

7<sup>th</sup> June 2021

Enclosure:

Fairford Town Council Comment dated 7<sup>th</sup> June 2021

Fairford Town Council strongly disagree with parts of the Conservation & Design Officer's report (27 May) and the recommendation.

The attached photo view is more representative of the 'setting' of Fairford United Church (and St Mary's from this direction) than the 'Indicative Street View'. This will still be significantly impacted by the new design and layout of the 3 'contemporary' houses.

While the reduction in scale of both the proposed 'contemporary' buildings and the central block is to be welcomed, so that they no longer compete with and detract from the setting and significance of the heritage buildings to the same extent, what they have ended up with looks like 'more of the same' from the new estates, which in no way meets the requirement of CDLP policies EN2 and EN4 to consider the local character of the particular context.

The proposed 3 'contemporary' houses neither follow "an authentic vernacular and traditional approach, in line with the local architectural character" nor are they "designed in a high quality contemporary and innovative manner, which reflects and respects local character" (CDLP para 10.2.11).

It should also be pointed out that the new central block design now has the undesirable (and non-vernacular) tall slate roofs mentioned previously, because of the wide plan depth, making them more prominent in the townscape and almost inevitably leading to loft conversions and a 2 1/2 (i.e. effectively 3) storey result unless PDR are restricted as part of any permission. There are plenty of examples of low-pitched slate roofs on 18th/19th century terraced cottages and other houses in the older parts of Fairford (as well as the United Church itself), as the Conservation & Design Officer should be aware.

The Conservation & Design Officer's report is now contradictory in parts, because the comments on the original design have been retained along with the new additions.



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