

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

7th June 2023
Re-published 14th June 2023
Tel: 01285623553
e-mail - democratic@cotswold.gov.uk

PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on **Wednesday, 14 June 2023 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Mark Harris, Julia Judd, Andrew Maclean, Dilys Neill, Gary Selwyn, Daryl Corps, David Fowles, Michael Vann and Ian Watson)

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 (Pages 7 - 12)**
To confirm the minutes of the meeting of the Committee held on the 26th April 2023.
5. **Chair's Announcements (if any)**
6. **Public questions**
A maximum of 15 minutes is allocated for an “open forum” of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:
 - a) A direct oral response (maximum length: 2 minutes);
 - b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Member questions**
A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8. **Appointments to Licensing Sub-Committee (Pages 13 - 20)**

Purpose

To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2023/24 municipal year.

Recommendation

That the Planning and Licensing Committee resolves to:

- a) Appoint five members of the Committee to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading) in accordance with political proportionality and the wishes of political groups (3 Liberal Democrat, 2 Conservative)*
- b) Note that Licensing Sub-Committee membership will comprise the Chair or Vice Chair of the Planning and Licensing Committee and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Sub Committee (Licensing Act 2003) meeting).*

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

9. **22/03495/FUL- Land West Of Worwell Farmhouse, Cirencester Road, Tetbury (Pages 23 - 72)**

Description

Mixed use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works at Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY

Ward Member

Councillor Chris Twells

Case Officer

Harrison Bowley

Recommendation

DELEGATED PERMISSION subject to;

- i) completion of S106 in respect of Affordable Housing,
- ii) completion of S106 in respect of library contribution, and
- iii) subject to the finalisation of discussions regarding the Highways Officer's conditions and legal arrangements for the payment of Travel Plan monitoring contributions

10. **21/03698/FUL- Tunnel House Inn, Coates (Pages 73 - 126)**

Description

Single storey extension to both Inn and barn, and use of land for the siting of six accommodation units and associated works at Tunnel House Inn Coates Cirencester

Gloucestershire GL7 6PW

Ward Member

Councillor Mike McKeown

Case Officer

Hannah Rose

Recommendation

PERMIT

11. **21/04539/FUL- Land Off Cricklade Road, South Cerney (Pages 127 - 148)**

Description

Change of use of land to 3 No. Traveller pitches and associated works including, 3 No. day rooms, 3 No. mobile homes, 3 No. touring caravans, and hard standing at Land Off Cricklade Road South Cerney Cirencester Gloucestershire GL7 5QE

Ward Member

Councillor Mike Evemy

Case Officer

Andrew Moody

Recommendation

PERMIT subject to the Applicant completing a S.111 legal agreement and making the necessary financial contribution to mitigate the impact of the development upon the north meadow special area of conservation

12. **22/03307/ADV- John Stayte Services, 82 Chesterton Lane,Cirencester (Pages 149 - 166)**

Description

Installation of single illuminated 48-sheet digital advertisement display at John Stayte Services 82 Chesterton Lane Cirencester Gloucestershire GL7 1YD

Ward Member

Councillor Gary Selwyn

Case Officer

Cameron Berry

Recommendation

PERMIT

13. **23/00892/FUL- Old Farm House, Preston (Pages 167 - 178)**

Description

Relocate and increase size of swimming pool and associated landscaping at Old Farm House Preston Cirencester Gloucestershire GL7 5PR

Ward Member

Councillor Mike Evemy

Case Officer

Ben Bendall

Recommendation
PERMIT

14. **Sites Inspection Briefing**
Members for 5th July

Councillors Ray Brassington, Patrick Coleman, Julia Judd, Dilys Neill, Michael Vann

15. **Licensing Sub-Committee (2003 Licensing Act Matters)**
Members for 29th July (if required)

Councillors Ray Brassington (Chair), David Fowles, Dilys Neill

(END)

This page is intentionally left blank

Agenda Item 4

Planning and Licensing Committee
26/April2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 26 April 2023.

Councillors present:

Ray Brassington (Chair)

Mark Harris

Stephen Hirst

Sue Jepson

Patrick Coleman (Vice-Chair)

Julia Judd

Andrew Maclean

Dilys Neill

Gary Selwyn

Steve Trotter

Clive Webster

Officers present:

David Morren, Interim Development Manager

Caleb Harris, Senior Democratic Services
Officer

Ana Prelici, Democratic Services Officer

Andrew Moody, Senior Planning Case Officer

Harrison Bowley, Senior Planning Case Officer

Mike Napper, Development Management

185 Apologies

No Apologies were received

186 Substitute Members

There were no substitute members.

187 Declarations of Interest

Councillor Brassington declared that he knew the agent on the Tunnel House application from his previous employment at the Council but added that he had never socialised with him.

Councillor Webster declared that he had a seat on the Cotswold national landscape board.

Councillors Harris and Judd had declared that they had worked with the Bathurst Estate in the past.

188 Minutes

RESOLVED: That the minutes from the meeting held on the 8th of March were approved as an accurate record of the meeting.

VOTING RECORD: 10 for, 1 abstention

Councillor Webster noted that two additional members should have abstained, as they were not present at the meeting. There was no revote, as the resolution would have passed anyway, but the Chair confirmed this would be noted in the minutes.

189 Chair's Announcements (if any)

As this was the last meeting of the Committee for the municipal cycle, the Chair thanked all the members for their co-operation, and wished those who would not be returning well for the future.

The Chair also announced that Mike Napper would be retiring after 30 years at the Council. He was remarked upon as being always professional, friendly and polite. The chair thanked him for all his work and his assistance during his tenure as Chair.

190 Public questions

There were no Public Questions.

191 Member questions

There are no member questions.

192 22/03495/FUL - Land West Of Worwell Farmhouse, Cirencester Road

The application was for a mixed use development comprising a healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works at Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY.

The recommendation was for DELEGATED PERMISSION subject to i) completion of S106 in respect of Affordable Housing, ii) completion of S106 in respect of library contribution, and iii) confirmation of Local Highways Authority comments.

The Senior Case Officer introduced the item, listing the updates that had been distributed through supplements. The case officer highlighted that an additional response had been received from the Local Highways Authority and circulated in the 'additional pages update' supplement pack. Not all members had time to consider these items, and did so during the meeting before the Case Officer introduced the report.

Public speakers

Mr Richard Barley had addressed the committee to object to the application, highlighting concerns about the loss of green space, and the mentioned the exclusivity deal that the applicant had entered. Mr Barley stated that he believed other sites should be considered for the development.

Ms Helen Young addressed the committee to support the application. Ms Young highlighted what she perceived to be the benefits of the development, making specific reference to the affordable housing and healthcare facility.

The ward member, Councillor Richard Norris had sent his apologies and did not address the committee.

Members' questions

Members asked whether neighbouring Ward Members had been invited to address the committee. The Interim Head of Legal Services advised that the protocol is limited to ward members.

Members discussed that the visual aspects to the site were important, but that the officer has no additional photographs of the pedestrian approach, and publicly available street photographs (eg. Google Maps) were out of date. Members therefore considered a site inspection briefing.

Members also discussed the exclusivity deal that the applicant had entered into. Officers advised that the healthcare provider had considered 19 other sites before entering into the exclusivity deal with the applicants. The Case Officer advised that the Committee can only take into consideration the application in front of them and is therefore not able to consider prospective sites. The Case Officer advised that the sequential test did not fully support the applicants argument that this was the only viable site. This had been taken into consideration when reviewing the application, however; the public benefit relating to the provision of a healthcare centre was afforded more limited weight in the planning balance as a result.

RESOLVED – To defer the item in order to carry out a full committee site inspection briefing.

For- 10, Against – 1, Abstain 0

Proposer- Councillor Mark Harris, Seconder Councillor Sue Jepson

193 21/03698/FUL - Tunnel House Inn

The application was for a single storey extension to both Inn and barn, and use of land for the siting of six accommodation units and associated works at Tunnel House Inn Coates Cirencester Gloucestershire GL7 6PW.

The recommendation was to permit the application.

The Major Developments Manager, as the Case Officer on the application, introduced the item and highlighted the materials that had been distributed in the additional pages update document.

As some members had not had time to read the additional documents, they were given time to read them before considering the item in the meeting.

Public Speakers

Councillor Mark Grimes, representing Rodmarton Parish Council, addressed the Committee to object to the application. Councillor Grimes made specific reference to the self-contained accommodation units, and potential damage to the surrounding countryside, as potential disruption to neighbouring residents from the hot tubs.

Ms Margaret Hopkins addressed the Committee to object to the application. Ms Hopkins objected to the proximity of the application to the canal bank, due to damage of the scenery, dark skies and the wild life.

Planning and Licensing Committee
26/April2023

Andrew Miles, who was the agent, spoke on behalf of the applicant. He highlighted that the purpose of the application was to keep the historic pub operational, and thereby preserve it. He highlighted that the design had been modified in consultation with the conservation officer, and that the ecologist and archaeologist who were all consulted with raised no objections.

Members' questions

Members asked whether there were any photographs of the approach. The Case Officer advised that none were available. Members therefore proposed to carry out a site visit, but asked further questions from the Case Officer, as it was advised that since the Case Officer was retiring, they would not have opportunity to do so after the site inspection briefing.

Members asked whether there would be no permitted development rights, and the Case Officer confirmed that this would be the case.

Members also asked about the hot tubs, and whether the use of these could be restricted in regard to time. The Case Officer advised that the Committee could condition to place restriction on these, or remove them altogether, but that there the disturbance of these would be minimal due to the existing disturbance from the pub.

Members asked whether, in the case of a potential refusal, the viability of the heritage asset would be threatened. The Case Officer advised that this would be the case, and that this is something members should take into account when deciding on the application.

Members noted the timescales associated with the application and mentioned the risk of non-determination. The Case Officer clarified that this was to do with the Beechwoods SSAC.

Members raised concerns over biodiversity, to which the Case Officer highlighted the landscaping plans, which are intended to enhance biodiversity, in addition to the conditioned ecological management plan for the woodland, which would be a new addition.

Members asked about the spread of domestic paraphernalia, and although they recognised that the conditions had already restricted the spread of this, they were concerned that guests could move furniture out onto the bank. The Case Officer advised that this would be possible to restrict through a condition.

RESOLVED – To defer the item in order to carry out a full committee site inspection briefing in order to evaluate access impact.

Voting Record- For 9, Against 2, Abstain 1

Proposer Councillor Mark Harris, Seconder Councillor Sue Jepson

194 22/01310/FUL - 1 Meadow Road, Cirencester, Gloucestershire, GL7 1YA

The application was for the demolition of an existing garage and erection of a dwelling, first-floor gable roof extension to existing dwelling and associated works at 1 Meadow Road Cirencester Glos GL7 1YA.

The Officer recommendation was to permit the application.

Planning and Licensing Committee
26/April2023

The Senior Case Officer introduced the application and highlighted the additional information that had been circulated following the agenda, which was a photo of the view directly opposite to where the new entrance to the existing and proposed dwellings would be. There was also a further representation from an objector.

Public Speakers

Mr Nick Moffat addressed the Committee to support the application. Mr Moffat responded to several of the representations made in objecting to the application and highlighted that he believed the design to be in keeping with the surrounding area and that there would be no overlooking, as referenced in the Officer's report. Mr Moffat also made reference to the fact that off-street parking will be provided.

Councillor Gary Selwyn, as the ward member for the application, addressed the Committee. Councillor Selwyn highlighted long-standing issues with parking owing to the density of the area and the nearby nursery, and particularly noted visibility issues. Councillor Selwyn stated that there was therefore an unacceptable impact on highways.

Members Questions

Members noted the lack of an energy performance report, and asked the Case Officer why this had been lacking. The Case Officer apologised for the oversight, and stated that a condition to require this could be added if the application were to be permitted.

Members asked if the turning circle was functional for a standard sized car, which the Case Officer confirmed. Members also asked whether the turning circle would be retained, and the Case Officer confirmed that this had been conditioned accordingly.

Member Comments

Member highlighted the benefits of the application, meeting a demand for 3 bedroom housing and regenerating the area. Members also made reference to the fact that the development would have public transport links as it would be serviced by the number 51 bus.

Members suggested that the developers could engage with the nursery and local community to find a short-term solution to parking issues.

Members also explicitly noted that the nursery was a valuable community asset.

RESOLVED: To permit the application

Proposer -Councillor Julia Judd, Seconder Councillor Andrew Maclean

Voting record- For 9, Against 1, Abstain 1

195 Sites Inspection Briefing

The Committee noted that the Sites Inspection Briefing was to be held on the 7th of June, and that the members required for this would be confirmed in due course.

196 Licensing Sub-Committee

Planning and Licensing Committee

26/April2023

The Committee noted that a meeting of the Licensing Sub-committee would be taking place on the same day at 4.00pm.

The Meeting commenced at 10.00 am and closed at 12.46 pm

Chair

(END)

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE, 14 JUNE 2023
Subject	APPOINTMENTS TO LICENSING SUB-COMMITTEES
Wards affected	None
Accountable member	Councillor Ray Brassington, Chair of Planning and Licensing Committee Email: Ray.Brassington@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development (Monitoring Officer) Email: Angela.Claridge@Cotswold.gov.uk
Report author	Ana Prelici, Democratic Service Officer Email: Ana.Prelici@cotswold.gov.uk
Summary/Purpose	To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2023/24 municipal year.
Annexes	Annex A – Nominated Members for Licensing Sub-committee (Taxi, Private Hire and Street Trading) Annex B – Rota for Licensing Sub-Committee (Licensing Act 2003 Matters)
Recommendation(s)	<i>That the Planning and Licensing Committee resolves to:</i> <i>a) Appoint five members of the Committee to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading) in accordance with political proportionality and the wishes of political groups (3 Liberal Democrat, 2 Conservative)</i> <i>b) Note that Licensing Sub-Committee membership will comprise the Chair or Vice Chair of the Planning and Licensing Committee and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Sub Committee (Licensing Act 2003) meeting).</i>
Corporate priorities	Deliver the highest standard of service



Key Decision	NO
Exempt	NO
Consultees/ Consultation	Political groups that are entitled to seats on the sub-committee were asked to nominate members.

- 1.1 The Council's Constitution provides that the Planning and Licensing Committee will appoint to two Sub-Committees which have certain functions and responsibilities:
- Licensing Sub Committee (Licensing Act 2003)
 - Licensing Sub Committee (Taxi, Private Hire and Street Trading)
- 1.2 The power to appoint members to Sub-Committees lies with the parent committee i.e. the Planning and Licensing Committee.

2. LICENSING SUB COMMITTEE (TAXI, PRIVATE HIRE AND STREET TRADING)

- 2.1 This Sub-Committee is responsible for determining taxi, private hire and street trading applications in certain circumstances e.g. where relevant offenses feature on the Disclosure and Barring Service (DBS) check, or where representations are made on the review of a license. The provisions of the Local Government Act 1972 relating to Sub-Committees apply to the Licensing Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality. Meetings of this sub-committee are scheduled to take place monthly, c. 2 weeks after each meeting of the Planning and Licensing Committee, but these meetings will only go ahead where there are applications to determine.
- 2.2 It is proposed that the Planning and Licensing Committee appoints five members of the committee to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) for the 2023/24 municipal year, in accordance with political proportionality, as set out in Table 1 below.



Table I: Political proportionality on a five member Sub-Committee

Group	Liberal Democrat	Conservative	Green	Independent	Total
Real entitlement	3.09	1.32	0.29	0.29	5 [†]
Rounded entitlement	3	1	0	0	5
Seats allocated	3	2	0	0	5

**Non-grouped independent members impact overall proportionality but do not have an automatic entitlement to seats on committees and sub-committees.*

†figure not summable due to rounding to two decimal places

2.3 Three seats were initially allocated to the Liberal Democrat Group, and one to the Conservative group, leaving a final seat to be allocated. No independent members sit on the Planning and Licensing Committee. The Leader of the Green Group, who is that group's sole representative on the Planning and Licensing Committee, did not wish to take up the final seat, so the final seat is allocated to the Conservative Group.

3. LICENSING SUB COMMITTEE (LICENSING ACT 2003)

3.1 The Licensing Sub Committee (Licensing Act 2003) is responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health. This sub-committee meets on an ad hoc basis when there are applications to consider.



- 3.2** The Licensing Sub Committee (Licensing Act 2003) is a Sub-Committee which is governed by the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. Under the Licensing Act 2003, the Planning and Licensing Committee must establish one or more Sub-Committees comprising three members of the Planning and Licensing Committee. This sub-committee is not subject to political proportionality and the membership does not have to be fixed for a specified period of time. It is a requirement of the Council's Constitution that the members participating in Licensing Sub Committee (Licensing Act 2003) meetings have completed licensing training.
- 3.3** It is proposed that the membership of this sub-committee will comprise the Chair or Vice Chair of the Planning and Licensing Committee (who will chair the sub-committee) and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation), as illustrated in Annex B. Officers will also seek to identify a fourth Member of the Planning and Licensing Committee to be on standby should any of the three sub-committee members be unable to participate in the determination of an application at late notice.

4. CONCLUSIONS

- 4.1** The Planning and Licensing Committee is asked to confirm the appointment of members to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee and note the membership arrangements for the Licensing Sub Committee (Licensing Act 2003).

5. FINANCIAL IMPLICATIONS

- 5.1** There are no financial implications arising directly from the recommendations in this report.

6. LEGAL IMPLICATIONS

- 6.1** The legal issues relating to licensing sub-committees are detailed in the body of the report, specifically paragraphs 2.1 and 3.2.

7. RISK ASSESSMENT

- 7.1** Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that licensing applications can be determined in a timely fashion and reduce the risk of challenge to decisions.

8. EQUALITIES IMPACT



8.1 The Committee is advised to have due regard to the need to promote equality when appointing sub-committees with responsibility for determining licensing applications.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no climate or ecological implications arising directly from the recommendations in this report.

10. ALTERNATIVE OPTIONS

10.1 If the Planning and Licensing Committee wishes to change the size of the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee or membership arrangements for the Licensing Sub Committee (Licensing Act 2003) it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals.

11. BACKGROUND PAPERS

11.1 None

(END)

This page is intentionally left blank

Annex A: Nominations for Appointments to Licensing Sub-Committee 2023/24

Liberal Democrat Group (3)	Conservative Group (2)	Green Group (0)	Non-aligned Independents (0)
1. Mark Harris 2. Michael Vann 3. Dilys Neill	1. Julia Judd 2. David Fowles		

This page is intentionally left blank

PLANNING AND LICENSING COMMITTEE 14th June 2023

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. 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 the 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 14th June 2023
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order
Tetbury Upton	Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY 22/03495/FUL Full Application	01
Coates	Tunnel House Inn Coates Cirencester Gloucestershire GL7 6PW 21/03698/FUL Full Application	02
South Cerney	Land Off Cricklade Road South Cerney Cirencester GL7 5QE 21/04539/FUL Full Application	03
Cirencester	John Stayte Services 82 Chesterton Lane Cirencester Gloucestershire GL7 1YD 22/03307/ADV Advert Application	04
Preston	Old Farm House Preston Cirencester Gloucestershire GL7 5PR 23/00892/FUL Full Application	05

Application No: 22/03495/FUL

**Land West Of Worwell Farmhouse
Cirencester Road
Tetbury
Gloucestershire
GL8 8RY**

Mixed use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works at Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY

Full Application 22/03495/FUL	
Applicant:	Stonewood Partnerships Ltd
Agent:	
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Chris Twells
Committee Date:	26th April 2023
RECOMMENDATION:	DELEGATED PERMISSION subject to i) completion of S106 in respect of Affordable Housing, ii) completion of S106 in respect of library contribution, and iii) subject to the finalisation of discussions regarding the Highways Officer’s conditions and legal arrangements for the payment of Travel Plan monitoring contributions

UPDATE: This application was deferred at the 26 April 2023 Planning and Licensing Committee Meeting to allow for a Sites Inspection Briefing. The purpose of the S.I.B. was to assist Members in their consideration of the application with regard to the impact of the proposal on the AONB and Conservation Area.

Please note the report to the April committee meeting below is subject to updates that were published in *Additional Pages dated 21 April 2023* and *Additional Pages Update dated 25 April 2023*. For ease of reference the updates and addition of conditions have been populated in bold text in section 12. *Proposed Conditions* of the report.

Since the April committee meeting, further updates have been received:

- Two further letters of support have been received. The first constitutes a letter from Dr Peter Hill of the Phoenix Health Group setting out the healthcare providers position in relation to the background to the development. The second representation of support comments that: the existing surgery is not fit for purpose; any healthcare development will have a degree of harm on the AONB; there are advantages of the current scheme; and, considering hypothetical alternatives, for which planning applications do not exist is not relevant.
- One further letter of objection raising additional comments of: acknowledging the points made by Dr Hill and the background narrative and the NHS GICB Policy; the influence of the November press release.

- **A further consultation response from GCC LLFA following revisions to Proposed Foul and Surface Water Drainage Strategy**
- **Revised plans for House Type II which now includes the provision of a side external door to serve the utility room.**
- **The submission of a Technical Note relating to Proposed Foul and Surface Water Drainage Strategy.**

REPORT - 26 APRIL 2023

1. Main Issues:

- (a) Principle of Development
- (b) Housing Mix and Affordable Housing
- (c) Proposed scale, design and layout of development
- (d) Impact on the setting of Tetbury Conservation Area
- (e) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (f) Impact on Residential Amenity
- (g) Biodiversity and Geodiversity
- (h) Highways Impact
- (i) Flood risk and Drainage

2. Reason for Referral:

2.1 Officers considered it appropriate for this application to be determined by the Planning and Licensing Committee in this instance, due to the complexity of issues relating to public benefits and the housing strategy.

3. Site Description:

3.1 The application site comprises around 2.1 hectares of land to the north-east of Tetbury, set to the east of Cirencester Road. The site lies mainly within Tetbury Upton Parish, with the southernmost part within the administrative boundary of Tetbury Town Council. The land forms part of the former Worwell Farm and is currently used for grazing. The site is outside of the principal settlement of Tetbury, albeit adjacent to it, with the development boundary terminating around 25m west of the site.

3.2 The site slopes gradually down to the southern part and contains a small copse of semi-mature trees within the south-western corner. Cirencester Road runs the length of the western boundary, with Jasmine Gardens and Quercus Road beyond this. To the north lies Old Ilsom Farm Road, with Worwell Farm located to the east. Beyond the existing built form to the north, south and east lies open countryside and woodland. Tetbury Town Football Club lies around 230m to the south of the site.

3.3 The site is located within the Cotswolds Area of Outstanding Natural Beauty and a Public Right Of Way (Footpath NTU46) runs in an east/west direction along the southern boundary of the site and this connects to bridleway NTU47 and footpath NTE6A to the east.

4. Relevant Planning History:

None relevant.

5. Planning Policies:

TNPPF The National Planning Policy Framework
CDCLP CDC LOCAL PLAN 2011-2031
DS1 Development Strategy
DS2 Dev within Development Boundaries
DS4 Open Market Housing o/s Principal/non-Pr
SA1 South Cotswold - Principal Settlements
NPTTP1 Pol 1 : Types of housing
NPTTP2 Pol 2 : Tetbury's Townscape & Character
NPTTE TETBURY/TETBURY UPTON NP 2015-2030
NPTTP5 Pol5:Com Facilit's & Assets of Com Value
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
INF2 Social & Community Infrastructure
INF3 Sustainable Transport
INF4 Highway Safety
EN14 Managing Flood Risk
H1 Housing Mix & Tenure to meet local needs
H2 Affordable Housing

6. Observations of Consultees:

- 6.1 Forward Planning - *"The proposed development would offer a deliverable solution that would resolve this issue. The doctor's surgery part of the development is consistent with Local Plan policy INF2. The expansion or relocation of Romney House Surgery is also an identified strategic infrastructure requirement of Local Plan Policy SA1. From an accessibility perspective, the proposed development is better suited to a Doctor's Surgery than the two potential alternative sites for a Doctor's Surgery, identified through the SHELAA process. The two alternative sites are also both in the AONB and are not without their difficulties in terms of landscape harm.*

It remains the case that, amongst other things, the proposed development would have a harmful impact on an attractive pastoral greenspace within the AONB; the setting of Worwell (the source of the River Avon); the rural setting of the historic town of Tetbury and its designated Conservation Area; it would make adjoining land more susceptible to further development; and that the housing element is contrary to the adopted Local Plan development strategy.

The delivery of a doctor's surgery is welcomed but in order for the benefits of the application to outweigh the harm, it is the view of Forward Planning that the application needs to deliver more than is currently proposed."

- 6.2 Natural England - No Objection.
- 6.3 Local Highways Authority - Objection on grounds of sustainability and highways safety.
- 6.4 Landscape Officer - It has been assessed that there would be landscape and visual harm arising from the proposed development this needs to be set against the benefits of the surgery and should be considered in the planning balance.
- 6.5 Conservation & Design - Objection on the grounds of layout and architectural design of the buildings.
- 6.6 Lead Local Flood Authority - The LLFA has no further objections to the proposal and does not require any conditions.
- 6.7 Tree Officer - No objection subject to site specific tree protection measures and new tree planting, including new street tree planting.
- 6.8 Biodiversity Officer - No objection subject to conditions.
- 6.9 Public Rights of Way Officer - No objection raised, observations made regarding impact on PROW.
- 6.10 Gloucestershire County Council Community Infrastructure - Library contribution has been requested.
- 6.11 ERS Contamination officer - No objection subject to conditions.
- 6.12 Gloucestershire County Council Archaeologist - Field evaluation required prior to determination.
- 6.13 Gloucestershire County Council Minerals and Waste - No objections, however, further clarity on waste reduction and net-zero contributions should be sought.
- 6.14 Housing Strategy - review of affordable housing arrangement and layout required.
- 6.15 GCC Archaeologist - No objection subject to condition.
- 6.16 Bristol Water - Request for pre-planning discussions outside of the application proposal.
- 6.17 Wessex Water - Requirement for the developer to demonstrate a viable foul drainage strategy to agree proposals for the Section 104 adoption connections and submit details to Wessex Water for technical review prior to construction.
- 6.18 Cotswolds National Landscape Board - Draw attention to the local planning authorities (LPA) statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.

7. View of Town/Parish Council:

7.1 Tetbury Upton Parish Council:

"Whilst supporting the application, Tetbury Upton PC hope the following concerns will be taken into account -

7.1.1 Inadequate parking

7.1.2 Access not easy for patients with mobility issues

7.1.3 Lack of street lighting and pavement access particularly on the Ilsom side of the proposed development.

7.1.4 The local plan (policy DS4) does not allow for new build open market housing outside the town development boundary which this development clearly would be leaving concerns as to the impact on the landscape and wild life.

7.1.5 There is no allowance for bungalows as per the Tetbury and Tetbury Upton Neighbourhood plan."

7.2 Tetbury Town Council stating:

7.2.1 Tetbury Town Council has concerns about the lack of street lighting within this area if this application is approved.

7.2.2 Working within the Tetbury and Tetbury Upton Neighbourhood Plan 4.1.2 Types of Housing Preferred, it is noted that no bungalows have been considered on this development.

7.2.3 Tetbury Town Council is concerned about the impact this will have on the landscape and the proposed application being outside the permitted development area.

7.2.4 Tetbury Town Council are aware of the consequences if this planning application is not approved as we will lose a vital service for the town.

7.2.5 Tetbury Town Council are also concerned about the lack of transport within Tetbury as our residents would have to travel out of town for a medical appointment.

7.3 A second comment from the Town Council was received on 02/12/2022 advising:

7.3.1 "Tetbury Town Council supports this application"

8. Other Representations:

8.1 Sixty-seven Third Party representations have been received objecting on the grounds of:

- i. Loss of outlook;**
- ii. Impact from light pollution;**

- iii. Increase in traffic and unsafe access and road/footways for cars and pedestrians;
- iv. Loss of existing habitats and wildlife;
- v. Anti-social behaviour arising from the car park;
- vi. Benefits of doctors surgery does not outweigh environmental harms;
- vii. Site should be preserved for environmental enhancement;
- viii. Contrary to Local Plan Policy DS4;
- ix. Lack of justification of need for dwellings;
- x. No record of pre-application public meetings;
- xi. Changes to speed limits required;
- xii. Transport and access options;
- xiii. Inaccuracies and omissions within travel plan;
- xiv. Development is contrary to pre-app advice and 2021 SHELAA ;

- xv. Impact on source of the river;
- xvi. Lack of facilities to support more housing;
- xvii. Reliance on car/motorised vehicles to access surgery;
- xviii. Cumulative extensions to Tetbury's boundaries;
- xix. Conflict with Neighbourhood Plan;
- xx. Flooding issues;
- xxi. Site is in an unsustainable/inaccessible location outside of town centre;
- xxii. Overdevelopment of this part of the town;
- xxiii. Disruption to local residents from increase in traffic, bottlenecks and pollution;
- xxiv. Impact on Worwell water source and a Ground Water Source Protection Zone;
- xxv. Lack of aesthetic character of dwellings;
- xxvi. Inadequate parking provision;
- xxvii. Implications of the inconsistent narratives and background to the development;
- xxviii. Lack of prior public consultation;
- xxix. False narratives created by press release;
- xxx. Lack of exploration of alternative sites for the surgery;
- xxxi. Opportunities at Tetbury Hospital site;

8.2 One-hundred and twenty one (06/03) third party representation have been received offering support on the grounds of:

- i. Contribution towards Local Plans identified housing need;
- ii. Development would satisfy strategic need for a healthcare centre;
- iii. Sustainability of the location;
- iv. Compliance with affordable housing requirements;
- v. Limited landscape impact on the AONB;
- vi. Net gains in biodiversity;
- vii. Excellent climate credentials;
- viii. Requirements to update speed limits along Cirencester Road and London Road;
- ix. There is a need for an up-to-date doctors surgery;
- x. Precedent set by recent development;
- xi. Development boundaries are not fixed;
- xii. Development would be in keeping with the existing character;
- xiii. The design meets the functional needs;
- xiv. Inadequate alternative options;
- xv. Lack of sustainable alternative sites;

8.3 Three (15/11) general comment has also been received on the grounds of:

- i. Positive inclusion of carbon neutral buildings and porous surface treatments;
- ii. Request for adequate inspection to ensure design features are achieved;
- iii. Impact from surface water run-off;

9. Applicant's Supporting Information:

9.1 Proposed and Existing Plans; Archaeological Desk-Based Assessment; Malford Environmental Consulting Ecological Appraisal; Design and Access Statement; Flood Risk Assessment; Land Contamination Assessment; Landscape and Visual Impact Appraisal; Phase I Desk Study and Phase 2a Preliminary Ground Investigation; Proposed Foul & Surface Water Drainage Strategy; Residential Travel Plan; Statement of Community Involvement; Transport Assessment; Waste Management Plan; Waste Minimisation Statement; Workplace Travel Plan; Construction Management Plan; Renewable Energy Statement; Landscape & Ecology Management Plan; Archaeological Evaluation; Highways Technical Note; Walking, Cycling and Horse-Riding Assessment Review.

10. Officer's Assessment:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031 (CDLP).

10.3 The Tetbury and Tetbury Upton Neighbourhood Development Plan 2011 - 2031 was adopted in December 2017. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 states that 'for the purposes of any area in England (but subject to subsection (3B)) a neighbourhood development plan which relates to that area also forms part of the development plan'.

10.4 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.5 The application proposes a mixed use development, consisting of a healthcare facility and twenty-seven residential dwellings. The residential element would include the provision of eleven affordable dwellings.

10.6 The development would contain 3 two-bedroom dwellings, 6 three-bedroom dwellings; 14 four bedroom dwellings and 4 one-bedroom flats. Of the affordable dwellings, 3 units are proposed as First Homes, whilst 8 are proposed as Affordable Rent.

10.7 The development would primarily contain two-storey buildings, set within a sloping landscape that descends to the south. The buildings are of a gabled design, constituting a generally contemporary design approach, with elements of the vernacular.

10.8 The healthcare centre would be located along the western boundary, and would comprise a two storey gable, with single storey projecting 'wings'. The building would be of a contemporary design approach, utilising large glazed elevations.

10.9 The development would be finished in a mix of Natural and Reconstituted Stone and render to the residential element, with the healthcare centre finished in natural stone and metal cladding.

(a) Principle of Development

10.10 The application site lies within the northern part of the town of Tetbury, the second largest settlement in the District after Cirencester. Tetbury is a Principal Settlement and is considered to include the developed parts of adjacent parishes that abut, and are effectively part of, the built-up area of the town. The town has been defined by a Development Boundary within the CDLP development strategy. Development boundaries are drawn around the Principal settlements identified as a central element of delivering the Council's Development Strategy. The CDLP outlines at paragraph 6.2.2 and 6.2.3 that: *"the Development Boundaries essentially define the existing built-up areas of Principal Settlements, including sites that are under construction; and have been granted planning permission. They also include housing and employment sites proposed for development to meet the District's objectively assessed needs to 2031, including the Strategic Site."*

10.11 The site the subject of the current application lies outside of the defined Development Boundary; but adjoins it to the west. The boundary runs partially along the Cirencester Road parallel to the site frontage before leading north-west along Quercus Road. The development strategy remains up-to-date and has been supported in a number of Appeal decisions for new-build residential development adjacent to, or close to, development boundaries.

10.12 In the case of the current application, the site is located outside of the Development Boundary of the Principal settlement of Tetbury and therefore Local Plan Policy DS4 is of most relevance in terms of the residential element of the proposals. Policy DS4 deals with open market housing outside development boundaries and non-principal settlements, and states:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

10.13 In addition to the delivery of new-build dwellings within development boundaries under policies DS1 and DS2, the supporting text for policy DS4 states that:

"Besides the provisions of paragraph 55 (the equivalent in the current NPPF is now paragraph 80) of the NPPF, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- *affordable housing on rural exceptions sites (Policy H3);*
- *housing for rural workers (Policy H5);*
- *sites for gypsies and travellers (Policy H7);*
- *and conversion of rural buildings (Policy EC6)"*

10.14 The Tetbury and Tetbury Upton Neighbourhood Development Plan 2011 - 2031 does not set out any strategic policies relating to the location of new residential development. The Plan acknowledges that: *"The LPA is currently progressing a new Local Plan, which is due to be submitted for examination this summer. The previous Adopted Local Plan is the official Plan policies in this document have to be in general conformity with, but in order that this Plan is 'future-proofed', regard has also been paid to policies in the emerging Local Plan 2011-2031."* The Plan contains a number of policies relating to mix of dwelling types, affordable housing and townscape, which will all be considered in subsequent sections of this report.

10.15 The current application proposes the provision of a mixed use development including 27 residential dwellings, 40% of which are proposed as affordable, and a healthcare facility. It is therefore evident that the proposed residential development would not be applicable to any of the policy exceptions listed within the supporting text of DS4. The development would therefore be contrary to Local Plan Policy DS4.

10.16 The applicant contends that the *"site is not an isolated site, nor can it be considered rural as it is surrounded on two sides by development."* The developer therefore argues that the site is not located in an un-sustainable location and instead, sits on the edge of the second largest principal settlement within the District and on the edge of the settlement limits. It is therefore outlined within the applicants' supporting information that they consider the site to be sustainable and that the housing is required for a special circumstances; to support the delivery of a bespoke healthcare facility. Nevertheless, the amount of proposed housing has not been promoted by the applicant as solely enabling development.

10.17 Notwithstanding this, it is necessary to consider the application as a whole, in order to assess the balance against other relevant policies and material considerations. As well as the residential element, the application proposes a healthcare facility along the western edge of the site, adjoining Cirencester Road. The provision of this piece of infrastructure would be assessed against Local Plan policies SA1 and INF2. Notably, policy INF2 states:

"Proposals for community facilities, including open spaces, either in their own right or as a consequential requirement of development in the area will be permitted where, as appropriate, it is demonstrated that:

- Where associated with another development, provision is synchronised with the scale, timing/phasing and needs of the associated development;*
- account has been taken of existing facilities and services in the area, including the quantity and quality of provision;*
- the proposal is economically viable in terms of its ongoing maintenance, and there is demonstrable local need for it;*

- d. *the facility or service is well-linked and accessible to the local community by foot, bicycle or public transport both at present and having regard to development proposals of the Local Plan;*
- e. *the feasibility of multi-purpose use of the facility or service has been rigorously explored and, where possible, implemented in the proposal; and*
- f. *provision is made for the on-going management/maintenance of the facility or service."*

10.18 The supporting text to Policy INF2 outlines that " *the purpose of this policy is to make sure that as communities grow, supporting infrastructure can correspondingly grow or change whilst maintaining provision at an appropriate level*"(Paragraph 11.2.3). The policy goes on to outline that "The right location for a community facility will depend on its scale and function. Facilities that serve the day-to-day needs of a community should be located in local centres close to the communities they serve and should be fully accessible and inclusive. The location of higher-level facilities, such as leisure centres, should be accessible to all members of the community and directed to an allocated site (where the Local Plan makes such provision) or other appropriate site in an area of identified under-supply" (Paragraph 11.2.5); and that "New facilities should be located so as to minimise the need to travel by car by being safely accessible by walking, cycling and public transport. Mixed-use developments can help ensure that houses and businesses are close to services. Facilities that are flexible and provide a range of uses can also help to generate higher levels of activity as well as making more efficient and effective use of land"(Paragraph 11.2.6).

10.19 Moreover, Policy 5 of the Neighbourhood Plan outlines that when considering Protecting Identified Community Facilities, that "any replacement provision should meet or exceed the existing benefit to the community of the current facility especially with regard to safety and accessibility" and identifies a doctors' surgery as an Identified Community Facility.

10.20 It is considered that the development of the healthcare facility satisfies criterion b, c, e and f of CDLP Policy INF2 with their being an identified need. The business case for the new facility was accepted on 17/04/2023, further demonstrating the viability of the facility and the facility would incorporate complementary uses including a pharmacy, dispensary and training rooms. The sustainability of the location will be considered in subsequent sections of this report. The facility would provide an upgraded and updated level of healthcare provision, in accordance with Policy 5 of the Neighbourhood plan. The principle of the healthcare facility element of the development would therefore be supported by the policies, subject to consideration of criteria a) to f) of the policy.

10.21 In the context of the above commentary, it is therefore necessary to consider the potential public benefits of the scheme as a whole, most notably the provision of the policy compliant healthcare facility, given that there is tension between the policy support for the healthcare facility and the proposed new-build housing, which is contrary to the adopted housing strategy. Firstly, it is clear that there is an established need for a new healthcare facility within the town, as identified by Policy SAI, which acknowledges that the expansion or relocation of the existing surgery in Tetbury is a strategic infrastructure requirement for the South Cotswolds Sub-Area. As has been explained earlier in this report, this is also reflected within the Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030, which outlines that: "the provision of Infrastructure including medical and educational provision will be promoted and supported wherever possible"

10.22 In response to the application, the Associate Director for NHS Gloucestershire's Integrated Care Board (GICB) has advised that *"Tetbury was identified as a key priority for GICB in a Primary Care Infrastructure Plan (PCIP), first published in 2016. The local NHS wishes to ensure the patients of Tetbury have access to the primary care facilities they need for the long term. The Local NHS has been liaising with the Practice over the last few years as it has attempted to progress plans."* The Board also advised within their comments that *"GICB knows from working with the Practice over the last seven years, it has proven to be very challenging to identify suitable and/or affordable sites with some opportunities being initially progressed but then being unable to proceed."*

10.23 It is therefore evident that the provision of a new healthcare facility in the town is a much needed piece of infrastructure. GICB and the Council's officers have been seeking to identify a potential site for a number of years for Local Plan allocation. To date, however, no such site has been forthcoming with sufficient certainty to do so.

10.24 It is outlined within the applicant's supporting information that the current facilities within the town centre are subject to a lease expiring in 2025, and that the existing facilities are otherwise outdated and in need of upgrading. Officers do not contest the narrative put forward by the applicants, which is consistent with the views of the GICB, and the Council's officers. The proposed facility would offer a bespoke, modern healthcare facility, which would meet one of the strategic infrastructure requirements for the South Cotswolds Sub-Area, and the need identified by the GICB. This would therefore constitute a significant material public benefit, that could therefore be afforded substantial weight when assessing the planning balance.

10.25 The current application site adjoining Worwell Farm offers viable and deliverable healthcare infrastructure that would meet the identified needs of the town.

10.26 When considering the weight that should be afforded to the development of the healthcare facility, it is necessary to also consider whether alternative sites have been sufficiently considered, and whether the public benefit would be otherwise achievable through a less intensive form of development. It is important and material to acknowledge that the residential aspect of this scheme has NOT been submitted or justified by the applicant as enabling development, nor has a viability case therefore been submitted. The applicant contends that Local Plan Policy DS4 contains scope for flexibility which this current scheme exercises through the sites sustainable location and surrounding context, as well as the provision of the healthcare infrastructure.

10.27 Third Party concerns have been raised that a sequential test of potential alternative sites has not been undertaken correctly. The applicant and healthcare providers have, however, entered into an exclusivity deal limiting options to this single site. Notably, a public comment has been submitted by Blue Fox Planning on behalf of Redrow Homes Limited advising of a second potential site at Hampton Street in North Tetbury, which is also noted as having been consistently identified as available within the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA States: *"Tetbury has a long-standing need for a new doctor's surgery. This site could potentially resolve this issue."* This site has not as yet come forward, however, and the SHELAA outlines a number of practical issues with the site, including access. This nevertheless constitutes a potential alternative that has not been fully explored. A further alternative site has been identified by officers, this being the site to the north of the Miller Homes development at Highfield Farm.

10.28 Despite these sites being potential alternatives to the current proposal, they were discounted from the sequential tests which is regrettable. The applicants instead contend that *"a total of 19 sites were investigated and only a limited number of sites brought forward were considered to be suitable. However, for many reasons, the most important factors being cost and immediate delivery, most were discounted."*

10.29 Officers are not satisfied that the sequential test has been conducted thoroughly or transparently, with the application's supporting information lacking details of the considerations made. Notwithstanding this shortcoming, the applicant and healthcare provider have entered into an exclusivity agreement. This agreement has led to a single site being progressed, and brought forward as part of the current application.

10.30 Notwithstanding this shortcoming, it is evident that other options exist and the sequential test conducted has not adequately demonstrated that this constitutes the only viable site for the proposed services. The existing facilities are, however, constrained, both in terms of the impending expiry of the current lease agreement and the outdated facilities, and the closure of the facility is likely to occur in January 2025.

10.31 Whilst it is apparent that the loss of the healthcare provision cannot be discounted as a potential outcome, this does not directly relate to the outcome of the current application. Within the GICB submission it is outlined that if the current application were not approved: *"the development of primary care facilities in Tetbury would remain a key priority. GICB would continue to work with the Practice to deliver a new surgery for Tetbury. GICB fully supports the strategy to deliver a new purpose built primary care facility for the Town. In the meantime, GICB would also work with the Practice to understand ongoing service provision. If at a future point, existing facilities were to become unavailable, GICB would work with the Practice and key stakeholders to do everything possible to put in place interim arrangements. This would undoubtedly be challenging. However, subject to finding a suitable building for refurbishment, or land for temporary accommodation, it would mean residents of the Town would continue to have access to primary care services until a long term solution was delivered."*

10.32 This narrative is further reflected within the healthcare providers website, where it is stated within the 'Frequently Asked Questions' that should the development not be built then it would *"...need to work with the Clinical Commissioning Group to try and find a solution..."*, albeit it explains that it does *"...not currently believe there is an alternative option that is satisfactory for its Patients."*

10.33 As such, when considering the weight that should be applied to the healthcare facility provision, it is evident that there is an established need that is not currently being fulfilled elsewhere. Whilst alternative sites may be available, the current scheme proposes a deliverable proposal with an agreement in place between the applicant/developer and healthcare provider for a 30 year lease of the building. It is currently the only site where an application has been forthcoming. Whilst it may be that the same provision could be accommodated elsewhere with a lesser impact on the development strategy, it is also clear that the alternative sites would also have policy difficulties, and would also lie outside of the town centre, as is the case with the current proposal.

10.34 Overall, the proposed mixed use development would result in harm to the CDLP development strategy through conflict with Policy DS4, as a result of the new-build housing element. It is, however, considered that the public benefits provided by the opportunity that

it affords to deliver the healthcare facility could, in this instance, outweigh the housing strategy harm and could therefore be acceptable, on balance, in principle. There are, however, other policy considerations that are also material to officer's overall conclusions and they are addressed in the following sections of this report

(b) Housing Mix and Affordable Housing

10.35 Local Plan Policy H1 requires that:

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

10.36 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 40% of new dwellings gross on all non-brownfield sites as affordable. The Policy outlines that:

"The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots."

10.37 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 was formally 'made' in 2017 and is also a material policy consideration. Policy 1 (Types of Housing) states that "Housing development should, where appropriate and viable, provide for a range of dwelling types and sizes, to reflect local demand." Policy 2 (Enhancement of Tetbury' Townscape and Character) requires that "Development Proposals will be required to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide."

10.38 The application proposes a mix of open market dwellings, comprising 1, 2, 3 and 4 bed dwellings. The housing mix is considered appropriate and responds to local demand in the area. Whilst the Neighbourhood Plan outlines a demand for bungalows within the supporting

text for Policy I, it is acknowledged that this demand is below that of 'houses'. The scheme also offers 11 affordable units, meeting the 40% policy requirement. As such, it is considered that the housing mix is reasonable in this instance, despite the absence of bungalows within the development.

10.39 The tenure mix of the proposed affordable units has been subject to discussions between the applicant and officers. Notably, this is in relation to the provision of First Homes. The Planning Practice Guidance, updated December 2021, outlines that:

"A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.

In accordance with paragraph 62 of the National Planning Policy Framework, affordable housing is expected to be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

Paragraph: 012 Reference ID: 70-012-20210524"

10.40 In response, the Council sets a policy requirement for a tenure mix of 25% First Homes, 70% Affordable Rent with the remaining 5% Affordable Home ownership (Shared Ownership, First Homes or Discount Sale); with the aim for the Affordable Rent to beat least 45% social rent. The application proposes a policy compliant affordable housing tenure mix being 25% First Homes (3 units) and 70% Affordable Rent (8 total).

10.41 Local Plan Policy HI requires proposals of more than 20 dwellings to provide 5% of dwelling plots for sale as serviced self or custom build plots. The current scheme does not propose any self-build plots, citing site constraints relating to ground works and costs as the reason. It is therefore acknowledged that the development fails to meet this policy requirement.

10.42 In terms of design, officers are content that the Affordable Housing units would be 'tenure blind' in appearance and would be well-integrated within the overall development. Similarly, officers have ensured that the units would meet the established living space standards required as part of the Council's standards for the relevant S106 legal agreements.

10.43 Overall, it is acknowledged that the proposed development would not deliver a self-built plot or a dwelling under Affordable Home Ownership. Notwithstanding this, it is acknowledged that the development would deliver a policy compliant 40% affordable housing provision, including First Homes and would otherwise provide a reasonable housing mix. As such, officers are content that the proposed development would deliver an appropriate number and type of Affordable Housing, subject to the final completion of the associated legal agreement.

(c) Proposed Design, Scale and Layout

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

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-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.

10.45 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.46 Policy INF7 (Green Infrastructure) requires that new development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.

10.47 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 was formally 'made' in 2017 and is also a material policy consideration. Policy 1 (Types of Housing) states that "Housing development should, where appropriate and viable, provide for a range of dwelling types and sizes, to reflect local demand." Policy 2 (Enhancement of Tetbury's Townscape and Character) requires that "Development Proposals will be required to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide."

10.48 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.49 Section 14 of the NPPF addresses climate change. Paragraph 153 of the NPPF states that, 'in determining planning applications, local planning authorities should expect new development to 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 design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

10.50 The application has been subject to a number of amendments during the course of the application, following feedback from officers. Prior to the submission of the application, commentary was also provided through pre-application advice. In response, three versions of the proposed development have been forthcoming, with amendments proposed to the materials and elevational treatments.

10.51 Contextually, the application site sits within an awkward juxtaposition between the modern estate-based built form of northern Tetbury and the wider open countryside to the east and south-east. The site itself forms an open field, set over a steep gradient that declines to the south, with the landscape opening up into a green valley to the south-east. The site is visible from the old Cirencester Road, which is acknowledged as being a principal route into the town within the Draft Tetbury Townscape and Character Assessment (TTCA), which forms part of Policy 2 of the Neighbourhood Plan. The TTCA goes on to characterise Cirencester Road as *"leafy and pleasant 19th and 20th century estates are now being enlarged with further estates of proposed dwellings along the old Cirencester Road, replacing open fields and old industrial buildings with 21st century buildings. These offer new clusters of dwellings built to higher densities and with a higher person to m2 internal space"* (Paragraph 2.2.3).

10.52 Owing to its undeveloped appearance, and its characterful gradient leading out towards the open valley beyond, the site is considered to more closely relate to the open rural character of the wider countryside surrounding the town, rather than as part of its built-up form. A Public Right of Way (Tetbury Upton Footpath 46) runs along the southern boundary of the site. The site is experienced from this point, with the path currently cutting between the steep landscape to the north and the more open fields to the south. Despite its distinctly rural character, it is important to also acknowledge the visual backdrop of the modern, housing estate to the north and west, which are currently experienced from the footpath and within the wider site.

10.53 Having regard to the proposed layout, within a rural edge-of-settlement location, officers consider it more typical to see simple straight roads reflective of functional agricultural layouts. In contrast, the current proposal is set around a rather contrived suburban 'S' bend arrangement, with an uncharacteristically deep curving road. The approach to the layout fails to reflect the site's rural context, instead replicating the layout found within the nearby housing estates. Officers encouraged the applicant to reconsider the layout, but no such amendments were forthcoming. The applicants have acknowledged that the proposed layout has been *"developed to make best use of the contours of the land and to ensure that built form will not appear as an intrusive addition in the landscape."* It is important to acknowledge the site's more urban context to the north and west. The site sits with a backdrop of modern housing estates, which have altered the context of the plot. Moreover, by virtue of the steep gradient and highways and drainage engineering requirements, it is necessary for the road to work with the slope. Whilst a more creative approach would have been preferable for the site, owing to the wider site context, and the practical limitations, the submitted design approach to the layout is considered acceptable.

10.54 There are, of course, two distinct elements to the design of the individual buildings, which comprises both the residential aspect and the proposed healthcare facility. Turning first to the residential element, the scheme has adopted a simple design approach, focussing on gabled elevations with relatively steep pitches and unfussy facades. The materials palette has been refined during the course of the application, and now proposes an unassuming mix of Cotswold Stone, reconstituted stone and cream render, creating consistent yet varied textures and finishes. The applicant was advised and encouraged through discussions that the scheme should seek to achieve a distinct architectural identity that reflects the rural, transitional character of the site.

10.55 Notwithstanding the simple, unassuming approach taken, the scheme seeks to achieve a blend between simple vernacular and contemporary elements. The contemporary aspects

include the large windows without glazing bars, the use of stone and render texture to some windows surrounds and simple canopies.

10.56 Officers consider, however, that the overall appearance and finish neither achieves a high quality contemporary design, nor a more traditional vernacular appearance. The development lacks a coherent architectural narrative, and shares a closer resemblance to the modern estate housing to the east, than a sympathetic rural vernacular scheme or a distinctly modern, contemporary addition to the town. This is similarly reflected within the street scene, which is considered to lack characterful variety of scale, form and massing. That being said, certain views work more successfully than others, and whilst there is an unfortunate repetitive monotony to certain aspects, such as Sections B-B and E-E within the submitted Street Elevations (see attached), there is a reasonable level of variation and architectural interest present, notably at the entrance and through the centre of the site.

10.57 Notwithstanding the preferred approach as recommended by officers, it is evident that there is merit in the simple design approach taken. Whilst the general design approach is unfortunate, the development would reflect, and in instances improve upon, the design approach of the adjoining modern estates. Spacing between buildings within the northern portion, the coherent application of materials and the more sympathetic treatments of the more prominent facades along Cirencester Road, and the rear elevations facing the Public Right of Way, achieve a reasonable design quality. The materials pallet is not unreasonable and would respond to the locality, subject to conditions securing final proposals and finishes.

10.58 It is also important to acknowledge that the building design achieves a high energy performance, which responds positively to the requirements of Section 14 of the NPPF, which requires development to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure. The residential components of the scheme would be built with a 'fabric first' approach and would utilise air-source heat pumps, integrated solar-voltaics, mechanical extract ventilation and will be constructed from FSC certified timber frame. The submitted energy performance report outlines that this would achieve a total saving and reduction of 36.8%, or 20,300Kg CO₂ per annum, against standard CO₂ emissions over Approved Document Part L (ADL) of Building Regulations 2013. A large part of this energy performance reduction is achieved through the incorporation of a 'fabric first' design approach and integrated low carbon energy source, prior to the incorporation of PV panels.

10.59 Turning to the healthcare centre, the building incorporates both an aesthetic and functional requirement, with it required to meet a number of minimum standards including a Building Research Establishment Environmental Assessment Method (BREEAM) excellent rating. A BREEAM certified rating reflects the performance achieved by a project and its stakeholders, as measured against the BREEAM sustainability assessment framework and its benchmarks, including energy performance.

10.60 The proposed building incorporates a large, utilitarian appearance, incorporating a two-and-half storey glazed gable to the front, with broad, single-storey projecting wings. The result is a somewhat monolithic, industrial style building finished in metal cladding and natural stone, that does not reflect the wider character of the site. The Cotswold Design Code supports in principle the contemporary design approach taken, acknowledging that *"it is often difficult to reconcile larger buildings and the Cotswold vernacular style, as there are few traditional*

precedents, so a contemporary approach can be more suitable." Whilst the design approach is not therefore inherently objectionable, the resultant building does appear as a large, and incongruous addition to the landscape, that fails to incorporate sufficient breaks in the mass or horizontal articulation of the building. Notwithstanding this, it is acknowledged that the building is required to incorporate a minimum level of facilities, which is reflected in the internal layouts. The majority of the building's accommodation is provided at ground floor, with first floor accommodation minimised to the central gable and thus, resulting in an overall lower form of built profile. It is also acknowledged that the building achieves a BREEAM rating of excellent, and would constitute valuable local healthcare infrastructure. Whilst the design is somewhat unsympathetic within its landscape, it would achieve a building that meets the functional requirements of the healthcare infrastructure. Additionally, the building would be of a high energy performance and would provide space for a mix of uses, including a pharmacy, dispensary and training rooms.

10.61 Overall, it is considered that the design of the proposed development is acceptable, on balance. Whilst the residential aspect lacks a contextually sympathetic layout and clear architectural distinction, it offers a simple form of development that would reflect, and improve upon, the design approach of the adjoining modern estates. Both the residential and healthcare elements would be of a high energy performance and would make use of carbon reducing technologies and renewable energies, which also constitutes a material public benefit of the development. As such, the design, scale and layout are considered, on balance, acceptable.

(d) Impact on the setting of the Tetbury Conservation Area

10.62 The site lies outside, but within the setting of, the Tetbury Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.63 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they 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. Development in conservation areas will not result in 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.

10.64 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.

10.65 The application site lies around 0.7km north of the Tetbury Conservation Area, which terminates to the south-west along Cirencester Road. Whilst the site lies within significant separation from the heritage asset, it nevertheless contributes to the rural approach to the town, and Conservation Area, and therefore contributes toward its setting.

10.66 The proposed development would result in the development of the currently open green space, leading to the suburbanisation of the currently rural character of the road, reducing the retained open space to more of a 'gap' in development as oppose to a rural

frontage. The development would therefore erode the rural character of the approach to the Conservation Area, harming its setting.

10.67 Whilst harm to the designated heritage asset has been identified, there are a number of mitigating circumstances that must be considered. Whilst lying on the approach to the heritage asset, the level of separation does provide some mitigation, in terms of receptors where any harm would be perceived and experienced from. Moreover, it is noted that development already existing to the north and west of the site. Whilst the presence of existing harmful development does not justify further harmful development, it nevertheless contributes towards the existing, partially suburban context of the site.

10.68 When considering the level of harm resulting from the further development and erosion of rural character, it is considered the harm would fall within the category of 'less than substantial'. Paragraph 202 outlines 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, where appropriate, securing its optimum viable use."

10.69 The development would result in the provision of a healthcare facility, which is an established need within the town, as was previously established. As well as the healthcare facility, the development would also provide policy compliant affordable housing, buildings of a high energy performance responding to the Climate Crisis, ecological enhancements and; footpath and pedestrian connectivity improvements.

10.70 It is therefore considered that the proposed development would result in less than substantial harm to the setting of the Tetbury Conservation Area, however; in accordance with Paragraph 202 of the NPPF the harm would be outweighed by the public benefits of the proposal.

(e) Impact on the Cotswolds Area of Outstanding Natural Beauty

10.71 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

10.72 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.73 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.74 The site is situated within Landscape Character Type (LCT) '11A Dip-slope Lowland: South and Mid Cotswolds Lowlands' as defined in Cotswold Conservation Board's 'Landscape Character Assessment' and 'Landscape and Strategy Guidelines'. The Councils Landscape Officers has advised that key characteristics of this LCT include a broad area of gently sloping,

undulating lowland with a predominantly south-easterly fall, gently dissected by infrequent small watercourses.

10.75 The application proposes major development, as defined by footnote 60 of the NPPF, within the AONB. Footnote 60 outlines that *for the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*"

10.76 As a result, paragraph 177 of the NPPF is engaged, which states:

"When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

10.77 The application proposes a mixed use development, including a healthcare facility. As has been established within previous sections, the provision of new or upgraded healthcare infrastructure remains a priority within Tetbury, as outlined within CDLP Policy SA1, Neighbourhood Development Plan Policy 5 and the GICB representation in response to the application. The delivery of this infrastructure is considered to constitute an exceptional circumstance. With regard to the criterion of paragraph 177, the development would support the local economy, achieving needed infrastructure to support the growth and development of the town. Owing to the current nature of new-build healthcare delivery and commissioning, it is necessary for such developments to be developer led. Additionally, the entirety of Tetbury lies within the AONB and as such, any provision of a healthcare centre would need to be located within the designated area. Finally, the development would incorporate green infrastructure, ecological enhancements and landscape planting. The development would also preserve the public footpath to the south of the site. It is therefore considered that the proposed development would meet the requirements of paragraph 177 and major development is not objectionable in principle.

10.78 With regard to the landscaping scheme itself, a Landscape and Visual Impact Assessment (LVIA) has been submitted and highlights the high sensitivity of this nationally valued AONB landscape. The LVIA acknowledges that the open agricultural character of the field would be lost and replaced with urban built form which would cause harm to the scenic and rural character of the AONB. When considering the level of harm caused, it is necessary to consider the site context, which contains existing development to the north and west. The development would not therefore appear as a protrusion from the settlement edge and entirely incongruent, thus lessening any harm.

10.79 Additional planting on the boundaries would be an enhancement to the landscape character and would reinforce the historic field pattern present within the area, and the amendments to the footpath would be uncontentious.

10.80 Whilst mitigation measures would therefore soften the harm caused, the development would nevertheless result in the loss of an open, rural space and would erode the transitional, edge-of-settlement qualities of this part of the town. The development would therefore result in landscape and visual harm to the special qualities of the AONB.

(f) Impact on Residential Amenity

10.81 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.82 The floorspace of the proposed dwellings meets the Government's Technical Housing Standards, the Nationally Described Space Standards document, as required by Local Plan Policy HI.

10.83 Additionally, each dwelling would be provided with an appropriate level of private outdoor garden space, commensurate with the size of the dwellings proposed. The development would therefore meet the requirements of the Cotswold Design Code. The proposed dwellings would be orientated and positioned so as to ensure that occupiers of the proposed and existing dwellings will receive adequate levels of light in accordance with guidance in BRE document IP23/12 Site Layout Planning for Daylight, also contained with the Design Code.

10.84 The level of separation between windows, both proposed and existing, would exceed 22m, and would therefore be in accordance with the requirements set within the Design Code for facing windows. It is therefore considered that the proposed development can be undertaken without having an adverse impact on privacy.

10.85 Overall, it is considered that the proposed development accords with guidance in the Cotswold Design Code concerning residential amenity.

(g) Biodiversity and Geodiversity

10.86 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that 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.

10.87 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.88 The application has been submitted with an Ecological Appraisal and Landscape & Ecology Management Plan. The reports confirm that the site supports a small population of

reptiles (slow worms), suitable navigational corridors and foraging habitat for bats, suitable habitat for nesting birds and an off-site pond located approximately 200m from the proposed site that supports breeding great crested newts. The development proposes mitigation which is the Council's Biodiversity Officer considers to be appropriate.

10.89 With regards to ecological enhancements, as required by paragraphs 174, 179 and 180 of the National Planning Policy Framework and Local Plan policy EN8, the applicant has submitted a biodiversity net gain metric. The metric demonstrates that the scheme will provide new habitat features including tree planting and a comprehensive landscape and ecological management plan has been submitted demonstrating measures that will be implemented to secure long-term benefits for biodiversity.

10.90 Overall, it is considered that subject to conditions and compliance with the submitted reports, the proposed development would secure an appropriate level of ecological mitigation an enhancement in accordance with Local Plan Policy EN8 and Section 15 of the NPPF.

(h) Highways Safety

10.91 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

10.92 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.93 The application proposes a mixed use development, comprising of a healthcare facility and twenty-seven residential dwellings. The development is therefore required to accommodate the transport needs of both residential and commercial uses.

10.94 In terms of sustainability, concerns have been raised by the Local Highways Authority regarding the suitability of the location for the healthcare facility. The development would be on the outskirts of the town, and outside of the town centre. Concerns have been raised regarding access to sustainable transport modes when accessing the medical facility. Whilst EV charging facilities and cycle storage is proposed, the existing footpaths along Cirencester Road are considered to be sub-standard and poorly lit, and the bus stop lies more than 500m away.

10.95 In response to concerns, the applicants have proposed financial contributions towards footpath improvements, and to relocate the bus stop to be within closer vicinity to the

healthcare facility. It is acknowledged that adjoining roads through the new developments are not adopted, however; this does not prevent pedestrians and cyclists using the existing road and footpaths to access the proposed facility. It is also of note that, owing to the required 0.4 hectares of land required for the proposed healthcare facility, any potential site is likely to be outside of the town centre, and may have similar access concerns.

10.96 The proposed development would offer enhancements to the existing footpath, the adoption of a new footpath and the relocation of an existing bus stop. These alterations would all promote sustainable transport modes for the healthcare facility, with contributions secured through S106 agreement, subject to the confirmation of the Local Highways Authority that the contributions are sufficient to address the concerns raised.

10.97 With regard to highways and pedestrian safety, the proposed access and internal layout would see a new vehicle access would be created from Cirencester Road to serve the site. The layout details of the access are considered to be suitable and would provide visibility splays from the access junction in accordance with Manual for Streets guidance and commensurate with vehicle speeds that have been derived from traffic survey. Pedestrian access would be made from Cirencester Road in the south western corner of the site, where there would be a pedestrian crossing facility. A 2m wide footway would be provided from the access point, routeing within the site to link to the medical centre. The footway has been offered for highways adoption and is designed to appropriate minimum standards. The proposed internal road layout of the development is considered to be acceptable and is demonstrated to be suitable to accommodate the turning movements of a service vehicle.

10.98 Overall, it is considered that, subject to securing appropriate contributions to enhance the existing local infrastructure to be agreed with the Local Highways Authority via legal agreement, which would also offer a modest public benefit for nearby residents, the development would be in accordance with Local Plan Policies INF3 and INF4 and Section 9 of the NPPF.

(i) Flood Risk

10.99 Local Plan Policy EN14 states that '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)'.

10.100 Paragraph 159 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

10.101 The application has been submitted with a Flood Risk Assessment, demonstrating that the site is in Flood Zone 1 and is at low risk of surface water flooding. The application has also been submitted with a Foul and Surface Water Drainage Strategy. The strategy outlines that, where space is permitting, soakaways for the housing will be in the gardens of each property with some shared soakaways within shared spaces. The GP surgery and its car park will discharge to soakaways beneath the car park and the highway drainage will be stored in a culvert beneath the road. The drained design approach is reasonable and infiltration tests have demonstrated that a relatively low rate would be possible, which is acceptable. Climate change

has been incorporated into the design at a value of 45%, which is in line with the latest Environment Agency estimates for the area.

10.102 The submission of a subsequent Technical Design Note also confirms that the proposed oil interceptor will adequately manage water quality, clarifies the maintenance arrangements and provides an exceedance flow route plan.

10.103 The Lead Local Flood Authority have not raised an objection to the proposed development, subject to conditions.

Other Matters

10.104 The proposed development is liable for the Community Infrastructure Levy (CIL). 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. Notwithstanding this, a CIL exemption can be secured if the development is for affordable housing provided by a registered provider. No payment would be required if an exemption is sought prior to the commencement of development.

10.105 A geophysical survey report was submitted with the application which identified features of possible archaeological interest within the proposed development site. This included possible ditches and pits likely to be a continuation of a Middle Iron Age pit and Romano British ditches uncovered during excavations northwest of the site. A Written Scheme of Investigation for archaeological trial trench evaluation was subsequently approved and the results of the investigation submitted. An Archaeological Evaluation was submitted and deemed acceptable, subject to conditions, by the County Councils Archaeologist.

11. Conclusion:

11.1 The application proposes a mixed use development, comprising of a healthcare facility and twenty-seven residential units, including 40% as affordable dwellings. The residential development would, in principle, be contrary to the development strategy as outlined within the Cotswold District Local Plan. Moreover, the development would result in less the substantial harm to the setting of the conservation area, and harm to the special qualities of the Cotswold Area of Outstanding Natural Beauty.

11.2 Notwithstanding these concerns, the development proposed would ensure the viable delivery of a much needed healthcare facility for the town and its adjoining communities, which itself would be policy compliant. Whilst the healthcare facility is not considered, in and of itself, to outweigh the harm identified within this report, the development would also achieve a policy compliant level of affordable housing, including 25% First Homes, high energy performance in all buildings, ecological enhancements and improvements to the nearby footpaths.

11.3 Although the Committee may, of course, reach a different conclusion and feel that the public benefits do not outweigh the harm explained in this report, when considered in its entirety, officers have concluded that the material benefits of the scheme in this specific and exceptional instance are therefore considered, on balance, to outweigh the harm identified.

11.4 As such, the development is recommended for permission, subject to the final conclusion of the outstanding issues including the completion of the related S106 legal agreement.

12. Proposed Conditions:

1. The development shall be started within 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 permitted shall be implemented in strict accordance with the following approved plans: The Location Plan (Drawing No. 001); Proposed Surgery Site Plan (Drawing No. 22632-100 REV 03); Proposed Surgery Floor Plans (Drawing No. 22632-200); Proposed Surgery Elevations (Drawing No. 22632-300 REV 02); Proposed Surgery Elevations (Drawing No. 22632-301 REV 02); Site Layout (Drawing No. PL01/ A); Floor Plans Plots 12,13,14 and 15 (Drawing No. PL10/ A); HT1 Elevations (Drawing No. PL11 REV B); Floor Plans Plots 4,5 and 6 (Drawing No. PL12/ A); HT2 Elevations (Drawing No. PL13 REV B); Floor Plans Plots 7 and 8 (Drawing No. PL14/ A); HT3A Elevations (Drawing No. PL15 REV B); Floor Plans Plots 16 and 17 (Drawing No. PL16/ A); HT3B Elevations (Drawing No. PL17 REV B); HT6 Floor Plans (Drawing No. PL18 REV B); HT6 Elevations (Drawing No. PL19 REV C); Floor Plans Plots 9 and 10 (Drawing No. PL20/ A); HT8 Elevations (Drawing No. PL21 REV B); Floor Plans Plots 1,3,18 and 2 (Drawing No. PL22/ A); HT12A Elevations (Drawing No. PL23 REV B); HT12A Elevations (Drawing No. PL24 REV B); HT12B Elevations (Drawing No. PL25 REV B); HT11 Floor Plans (Drawing No. PL26 REV C); HT11 Elevations (Drawing No. PL27 REV C); Elevations Sheet 2 (Drawing No. PL28/ A); Single Garage Plans and Elevations (Drawing No. PL29 REV B); Garage Plans and Elevations (Drawing No. PL30 REV B); Street Elevations Sheet 1 (Drawing No. PL31 REV B); Street Elevations Sheet 2 (Drawing No. PL32 REV B); HT12B Elevations (Drawing No. PL33 REV B); Hard Landscape Layout (Drawing No. 350 REV P06); Tree and Hedgerow Layout (Drawing No. 351 REV P07); Soft Landscape Layout (Drawing No. 352 REV P06); Boundary Treatment Layout (Drawing No. 353 REV P05); Materials Layout (Drawing No. 354 REV P01).

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

3. Prior to the occupation of the twentieth dwelling on site, the healthcare facility shall be completed and made available for occupation.

Reason: In order to ensure the development is synchronised with the timing of the residential development and needs of the facility in accordance with Local Plan Policy INF2, and that the material public benefit is brought forward.

4. Prior to the construction of any external wall of any dwelling of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

5. Prior to the construction of any external wall of any healthcare facility of the

development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

6. Prior to the construction of any external wall of the dwellings 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. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

7. Prior to the construction of any external wall of the healthcare facility 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. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

8. Prior to the first occupation of the dwellings of the development hereby permitted, the windows and external doors shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

9. No windows and doors, garage doors, head and cill treatments, eaves, verges, rooflights, porches and porch canopies, copings, chimneys, and/or dormer windows shall be installed/inserted/constructed in the dwellings of the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

10. No windows and doors, eaves, verges, or rooflights shall be installed/inserted/constructed in the healthcare centre of the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

11. Prior to the occupancy of each dwelling and the healthcare facility hereby permitted, each building shall be constructed in accordance with the submitted 'Energy Strategy Report' by Stonewood Homes.

Reason: To ensure a form of development that delivers high energy conservation performance, having regard to Local Plan Policy EN2 and the provisions of the NPPF.

12. No construction, demolition works or deliveries shall be undertaken on the site before 0800 on weekdays and 0900 on Saturdays, nor after 1800 on weekdays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Local Plan Policy EN15.

13. Prior to the commencement of the development hereby permitted details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition/construction period. The plan shall include but not be restricted to:

- **Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);**
- **Advisory routes for construction traffic;**
- **Any temporary access to the site;**
- **Locations for loading/unloading and storage of plant, waste and construction materials;**
- **Method of preventing mud and dust being carried onto the highway;**
- **Arrangements for turning vehicles;**
- **Arrangements to receive abnormal loads or unusually large vehicles;**
- **Highway Condition survey;**
- **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.

14. Prior to the first occupation or operational use of any part of the development hereby permitted, the access, parking and turning facilities shall have been provided as shown on the approved drawings.

Reason: In the interests of highway safety.

15. Prior to the first occupation or operational use of any part of the development hereby approved, sheltered, secure and accessible bicycle parking complying with the Manual for Gloucestershire Streets shall have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The parking facilities shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

16. Prior to the first operational use of the medical centre hereby permitted, the associated car parking, including the electric vehicle infrastructure, shall be provided in accordance with the approved drawings. The electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

17. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

Reason: To ensure any contamination of the site is identified and appropriately remediated and the environment is protected.

18. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report with evidence confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated and the environment is protected.

19. No part of the development hereby approved shall commence (including demolition, ground works and vegetation clearance) until a revised Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:

- i. site specific measures to control and monitor impact arising in relation to land contamination, surface water and ground water
- ii. Risk assessment of potentially damaging construction activities;
- iii. Identification of 'biodiversity protection zones';
- iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- vi. The times during construction when specialists ecologists need to be present on site to oversee works;
- vii. Responsible persons and lines of communication;
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- ix. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

20. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

21. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction.

22. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

23. Prior to the commencement of the development hereby permitted full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, shall have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

24. The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) immediately following the first occupation of the development hereby permitted.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

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

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

26. The development shall be completed in accordance with the following documents and drawings as submitted with the planning application:

- Section 7, Appendix F and Appendix B of the consultancy report (Ecological Appraisal, Malford Environmental Consulting, dated 27th September 2022)
- Soft Landscape Layout (Drawing No. 352 REV P06)
- Tree and Hedgerow Layout (Drawing No. 351 REV P07)
- Site Layout (Drawing No. PL01/ A)
- Landscape & Ecology Management Plan, prepared by APG, dated 1st November 2022;
- Ecological Appraisal Addendum, prepared by Malford Environmental Consulting, dated 5th April 2023.

All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently retained.

Reason: To protect and enhance biodiversity in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of Cotswold District Council Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

27. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To protect nocturnal species in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

28. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

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

29. Prior to any excavations or surface treatments within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

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

30. Prior to the first use/occupation of the development hereby permitted, full details of proposed tree/hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, species and sizes, planting specifications, maintenance schedule, and provision for guards or other protective measures. The details shall include the tree pit design and location, type and materials to be used for hard landscaping including specifications.

All planting shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

31. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015; the approved healthcare facility as identified on Site Layout (Drawing No. PL01/ A), shall be used only for use as a healthcare facility and GP surgery and for no other purpose.

Reason: It is essential that the Local Planning Authority retains control over the use of the development in accordance with Cotswold District Local Plan Policies SA1 and INF2.

32. The healthcare facility hereby approved shall be completed and made available for occupation within three years of the commencement of development on site.

Reason: In order to ensure the development is synchronised with the timing of the residential development and needs of the facility in accordance with Local Plan Policy INF2, and that the material public benefit is brought forward.

33. 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 205 of the National Planning Policy Framework

34. Prior to the first occupation or operational use of any part of the development hereby permitted, visibility splays shall have been provided from a point 0.6m above carriageway level at the centre of the principal access to the

application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 76.8 metres towards the northeast and 86.4 metres towards the southwest measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

35. Prior to the commencement of any part of the development hereby permitted, drawings of the prescribed off-site highway improvements and site access works shall be submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be first occupied or brought into operational use until those works have been constructed in accordance with the approved details.

Prescribed Works

- A** The principal site access including footway provisions around the access junction and extending to a point approximately 25 metres northwest with an informal pedestrian crossing point.
- B** Footway connection to the existing footway infrastructure on Old Ilsom Farm Road
- C** Vehicle access on Cirencester Road from Wormwell Farm
- D** Pedestrian crossing point on Cirencester Road near to the junction with Jasmine Gardens
- E** Two bus stops on Cirencester Road in the vicinity of the development site, the southbound stop to comprise a pole, flag, information case, hard standing and shelter with seats and carriageway box marking, and the northbound stop to comprise a pole, flag, information case and hard standing and carriageway box marking.
- F** Footway connections and informal pedestrian crossing point associated with the bus stop provision
- G** Improvements to the width and surfacing of the existing footway on the west side of Cirencester Road

Reason: To ensure the safe and free flow of traffic onto the highway and in the interests of highway safety.

36. Prior to the first occupation of any dwelling hereby permitted, the residential car parking shall have been provided to comply with the Manual for Gloucestershire Streets and in accordance with the approved drawings.

Reason: In the interests of highway safety.

37. Prior to the commencement of any part of the development hereby permitted, drawings detailing the extents of all carriageways and footways

proposed to become adopted as public highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of all users of the development.

38. No commercial deliveries to the medical centre shall be permitted to occur during the opening hours of the centre.

Reason: In the interests of safety of the users of the centre

39. The Residential Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

40. The Workplace Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

Informatives:

Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- **Drafting the Agreement**
- **A Monitoring Fee**
- **Approving the highway details**

- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement 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.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Public Right of Way Impacted

There is a public right of way affected by the proposed development. The applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the

construction phase then they must apply to the **PROW** department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

Access Via Public Right of Way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.

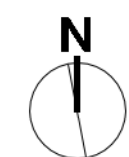
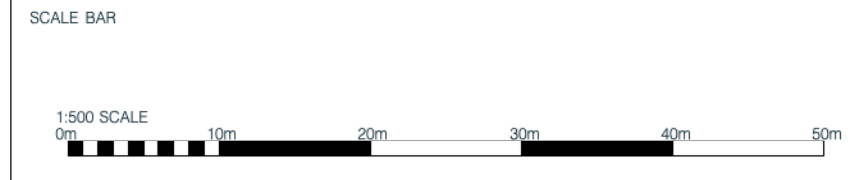
Impact on the highway network during construction

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 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.

BOUNDARY TREATMENTS	
	0.9M BLACK POWDER COATED RAILINGS WITH GATE; HEDGE TO GARDEN SIDE
	1.5M HIGH STONE WALLING
	1.8M CLOSE BOARDED FENCE / CONCRETE POSTS & GRAVEL BOARDS

ECOLOGY	
	32 no. SWIFT BOXES - [CHAMBER & ENTRANCE BRICK RECESSED INTO WALL DIRECTLY BENEATH EAVES
	15 no. BAT BOXES - [HABIBAT CHAMBER AND ENTRANCE SLOT RECESSED INTO WALL DIRECTLY BENEATH EAVES

FOR DETAILED PLANTING LAYOUT, SEE DRAWING 1046-351 & 352



GENERAL NOTES:
 1. CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
 2. THIS DRAWING IS COPYRIGHT

FILE NAME: \Volumes\Server_Data\Jobs\APG_ARCHITECTURE\1046_Land of Cirencester Road, Tetbury\Production_Information\E1-WP\WXC\Current\1046_Site Layout.vvx

REVISION LOG:			
REV	BY	CHECKED	DATE



PROJECT: 1046 - LAND AT WORWELL FARM, TETBURY
 SHEET TITLE: TETBURY SITE LAYOUT
 PROJECT ID: TPH - APG - XX - ZZ - DR - A
 ORIGINATOR: APG
 ZONE: XX
 LEVEL: ZZ
 TYPE: DR
 ROLE: A

SHEET SCALE: 1:1000 @ A1
 STATUS: S0
 STATUS DESCRIPTION: PLANNING
 SHEET NO: PL01 /
 REVISION NO:

This page is intentionally left blank



SECTION A-A



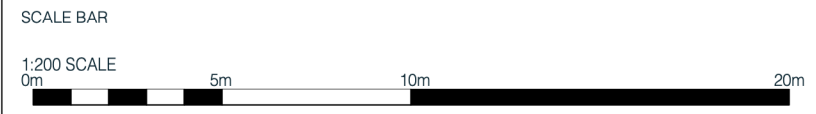
SECTION B-B



SECTION C-C



Page 63



GENERAL NOTES
 1. CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
 2. THIS DRAWING IS COPYRIGHT

REVISION LOG:					
B	RS/IR	05/04/2023	ISSUED FOR PLANNING		
A	LJ	10/02/2023	MATERIALS REVISED IN RESPONSE TO L.A. COMMENTS.		
REV	BY/CHECKED:	DATE:	COMMENT		



 = INDICATIVE PV LOCATIONS

PROJECT: 1046 - LAND AT WORWELL FARM, TETBURY STREET ELEVATIONS SHEET 1

PROJECT ID: SWW - APG - XX - ZZ - DR - A

SHEET SCALE: 1:200 @ A1
 STATUS: S0
 STATUS DESCRIPTION: PLANNING
 SHEET NO: PL31 / B
 REVISION NO:

FILE NAME: \\volume\Server Data\1\Jobs\APG\ARCHITECTURE\1046 Land of Cronostor Road, Tetbury\Production_Information\E1 WIP\WXC\Current\1046 Site Sections rev B 2.vwx

This page is intentionally left blank



SECTION D-D



SECTION E-E

 = INDICATIVE PV LOCATIONS



Page 65



GENERAL NOTES
 1. CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
 2. THIS DRAWING IS COPYRIGHT

FILE NAME: \\ukmsa\Server Data\1\Jobs\APG\ARCHITECTURE\1046 Land off Cranocaster Road, Totbury\Production_Information\E1 WIP\WXC\Current\1046 Site Sections rev B 2.vwx

REVISION LOG:				
B	RS/IR	05/04/2023	ISSUED FOR PLANNING	
A	LJ	10/02/2023	MATERIALS REVISED IN RESPONSE TO L.A. COMMENTS.	
REV	BY/CHECKED:	DATE:	COMMENT	



PROJECT: 1046 - LAND AT WORWELL FARM,
 SHEET TITLE: TETBURY STREET ELEVATIONS SHEET 2
 PROJECT ID: SWW - APG - XX - ZZ - DR - A
 ORIGINATOR: APG
 ZONE: XX
 LEVEL: ZZ
 TYPE: DR
 BOF: A

SHEET SCALE: 1:200 @ A1
 STATUS: S0
 STATUS DESCRIPTION: PLANNING
 SHEET NO: PL32 / B
 REVISION NO:

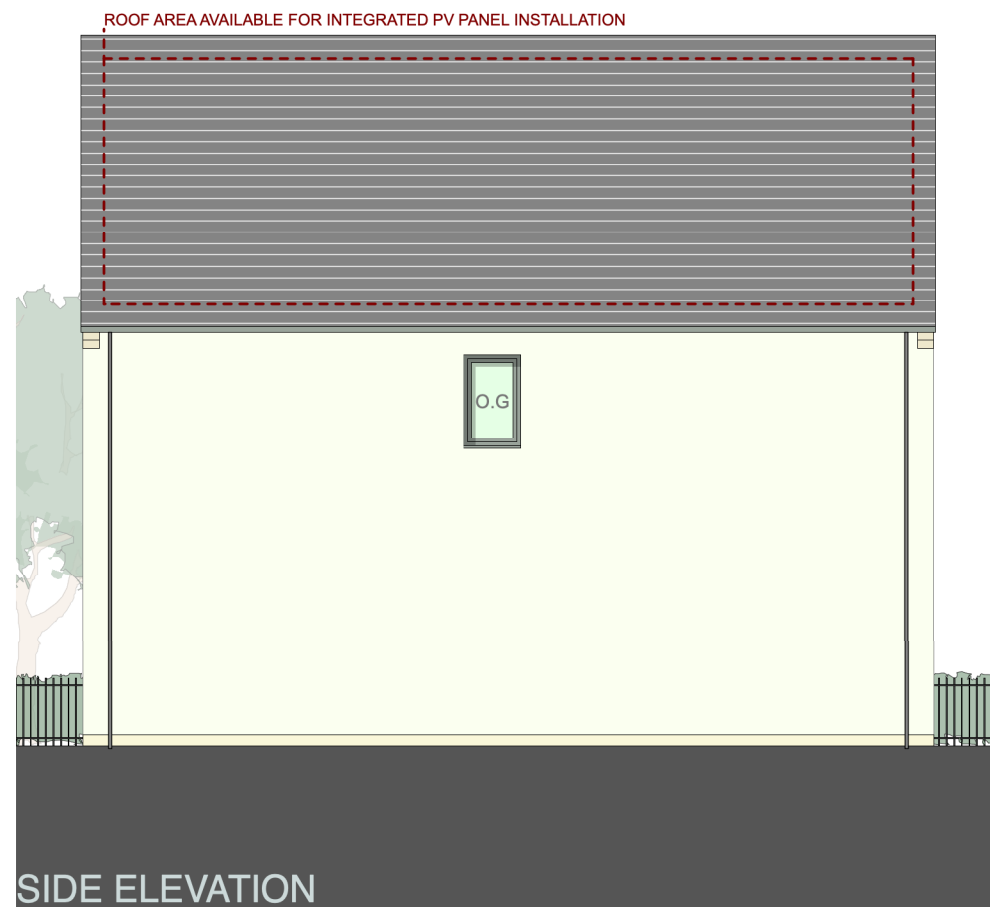
This page is intentionally left blank



SIDE ELEVATION



ENTRANCE ELEVATION



SIDE ELEVATION



REAR ELEVATION

MATERIALS:

WALLS:
CREAM RENDER

ROOF:
RECON SLATE

WINDOWS:
POWDER COATED ALUMINIUM
[COLOUR TBC]
O.G. DENOTES OBSCURED GLAZING
TO BATHROOMS

RAINWATER GOODS:
DARK GREY

SCALE BAR



GENERAL NOTES:

- CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
- THIS DRAWING IS COPYRIGHT

REVISION LOG:

REV.	BY/CHECKED:	DATE:	COMMENT:
B	RS/IR	05/04/2023	ISSUED FOR PLANNING
A	LJ	10/02/2023	MATERIALS REVISED IN RESPONSE TO L.A. COMMENTS.



STUDIO 5 YORK COURT
WILDER STREET, BRISTOL, BS2 8QH
www.apg-architecture.co.uk . 0117 929 3372

PROJECT:

**1046 - LAND AT WORWELL FARM,
TETBURY
HT8 - ELEVATIONS [PLOTS 9 AND 10]**

PROJECT ID: TPH - APG - XX
ORIGINATOR: -
ZONE: - XX
LEVEL: - ZZ
TYPE: - DR
ROLE: - A

SHEET SCALE:

1:100 @ A3 S0

STATUS DESCRIPTION:

PLANNING

SHEET NO.:

PL21 / B

STATUS:

S0

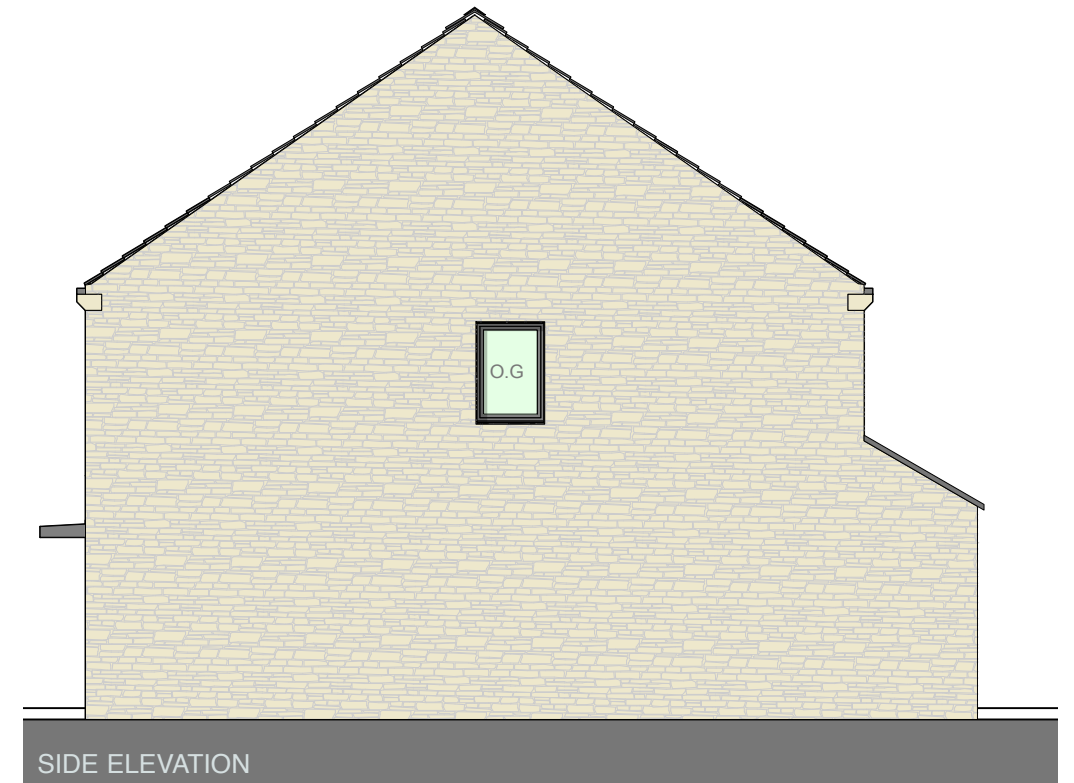
REVISION NO.:

B

This page is intentionally left blank



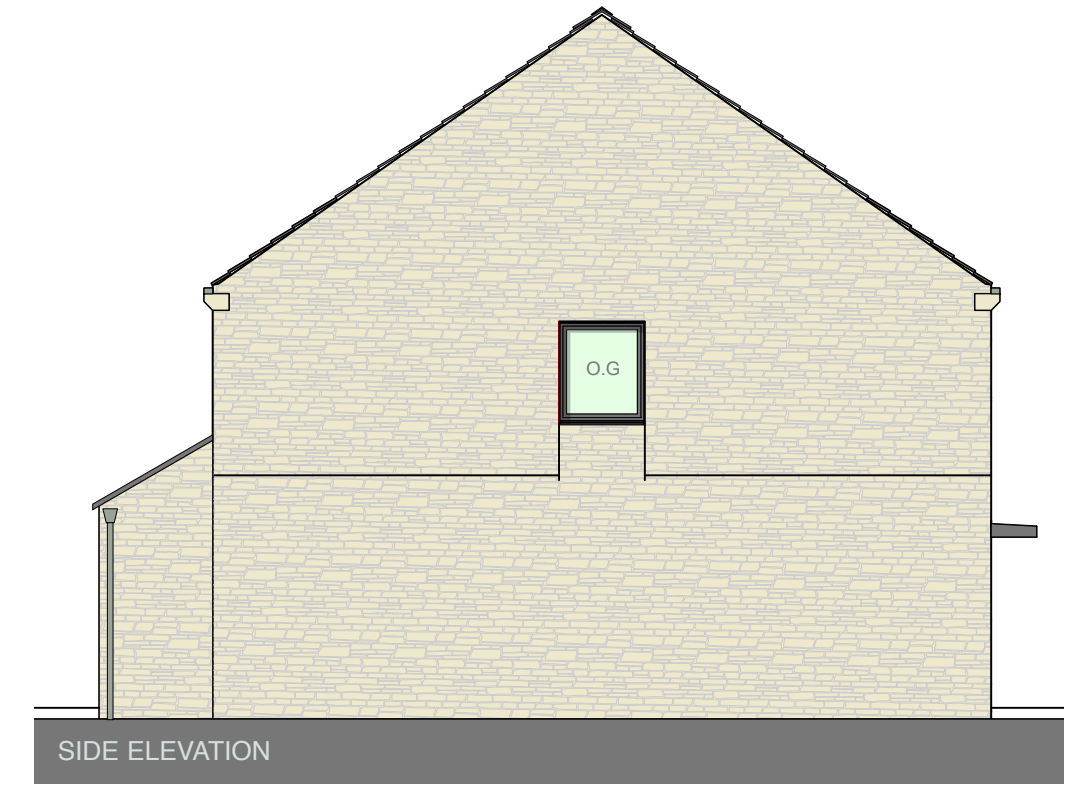
ENTRANCE ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

MATERIALS:

WALLS:
BEKSTONE RECON STONE

ROOF:
RECON SLATE

WINDOWS:
POWDER COATED ALUMINIUM [COLOUR TBC]
O.G DENOTES OBSCURED GLAZING TO BATHROOMS

RAINWATER GOODS:
DARK GREY

SCALE BAR

SCALE



GENERAL NOTES:

1. CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.

2. THIS DRAWING IS COPYRIGHT

REVISION LOG:

REV.	BY/CHECKED:	DATE:	COMMENT
C	JT/IR	05/04/2023	PLOT NUMBERING UPDATED
B	RS/IR	05/04/2023	ISSUED FOR PLANNING
A	LJ	10/02/2023	REVISED IN RESPONSE TO L.A. COMMENTS.



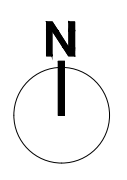
This page is intentionally left blank



Key

- Existing tree retained
- Tree removed
- Proposed tree planting (species as indicated on plan)
- Amenity grassland
- Meadow grassland mix
- Shade tolerant meadow grassland mix
- Damp meadow grassland mix
- Turf / General seeding to private gardens
- Ornamental planting mix 1
- Ornamental planting mix 2 (on plot)

See Hardworks layout for hard landscape (dwg: 1046-350)
 See Tree and Hedge Layout for tree and hedge planting (dwg: 1046-351)
 See Boundary Treatment Plan (dwg: 1046-353)



GENERAL NOTES:
 1. CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. FIGURED DIMENSIONS ARE TO BE USED. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
 2. THIS DRAWING IS COPYRIGHT

FILE NAME:

REVISION LOG:

REV	BY/CHECKED/DATE	COMMENT



PROJECT: 1046 - Land adjacent to Worwell Farm, Tetbury
 SHEET TITLE: SOFT LANDSCAPE LAYOUT
 PROJECT ID: LWF ORIGINATOR: APG ZONE: XX LEVEL: ZZ TYPE: DR ROLE: A

SHEET SCALE: 1:500 @ A1 STATUS: S0
 STATUS DESCRIPTION: PLANNING
 SHEET NO: 352 / P06

This page is intentionally left blank

Application Ref: 21/03698/FUL

**Tunnel House Inn
Coates
Cirencester
Gloucestershire
GL7 6PW**

Single storey extension to both Inn and barn, and use of land for the siting of six accommodation units and associated works at Tunnel House Inn Coates Cirencester Gloucestershire GL7 6PW

Full Application 21/03698/FUL	
Applicant:	The Bathurst Estate
Agent:	LPC (Trull) Ltd
Case Officer:	Hannah Rose
Ward Member(s):	Councillor Mike McKeown
Committee Date:	26th April 2023
RECOMMENDATION:	PERMIT

UPDATE: This application was deferred at the 26 April 2023 Planning and Licensing Committee Meeting to allow for a Sites Inspection Briefing. The purpose of the S.I.B. was to assist Members in their consideration of the application with regard to access impact

1. Main Issues:

- (a) Principle of Development
- (b) Impact on Heritage Assets
- (c) Landscape Impact and Trees
- (d) Biodiversity
- (e) Trees

2. Reasons for Referral:

2.1 The Ward Member, Cllr Berry, has referred the application to the Planning and Licensing Committee for determination on the following grounds:-

2.1.1 "Cllr Judd has pointed out to me that section 200 of the NPPF is probably sufficient reason for going to Committee by itself given all the various listed/ special areas in which it sits! I've read through your report and looked at all the application details. This has led me to believe that there are some very good reasons for taking it to the Planning Committee, not for the alterations to the existing buildings, but purely for the pods and their positioning.

2.1.2 This is a particularly sensitive area, being in the AONB, adjacent to the listed 11* canal, in the canal conservation area and overlooking a SAM. The pods will be visible from two public footpaths, one of which is a major national route. Their high visibility (to get the view out) also means they will be visible from Tarlton and, as has been raised by others, is likely to have an impact on the 'dark skies' locally.

2.1.3 We need to get the Tunnel House open again as a pub/restaurant, but no business case has been put forward and the pods are of very modern design which aren't likely to merge into the background as some other possible alternative more traditional designs

might or possible repositioning. All these things make the benefit/harm equation difficult to assess and I therefore feel it needs a public airing at Committee."

2.2 Cllr Judd has also referred to Committee for the following reasons:-

2.2.1 "I too would like to see this before the Planning Committee. I have lived at Trewsbury, less than half a mile away, since 1992 and I know this site extremely well. The application is for pods to run alongside an ancient mount adjacent to the canal, which would destroy that historic landscape and will inevitably cause night time light pollution as they are on higher ground, thus ignoring dark skies ambitions. Their visual impact day and night, coupled with the inappropriate, unsympathetic design clashes with the immediate environment.

2.2.2 The canal tunnel is Grade II* listed with Historic England. Tarlton Bridge, the canal walls and Hailey Wood Camp (the big grass field on the Tarlton side with the buried Roman Camp), are also listed. There are numerous footpaths nearby and the pods will be visible from them. Even if not entirely visible, just the paths and steps, detritus and general evidence of them cannot be ignored. Section 200 of the NPPF states that:

2.2.3 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

3. Site Description:

3.1 The application site comprises an area of approx. 0.40 ha, located midway between Coates and Tarlton, some 6km to the west of Cirencester, between the A419 and A433 main roads. It lies just to the west of the Swindon to Stroud/Gloucester railway line and fronts a stretch of the Thames and Severn Canal. The site includes the natural Cotswold stone, 2-storey, Tunnel House Inn, a restored C18th public house, adjoining land with an ancillary barn that forms its current curtilage, and a strip of adjacent wooded land to the south running parallel to the site access and woodland. The site is part of the setting of the Grade II* Sapperton Canal Tunnel South Entrance at the south east entrance to Sapperton canal tunnel and the Grade II listed canal walls. The bridge over the canal close to the site access, Tarlton Bridge, is also Grade II listed. Due to the physical concentration of heritage assets of the canal and its setting, including the associated inn, a Conservation Area has been designated, within which the majority of the application site is located.

3.2 The application site also lies to the east of the Hayley Wood Scheduled Ancient Monument (SAM).

3.3 The Inn is the focal point for several Public Rights Of Way (PROWs) that run north-south and east-west through the site, public footpaths BC01 and BSA34, both of which form part of the Monarch's Way Long Distance Footpath, and is wholly within the Cotswolds Area

of Outstanding Natural Beauty (AONB). The site lies within the Zone of Influence of the Cotswold Beechwoods Special Area of Conservation (SAC).

3.4 A small part of the woodland strip within the application site, is partly within Flood Zones 2 and 3, which centres on the canal.

4. Relevant Planning History:

CT.0751/F Conversion of single storey barn to restaurant: Permitted 10.06.86.

CT.0751/G Repair and extension of barn to form new function room and restaurant: Permitted 28.07.93.

CT.0751/J Single storey extension to form new kitchen: Permitted 22.08.97.

CT.0751/K Extensions and alterations to create an extra bar area and to re-roof wc building: Permitted 10.01.00.

04/02352/FUL Change of use of landscaped area to form additional car parking space: Permitted 28.10.04.

5. Planning Policies:

NPPF National Planning Policy Framework
EC1 Employment Development
EC3 All types of Employment-generating Uses
EC10 Tourist Facilities & Visitor Attractions
EC11 Tourist Accommodation
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets
EN14 Managing Flood Risk
INF2 Social & Community Infrastructure
INF4 Highway Safety
INF5 Parking Provision
INF7 Green Infrastructure
SP3 Thames & Severn Canal & River Thames

6. Observations of Consultees:

6.1 Conservation Officer: No objection.

6.2 Canals & Rivers Trust: No comments.

6.3 Cotswolds Canal Partnership: No comments received.

- 6.4 County Archaeological Officer: No objection.
- 6.5 Landscape Officer: No objection.
- 6.6 Tree Officer: Requests additional information pre-determination or by condition, but unlikely to object.
- 6.7 Biodiversity Officer: No objection, subject to conditions.
- 6.8 Natural England: No objection, subject to Appropriate Mitigation being secured.
- 6.9 Highways Officer: No objection.

7. View of Town/Parish Council:

- 7.1 Coates Parish Council: No comments.
- 7.2 Rodmarton Parish Council: Objects - No objections to the proposed alterations to the existing building. The six proposed accommodation units are situated within Rodmarton Parish and RPC deplors the possibility of degradation of the local environment which will result from their development, summarised as follows:-
 - i) The location of the proposed pods fail to meet the objective of "respecting the character and distinctive appearance of the locality" having regard to LP Policy EN2;
 - ii) The site of the proposed pods is highly visible from about 75% of BC01 and 50% of BSA34 Public Rights Of Way. Although the proposal for the pods is not visible from the tow path (BC05), which runs parallel to the development site, it is inevitable that the ambience of this area will be changed by the neighbouring development. The proposals would therefore be harmful to the tranquillity and natural beauty currently enjoyed by walkers of the local footpath infrastructure;
 - iii) Reflected glare from the pods would be visually incongruous;
 - iv) The proposal does not conserve or enhance the AONB and is significantly detrimental to the existing landscape and its special qualities, contrary to LP Policy EN5;
 - v) The proposed landscape planting is inappropriate and would fail to effectively screen the pods;
 - vi) There is no specific analysis of the effect of the proposals on the Thames and Severn Canal Conservation Area;
 - vii) Insufficient proposals for habitat restoration of the woodland, which should be prioritised, or for biodiversity enhancement;
 - viii) The application refers to various measures for mitigation of light spill but there is no light pollution at present and the important dark sky will inevitably be compromised by the development, to the detriment of local people and local ecology, especially roosting bats.
 - ix) Concerns regarding the impact upon the setting of the Grade II* Listed canal tunnel;
 - x) The application offers no financial justification of the need for accommodation to sustain the pub yet there is plenty of evidence that remote pubs without accommodation thrive throughout the country.

8. Other Representations:

8.1 Cotswold National Landscape Board: The Board raises no objection to the proposed extensions to the Tunnel House Inn and barn. In respect of the proposed accommodation 'pods', the introduction of any lit elements should be designed to adhere to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies) as well as the ILP Guidance Note for Reduction of Obtrusive Light and the CfDS Good Lighting Guide which form Appendices B and C of the Board's Dark Skies & Artificial Light Position Statement. Without prejudice, if the local authority is minded to grant planning permission, the Board recommend that planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting will be limited to low-level, down-facing lights.

8.2 3 Third Party letters of Support:

- i) new buildings well-designed and would have minimal visual impact;
- ii) Whilst not objecting on these grounds, a business case should be reviewed as the justification must be linked to the long term viability of the Pub;
- iii) The proposals seem both considerate and progressive and will enhance the local community;
- iv) The Tunnel is an important local asset for both Coates and Tarlton and the need for village bar or less formal section should be encouraged and protected as part of this scheme.

8.3 3 Third Party letters of Objection:

- i) Need for additional accommodation is questionable;
- ii) new accommodation pods, if needed, should be positioned more closely to the public house itself where less visible;
- iii) If additional accommodation is essential, it can be provided in ways that are less detrimental to views within the exceptional AONB and an important historical site, including the SAM, canal setting and Coates Church;
- iv) light and noise pollution from the accommodation pods at night and possibly from reflected sunlight pm;
- v) Over development in a Conservation Area;
- vi) Harm to wildlife and habitats by introduction of human activity.

9. Applicant's Supporting Information:

- Arboricultural Impact Assessment
- Biodiversity Survey and Report
- Landscape and Visual Appraisal
- Planning Statement
- cultural Heritage Impact Assessment
- Design and Access Statement
- Trading Report

10. Officer's Assessment:

10.1 Permission is sought for two main proposed elements. Firstly, single storey extensions to the existing Inn and barn buildings and, secondly, the erection of 6 detached units of short-stay holiday accommodation with the associated change of use of land on which they would be sited.

10.2 In terms of the extensions, the proposal for the Inn itself is the addition of a single storey range (footprint approx. 49.50sqm and height to ridge approx. 5.50m), behind the existing front entrance porch and toilets, to provide a 'garden room' dining area. The extension would be of a vernacular hipped roof form constructed in natural stone walling and plain tile roofing to match the existing building with substantial areas of glazing to the south and west elevations. The extension to the converted barn, to provide additional plant and storage space, would be to the south-east gable end, again in vernacular pitched roof form in timber cladding above a stone dwarf wall and with blue slate roofing (footprint approx. 11.50sqm and height to ridge approx. 3.80m).

10.3 The second element of the proposals is the change of use of the strip of land (approx. 0.85ha) to the south of the Inn (behind the existing barn), parallel with the access road and canal, to incorporate into the curtilage of the public house ('sui generis') use. Six short-stay self-contained units of holiday accommodation with decking would be sited on the strip of land located upon a raised connecting pedestrian boardwalk through the existing woodland. Three individual designs are proposed for the units, which would follow a uniform style for the group of buildings, being of a contemporary form and appearance with larch timber cladding (in four patterns - vertical, horizontal waney-edged or charred) and undulating green (sedum) roofs. Each unit would have one double bedroom, with some provision for a sofa-bed in the two larger design types, and a shower/wc and kitchenette. The units would be of a uniform height of approx. 3.50m at their highest point, with covered footprints of approx. 34.50, 42.75 and 53sqm. No additional car parking would be provided to that already available in relation to the public house.

(a) Principle of Development

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

10.5 In this case, the starting point for Local Plan policy considerations is Policy EC11 (Tourist Accommodation). Policy EC1 (Employment Development) is also of relevance as it seeks to maintain and enhance the rural economy and supports sustainable tourism in ways that enables the District to attract higher numbers of longer-stay visitors. Policy EC10 (Development of Tourist Facilities and Visitor Attractions) supports the extension of tourist facilities and visitor attractions that have a functional relationship and special affinity with the historic and natural heritage of the area, and subject to other criteria that seek to address the sustainability of the facilities. EC11 is, however, more specific to the current proposals for the holiday accommodation, which states that "Proposals for self-catering accommodation will only be permitted where it:

- (a) is provided through the conservation and conversion of existing buildings, including agricultural buildings; or
- (b) is appropriately located within Development Boundaries
- (4) Exceptionally, proposals for new-build, short stay, self catering units that are directly associated on-site with a tourist attraction, and required to sustain the viability of the tourist attraction, will be acceptable."

10.6 Policy INF2 (Social and Community Infrastructure) is relevant insofar as it seeks to protect the retention of existing community infrastructure such as public houses.

10.7 Policy SP3 (Thames and Severn Canal) is also directly relevant to the consideration of the proposals in this instance. It states that "Development will be permitted that:

- (a) positively contributes to the restoration of the Canal and towpath;
- (b) improves access to and along the Canal which encourages use for transport, sport, leisure and recreational purposes;
- (c) respects, improves and enhances the Canal's character, setting, biodiversity and historic value; and
- (d) does not:
 - i. prevent or impair restoration, improvement or reconstruction;
 - ii. destroy its existing or historic route as shown on the Policies Map, unless provision is made for its restoration on an acceptable alternative alignment, including the restoration or improvement of the towpath and its linkage with existing rights of way and local communities;
 - iii. result in the loss of any buildings, locks or other structures originally associated with the Canal; or
 - iv. prevent opportunities for public access."

10.8 In addition to the quoted Local Plan policies, paragraph 84 of the National Planning Policy Framework (NPPF) in respect of support for a prosperous rural economy, states that:- "Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

10.9 Paragraph 85 goes on to state that "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

10.10 In applying the above policies to the current application, the Inn is an integral part of the historic canal setting as it is thought to have been originally constructed to serve the needs of the canal construction workforce, particularly in the building of the Sapperton Tunnel. It has more recently been a valuable facility for visitors to the canal and walkers, as well as to the wider resident community. Consequently, it is considered to be part of the heritage tourist attraction that comprises the Conservation Area and the desire to promote the canal as an asset to the tourist economy. The supporting text to Policy SP3 (paras. 12.3.1 & 12.3.2) states that "Within Cotswold District, the Thames and Severn Canal and River Thames are valuable resources for the public to enjoy, both for active and passive recreational activity. The Thames and Severn Canal is subject to an on-going restoration project....The Canal contributes towards economic and regeneration objectives by providing attractive locations for canal-side development, which must be carefully balanced with conservation and enhancement."

10.11 Notwithstanding its attractive setting, it is in an isolated location and therefore its day-to-day viability throughout the year is challenging and, as a result, it is understood to have been vacant without a tenant since September 2020. In addition, as with all public houses, the impacts of the Covid pandemic, cheaper alcohol provided by supermarkets and changing leisure practices have also increased difficulties in sustainable viability. The applicant has provided a statement to address the issue of viability (please see attached to this report), and also (confidentially due to their commercial sensitivity) trading projection figures alongside it, which state that the last 'whole year' trading accounts in 2019 showed a profit for the last tenant of less than £8000, even with a reduced rent charged by the Estate, and is therefore unviable as a marketable tenancy. As a result and with a firm aspiration to maintain the business, the owner is now therefore seeking ways to improve the long-term viability of the public house. The trading projections with the proposed additional facilities implemented, demonstrate that the revenue would double and that tenancy earnings would average 13.8% over the next three financial years, thereby restoring the Inn to a commercially attractive and sustainable status.

10.12 The first element of the proposals is the extension to the existing building to increase the dining facilities, the principle of which is entirely in accordance with policies that seek to support the viability of social and community facilities. The matters of detail of the latter element are addressed later in this report. The second element is the provision of the detached holiday pods, the principle of which is discussed here.

10.13 As explained above, Officers consider the Inn to be a tourist attraction as an integral part of the historic canal setting and therefore LP Policy EC11 is most relevant to the principle of the provision of new-build, short stay, holiday accommodation associated with such attractions as an exception to normal policy requirements for that type of new-build accommodation to be located within Development Boundaries. In this instance, it is particularly beneficial to maintain or improve the viability of the Inn due to its importance as part of the promotion of the wider canal as a leisure resource. Due to its origins as a public house to serve canal construction 'navvies', the Inn has a special historic affinity as part of the canal's heritage importance, demonstrated by its inclusion within the Conservation Area. Consequently, it would be a significant loss to the character of the Conservation Area if the Inn became unviable, disused and potentially subject to a less historically sympathetic change of use. The location is recognised, of course, as being relatively isolated, but that is a product of its intrinsic historic character and special interest. Officers are satisfied that the applicant has provided sufficient information to demonstrate the commercial difficulties of the property in this instance, exacerbated by the economic effects of the Covid pandemic which are well-known to have been particularly harmful to the hospitality sector. The provision of the proposed holiday pods would diversify the income of the public house by providing an additional income stream.

10.14 In order to be justified on the basis explained above, it would be necessary to condition that the use of the holiday accommodation would only be ancillary to the use of the public house, as part of the support for its long-term viability, and not independent from it, which would be contrary to LP policy. The number and size of the pods is also relevant to this issue as it is considered to be reasonably modest and proportionate to the existing public house as an ancillary element and, as such, the predominant use of the planning unit would remain the public house.

10.15 In this case, officers are content that the principle of the holiday accommodation can be supported. The details of the siting, design, etc. are assessed in the following sections.

(b) Impact on Heritage Assets

10.16 The site lies within close proximity to the Thames and Severn Canal, the walls of which are listed Grade II. It also lies within close proximity to the Sapperton Canal Tunnel (south entrance), which is listed Grade II*. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required to 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, in accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

10.17 The site also lies within the designated Thames and Severn Canal Conservation Area, Coates, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.18 The site additionally lies within close proximity to, and within the setting of the Romano-British site known as Hailey Wood Camp, which is a Scheduled Ancient Monument (SAM). The NPPF identifies SAMs as designated heritage assets, and places great weight on sustaining the significance of such assets through alterations to them and their settings.

10.19 Policy EN1 of the Local Plan states that new development should conserve the historic environment by ensuring the protection and enhancement of heritage assets and their settings, and that the design of proposals should complement the character of the area.

10.20 Policy EN2 states that development should accord with the Cotswold Design Code, and that proposals should respect the character and distinctive appearance of the locality.

10.21 Policy EN10 reiterates the requirement that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

10.22 Policy EN11 states that proposals that affect conservation areas or their settings would be permitted providing that, amongst other things; it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials; and that it will not result in a loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance of the conservation area. It also states that internally illuminated signage will not be permitted unless it does not have an adverse impact on the Conservation Area or its setting.

10.23 Section 12 of the NPPF reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process.

10.24 Paragraph 127 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

10.25 Section 16 of the NPPF requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance. Paragraph 194 clarifies that significance can be harmed through alteration or development within the setting. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that the harm is necessary to achieve substantial public benefits. Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less-than-substantial harm, that harm is weighed against the public benefits of those works.

10.26 The Tunnel House Inn comprises an attractive building with a distinctive main façade, which is balanced, almost symmetrical, with a very pronounced central bay; whilst not absolutely characteristic of the vernacular, its distinctive and clearly-composed main façade would probably make it worthy of consideration as a non-designated heritage asset. Nonetheless, the proposed garden room extension would be discretely situated to the rear of the building, behind an existing structure. The hipped roof is uncharacteristic of the District generally, but does follow the established forms of the Inn, and is thus considered to be

appropriate. The design of the proposed extension is simple and appropriate to the character of the building and setting.

10.27 The proposed addition to the barn is low-key and functional in character, and modest in scale, and is not inappropriate. The timber structure and cladding should be left to silver naturally.

10.28 The relatively more significant proposal is for six timber cabins or pods set along the wooded mound that flanks the canal. The pods themselves would be placed on the south-western edge of the mound, facing towards the SAM, but away from the listed canal. The design principle of an informal & limited row of small timber cabins of very high design quality, nestling amongst the existing trees, is considered to be unharmed to the setting of the nearby heritage assets. Subject to their detailed design and conditions to control external lighting, they would not adversely affect the rural woodland character of the site, and would thereby not harm the setting or significance of the surrounding designated heritage assets.

10.29 The original pod designs comprised more angular box-like form and appearance, which were considered to insufficiently sympathetic to the woodland setting. Following negotiations regarding the detailed designs of the buildings, the revised versions have a curved roof form, which will add variety of form and massing to the row of pods. The use of a green/sedum covering for the roofs would further 'soften' the appearance of the pods by their more organic form, enabling them to visually integrate into their surroundings, and form part of a coherent and welcome consideration of wider environmental issues. The latest planning drawings also have the cladding amended to accord with the variety shown in the submitted concept proposal, which will also help bring variation and subtle visual interest to the proposals, helping it to sit comfortably within the rural character and appearance of the surrounding Conservation Area.

10.30 In providing a more diverse and expanded income stream that would be likely to assist the Inn remaining in its historic use, the proposals would also be significantly beneficial to the preservation of the Conservation Area's specific character.

10.31 Consequently, the revised proposals are now considered to preserve the character & appearance, and sustain the significance, of the surrounding conservation area, thereby according to Section 16 of the NPPF & Policies EN1, 2, 10 & 11 of the Cotswold Local Plan 2011-31.

(c) Landscape Impact & Trees

10.32 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

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

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;

- b. contributing to the provision and enhancement of multi-functioning green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.

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

10.35 Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.36 Policy EN7 (Trees, hedgerows & woodlands) states that "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."

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

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

10.39 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

10.40 The site is situated within the Cotswolds AONB and more specifically the site lies within Landscape Character Type (LCT) '11: Dip Slope Lowland' and Landscape Character

Area (LCA) 'IIA: South and Mid-Cotswolds Lowlands', as defined in the Cotswold AONB Landscape Strategy and Guidelines (June 2016). Local forces for change within the Dip Slope Lowland LCT include 'isolated development'. Guidelines and strategies for this type of development include:

- Avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Oppose new housing on the Dip-slope Lowland (unless special circumstances apply in accordance with Paragraph 55 of the NPPF and development conserves and enhances the AONB as required by the CRow Act 2000);
- Avoid conversion of isolated farm buildings;
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- When restored or converted to new uses, buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented;
- Maintain the sense of openness and consider the impact of built development, including cumulative development on views to and from the adjacent landscape types;
- Control the proliferation of suburban building styles and materials;
- Landscaping schemes accompanying development should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien tree species such as eucalypts and conifers and inappropriate cultivars of native species, particularly on fringes of open countryside;
- Respect traditional position of agricultural buildings and their relationship to the surrounding land; and
- Introduce vehicle weight restrictions to prevent damage to verges and roadside boundaries.

10.41 One of the key characteristics and special qualities of the Cotswolds AONB is that of intrinsically dark skies and as such any new development is required to respond sympathetically to this. CPRE has published 'tranquillity maps' which includes 'England's Light Pollution and Dark Skies Map', this indicates that the site lies within the second darkest category.

10.42 A Landscape and Visual Appraisal (LVA, dated August 2021) has been submitted to support this application. In terms of public views, it is noted that the development would be seen from short sections of public footpaths BC01 and BSA34, which both form part of the Monarch's Way long distance footpath and lie to the west and south-west of the site. The LVA identifies that medium distance views are available from public footpath BC01 and the overall effect would be minor adverse. Local views are identified from public footpath BSA34 on the approach towards the site. The overall effect from here is assessed to be minor to moderate adverse, reducing to minor at worst, once mitigation planting has established.

10.43 In terms of tranquillity and dark skies the LVA identifies that the proposals would have a negligible effect on the character and qualities of the local landscape by virtue of the small scale and sympathetic design.

10.44 The first part of the proposal is for a single storey extension to both the Inn and barn. These would be modest additions which relate well to the existing development and would not impact on the wider landscape context.

10.45 The second part of the application is for the six accommodation units, which are shown to be located within the woodland to the south-east of the Inn and would be scattered in a linear arrangement along the edge of the field. Each unit would be constructed upon and accessed via a timber boardwalk. The pods have been positioned within existing gaps between the trees and additional tree and shrub planting is also proposed along the edge of the field. The development would therefore have minimal impact on the existing woodland trees. The cabins would be constructed from natural materials. Each pod will have a private timber decking area. Low level bollard lighting is also proposed along the boardwalks. No changes are proposed to the access and parking arrangements.

10.46 Whilst it may be considered preferable to see the units grouped in closer proximity to the Inn, public views of the proposed siting are limited and the existing mature tree belt and further landscape enhancements, including additional native tree planting to extend the woodland (see attached 'Landscape Layout') would help to assimilate the pods into the landscape setting and filter any views. Although there would be some minor adverse visual effects from public footpaths BC01 and BSA34, the effect would reduce over time with the establishment of the proposed new planting. The units themselves would be relatively modest in scale and would be primarily clad in timber. The cross-section drawing indicates that the units would sit at the top of the bank and would be a single storey, not exceeding the height of the tree canopies. The modest scale and simple palette of materials would help to assimilate the structures into the woodland setting. The proposed landscape enhancement scheme provides an adequate level of enhancement, and the proposed species and location of trees and understorey shrubs is acceptable and will help to soften the appearance of the units.

10.47 The proposals also include a small outdoor terrace, which would be contained with a balustrade. This is welcomed as it would prevent any risk of the spread of domestic paraphernalia and activity into the wider woodland setting. The units would provide managed short-stay accommodation and therefore this risk is relatively low and manageable.

10.48 In terms of the impact of lighting, following the negotiations regarding their detailed design, the fenestration of the pods has been significantly reduced to limit the level of light spill, and also includes a roof overhang. The fenestration is therefore now considered to be at a minimum level compatible with the type of occupancy of the units.

10.49 Significantly increased activity at the site of the proposed pods would impact upon the tranquillity of the Cotswolds AONB landscape, particularly as experienced from the local footpath network. As such, conditions are recommended to control noise emissions at the holiday pods and, with these imposed, officers are content that any activity would be unlikely to materially add to the activity associated with the well-established use of the Inn and its existing curtilage.

10.50 Officers are content that, whilst some low-level landscape harm may result from the proposed development in the case of the pods, this has been proactively minimised in the proposals and the recommended conditions, to the extent that their materiality relative to the existing impacts from the use of the Inn and the public benefits associated with the long-

term viability of the Inn as part of the historic landscape, would outweigh any such harm, having regard to Local Plan policies EN1, EN4, EN5 and EN7.

(d) Biodiversity

10.51 Policy EN8 (Biodiversity & Geodiversity: Features, Habitats & Species) requires that development should conserve and enhance biodiversity and provide net gains where possible. It also supports development that would create or restore biodiversity interest.

10.52 Section 15 requires that the planning system should contribute to and enhance the natural and local environment and seek to minimise impacts on biodiversity and provide net gains where possible and aim to conserve and enhance biodiversity through planning decisions.

10.53 Bats are known to occur in the woodland surrounding the site, including lesser horseshoe bats and other light sensitive species. As explained earlier in this report, the design of the proposed pods has sought to limit any illumination from internal lighting. The use of one-sided, downward directional lighting bollards as part of the proposed design for external lighting is welcomed. A condition is recommended to control the introduction of any further artificial lighting.

10.54 Assessment has also been undertaken for the potential for bats to be using the stone barn and the Inn building itself, which has confirmed that the areas to be affected by the proposed extensions do not support suitable features for roosting bats.

10.55 The woodland on site forms lowland mixed deciduous woodland priority habitat and is identified as part of the core woodland habitat in the Nature Recovery Network and natural capital mapping. The pods and the boardwalks to each will be installed using screw-pile foundations, so that there will be limited impact on ground/soil and tree roots, particularly in terms of compaction. It is recommended that a 'Construction Environmental Management Plan for Biodiversity' should be submitted for approval as a condition of planning consent to provide details of how the proposal will be implemented in order to limit disturbance to the woodland, including the soil.

10.56 Great crested newts are present in a pond within 325 metres of the application south-western boundary. The Newt Officer has advised that the precautionary working methods outlined in the Ecological Assessment report are satisfactory in this instance to ensure appropriate protection.

10.57 The site is considered to be suboptimal habitat for dormice, but there are records from Hailey Wood to the north of the site. Although it is accepted that the woodland within the application site is sub-optimal, they may still be passing through and foraging within the woodland, and it is likely that the additional woodland planting and appropriate management will have benefits for this species.

10.58 No evidence of badger setts was found as part of the ecological assessment, but it is likely that this species will occur within the woodland and precautionary measures should be implemented to take account of this protected species. This can be covered in the recommended CEMP condition.

10.59 The Preliminary Ecological Assessment report makes recommendations for bird and bat boxes, which could be attached to or integrated into the structure of the pods in line with the recommendations of the report, or to attach to suitable trees instead. Full details of bird and bat box types and their locations can be submitted for approval as a condition of permission. The proposals also represent an opportunity to install a barn owl box on a suitable tree or on a stand-alone pole as a significant enhancement of the site for biodiversity as there are existing records of this species in the area.

10.60 Officers are satisfied that the proposals accord with Policy EN8, paras 174, 179 and 180 of the NPPF and Circular 06/2005.

10.61 Additionally, the application site lies within the Zone of Influence of the Beechwoods Special Area of Conservation (SAC) relating to the associated SSSI. As such, appropriate assessment has been undertaken and the proposed additional accommodation is considered to have a potential significant impact on the SAC in relation to increased visitor pressures. Consequently, the adopted Beechwoods Mitigation Strategy has been applied to the proposals and appropriate financial contribution has been agreed and paid via S.I.I.I legal agreement.

(e) Other Matters

10.62 Although a small part of the application site lies within Flood Zones 2 & 3, the proposed new pods and access to them are outside of them and are on the raised embankment from the canal spoil. As such, it is considered unlikely that the safety of occupiers of the pods would be affected by any flood events, having regard to Local Plan Policy EN14.

11. Conclusion:

11.1 Support for the continued use of the historic Inn as a community facility is embedded in national and Local Plan policies. As such, the proposed extensions to the public house and associated barn are uncontentious. Officers are also mindful of the wider policy context in this instance regarding the implicit promotion of the canal as a heritage asset and visitor attraction, of which the Thames and Severn Canal Conservation Area is a focal point. Officers are satisfied that the site is an integral part of the important historic heritage site and associated public footpath network and, as such, collectively can be considered to be a visitor attraction and therefore the proposals can also be considered in relation to Policy EC11, which allows for the principle of new-build tourist accommodation in association with the visitor attraction. The detailed siting, design, landscape and biodiversity impacts have all been assessed against relevant Local Plan policies and are considered to be acceptable. Consequently, permission is recommended.

11.2 This application is CIL liable 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. 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 submitted 'Kabina Units Proposal - Appearance, Material & Scale', dated June 2022, document by Enchanted Creations and the following drawing number(s): LPC.009.21.03, LPC.5009.21.05, P/001, P/214, P/613 Rev. A, P/614, 199-100, 199-101, 199-102, and 199-103.

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

3. The new-build holiday units hereby permitted shall only be used/occupied for purposes incidental to the use of the public house, currently known as The Tunnel House Inn.

Reason: Separate units of accommodation would not be permitted in this location because new-build holiday accommodation is only acceptable outside Development Boundaries in association with a visitor attraction, in accordance with Cotswold District Local Plan policies EC10 and EC11.

4. Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other change of use permitted by any subsequent Order, the new-build units shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation, second homes or a principal or primary place of residence.

Reason: This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no new openings, extensions, buildings, engineering operations or means of enclosure shall be inserted, constructed or undertaken in the new-build holiday units or within the site of the new-build holiday units shown within the submitted 'Kabina Units Proposal - Appearance, Material & Scale' document, dated June 2022, by Enchanted Creations, other than those permitted by this Decision Notice.

Reason: To protect local biodiversity, AONB, and historic setting, in accordance with Cotswold District Local Plan policies EN1, EN4, EN5, EN7, EN8, EN10, EN11 and SP3.

6. 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 Cotswold District Local Plan Policy EN10 and paragraph 205 of the National Planning Policy Framework.

7. No amplified or other music shall be played outside the new-build holidays units hereby permitted or within the woodland area for their siting shown by the submitted 'Kabina Units Proposal - Appearance, Material & Scale' document, dated June 2022, by Enchanted Creations.

Reason: To protect the amenity of the locality and tranquillity of the AONB, in accordance with Cotswold District Local Plan policies EN4, EN5, EN10, EN11 and SP3.

8. No development shall take place until a site specific Arboricultural Method Statement and full Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement and full Tree Protection Plan (to be prepared by a suitably qualified arboriculturalist and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations') shall address:-

1. tree removal and pruning,
2. ground protection measures,
3. foundation design to minimise impact upon trees and rooting zones,
4. the construction phase,
5. boardwalk specification and construction,
6. installation of service runs, and
7. a timetable of arboricultural site inspections (to be carried out by a suitably qualified Arboriculturalist and all findings reported in writing to the Local Planning Authority.

The development shall be implemented in full accordance with the details and timescales laid out in the Arboricultural Method Statement and full Tree Protection Plan, 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. 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.

9. The entire landscaping scheme, as shown by drawing 'Landscape Layout' C379/P/02, dated August 2022, shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

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

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

11. Prior to the construction of any external wall of the holiday units hereby approved, samples of the proposed walling 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 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.

12. Prior to the construction of any external wall of the extensions 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 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.

13. New external stonework shall be of the same stone type, colour and sizes as existing stonework and coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall match that used for the external walling of the existing 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 and EN11.

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

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan policies EN2, EN4 and EN11.

15. The oak shall not be treated in any way and shall be left to weather and silver naturally 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.

16. The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and EN11.

17. No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN11.

18. The development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities in accordance with policy INF3 of the Local Plan and paragraphs 110 and 112 of the NPPF.

19. Prior to the first use/occupation of the development hereby approved, secure cycle parking shall be provided within the application site fully in accordance with details agreed in writing by the Local Planning Authority and the secure cycle parking shall be permanently retained in accordance with the agreed details thereafter.

Reason: To ensure adequate cycle facilities are provided to meet the requirement for sustainable development, in accordance with Cotswold District Local Plan Policy INF3.

20. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution, including in respect of light sensitivity for bats and the minimisation of illumination of the woodland habitat. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. No additional/new internal or external lighting shall be installed without the prior approval of the Local Planning Authority.

Reason: To prevent light pollution in the AONB and to prevent harm to protected species, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), policies EN5 and EN8 of the Cotswold District Local Plan, paragraphs 174, 179 and 180 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.

21. The development hereby permitted shall be completed in accordance with the 'Preliminary Ecological Assessment for Land at Tunnel House Inn' report, dated 14th March 2021, prepared by Willder Ecology, including in accordance with Sections 5.1 and 5.2 of the report, and Bat survey report dated 28th February 2023.

All the biodiversity mitigation and enhancement measures shall be implemented in full according to the specified timescales and drawings, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be permanently retained and maintained.

Reason: To ensure that biodiversity is protected and enhanced 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 174, 179 and 180 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.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:-

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The roles and responsibilities of an Ecological Clerk of Works (ECoW) or suitably qualified Ecologist, who will be present on site during construction;
- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason: To ensure that biodiversity is safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

23. A report prepared by the Ecological Clerk of Works or suitably qualified Ecologist certifying that the required mitigation and/or compensation measures identified in the CEMP-B have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To provide evidence that biodiversity has been safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174, 179 and 180 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.

24. A 10-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation. The content of the LEMP shall include, but not necessarily be limited to, the following information:-

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. An annual work schedule/matrix;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The BMMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The BMMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 174, 179 and 180 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.

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, separately. 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

2. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

3. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting the areas used by roosting bats are carried out. If commencement of the development hereby permitted is delayed, or following the commencement of the development, building works are suspended for a period of more than 12 months or extend beyond a period of 3 years from the date of this permission, the applicant is advised to consider the need for updated bat/bird surveys and whether alterations to their European Protected Species Licence will be required (this is likely to require input from a licensed ecologist and/or Natural England as the licensing authority).

4. There is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is moderately suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

5. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

6. A tree-mounted or stand-alone barn owl box would also be a significant enhancement of the site and the applicant is advised to obtain guidance from the Barn Owl Trust website on the design and location of such a box <https://www.barnowltrust.org.uk/barn-owl-nestbox/barn-owl-pole-nest-box/> The applicant may also wish the box to be monitored and the contact for this is glosbarnowls@gmail.com In relation to the District Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted (if not already) to the Gloucestershire Centre for Environmental Records (GCER).



TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS



12th January 2022

Our Ref: ADM.LPC5009
Your Ref: 21/03698/FUL

Hannah Rose, Senior Case Officer
Development Management
Cotswold District Council
Trinity Road
Cirencester
GL7 1PZ

Dear Hannah,

The Tunnel House Inn, Tarlton Road, Coates, GL7 6PW

Further to our exchanges of emails regarding this application, and especially your email dated 1st December 2021 when you stated that you cannot see how the Local Plan can support proposals such as this, I am writing in response to the matters raised. In this regard, there does appear to be a conflict between the way that this site is being considered and the approach that was adopted towards significant further development at the Hare and Hounds, Foss Cross, Chedworth (reference 17/05211/FUL). The Planning Committee granted permission there for the erection of 28 bedrooms and additional significant development in line with the recommendation of your colleague, Martin Perks.

In a pre-application response prior to an earlier application, Mr Perks accepted that the policies within the National Planning Policy Framework were material considerations sufficient to set aside the policies in the Development Plan. In particular, under the heading of 'Supporting a Prosperous Rural Economy' it stated that policies should support economic growth in rural areas in order to create jobs. This is referred to in the 2021 version of the NPPF as 'the sustainable growth and expansion of all types of business through conversion of existing buildings and well-designed new ones'. It also promotes sustainable rural tourism and leisure developments which respect the character of the countryside, which we consider that this proposal also achieves.

In making his assessment on the application at Foss Cross, your colleague accepted that the site was outside a development boundary identified in the Cotswold District Local Plan 2011 – 2031 and considered that Policies EC1, EC3 and EC11 were relevant. He also referred to various paragraphs of the NPPF, in support of the case. He added that both national and local planning policy and guidance can be supportive of new economic development in rural areas and added that this extends to all types of businesses.

LPC (Trull) Ltd
Trull Tetbury
Gloucestershire
GL8 8SQ
Tel: 01285 841433
Fax: 01285 841489
www.lpctrull.com

Although the above proposal was for additional rooms, whereas The Tunnel House does not have any letting bedrooms, the accommodation in this application is for a form of development that will support the existing business so that it will run as its original Inn use.

As the Inn has been vacant for about two years, there are no staff employed there, nor will it be likely that any will be employed there unless a viable business can become established. Should the business become operational, as proposed, it is anticipated that there will be employment for about 20 people and so this will accord with the provisions of Policy EC1 as it will enhance the vitality of the rural economy and also support sustainable tourism. The location will be attractive to visitors and it is hoped that the Inn will re-open as a destination venue. Accordingly, the proposal will be in accordance with the aspirations of Local Plan Policies EC1, EC3 and EC11 as well as paragraph 84 of the NPPF.

The provision of six rooms in conjunction with the existing Inn, on which we have already agreed to a condition linking the use, is not a main town centre use that requires the sequential test referred to within paragraph 87 of the NPPF. The use will generate full and part time employment opportunities that currently do not exist; will assist in the long term viability of the public house, a non-designated heritage asset and will lead to additional spend in the local area in accordance with the Local Plan.

Had Mr Perks adopted your approach to the policy situation, the planning application at The Stump would have been refused and what is now a thriving, local hostelry would not have been achieved, even though the new hotel accommodation there has not yet been built, although the permission for its erection has been implemented.

Viability

As demonstrated in the application submission and confirmed by the number of tenancies that The Tunnel House Inn has been through in the last ten years, it does not provide a viable business unit. The last set of whole year accounts seen were for 2019 when the tenant only just achieved a net profit, which was less than £8,000. For all the effort involved and risk attached, this is an extremely low margin, which would have been even lower had The Bathurst Estate, the owners of the property, not accepted a lower than market concessionary rent. This level of profit is far too low to make the property attractive to any future tenant and the previous tenant was not able to continue at these levels, which is why the business went into administration in 2020.

The applicants have produced a **CONFIDENTIAL** financial case based upon the existing situation, if the Tunnel House was to re-open in its current form. This is attached as a separate document and **should not be displayed on your Council's website or re-produced**. This shows that the EBITDAR (Earnings before interest, taxes, depreciation, amortization and rent costs) is likely to average 2.2% over the next three financial years. This return, which is higher than that achieved by the previous operator who went into administration, is not sufficient to make such a business attractive, especially as tax and rental costs have also to be paid.

A second **CONFIDENTIAL** projection is also attached which shows that if the proposed development is implemented, the revenue would double and that EBITDAR would average 13.8% over the next three financial years. This projection is based on an average annual occupancy rate for the proposed bedrooms of 70%, increased food and beverage sales as a direct result of guests staying in the accommodation pods (e.g. breakfast and dinner covers) with room rates varying depending on the seasons but reflecting forecasted levels of between £125-200 per night. The projection reveals that not only would the business be viable, there would be profit for the operator and the ability to pay an appropriate rent to the Estate.

By having on-site accommodation, in the form proposed, the Tunnel House will not only have a revenue stream from the letting of the units, but also the assured additional food and beverage custom of those using the pods.

Other Hostelries

The following are all local pubs that have either had to diversify into room/accommodation/bed and breakfast:

- The Bathurst Arms, North Cerney – 6 B&B bedrooms
- The Bell Inn, Sapperton – despite being a successful and well-respected pub it has struggled to survive on food and beverage sales only. To ensure its future survival, it is in the process of completing four bed and breakfast rooms
- Thames Head Inn, Tetbury Road, Cirencester – 4 bedrooms plus campsite
- The Crown, Frampton Mansell – 12 bedrooms
- The Stump, Foss Cross – 28 bedrooms proposed, 10 existing
- The Village Pub, Barnsley – 6 bedrooms

Conclusions

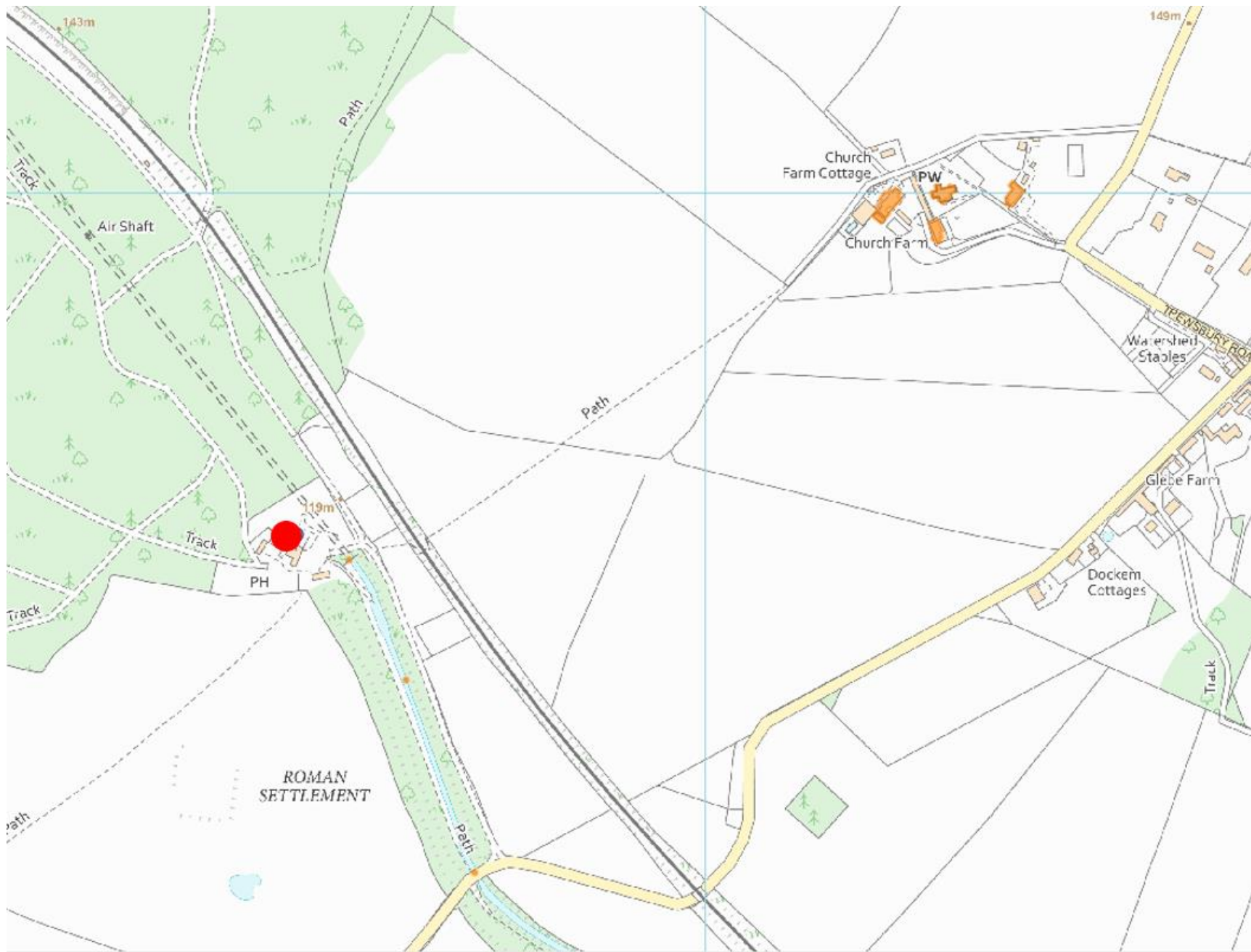
I trust that the above information and that contained within the accompanying **CONFIDENTIAL** financial projections will demonstrate to you that the development proposed in this application will be essential to the future of the Tunnel House Inn, will provide additional employment and, as agreed by The Planning Committee and your fellow officer at Foss Cross, represents a form of development that accords with national and local planning policy. In such circumstances, I trust that you will re-consider your stance towards this development proposal and recommend that planning permission should be granted.

I look forward to hearing from you in due course.

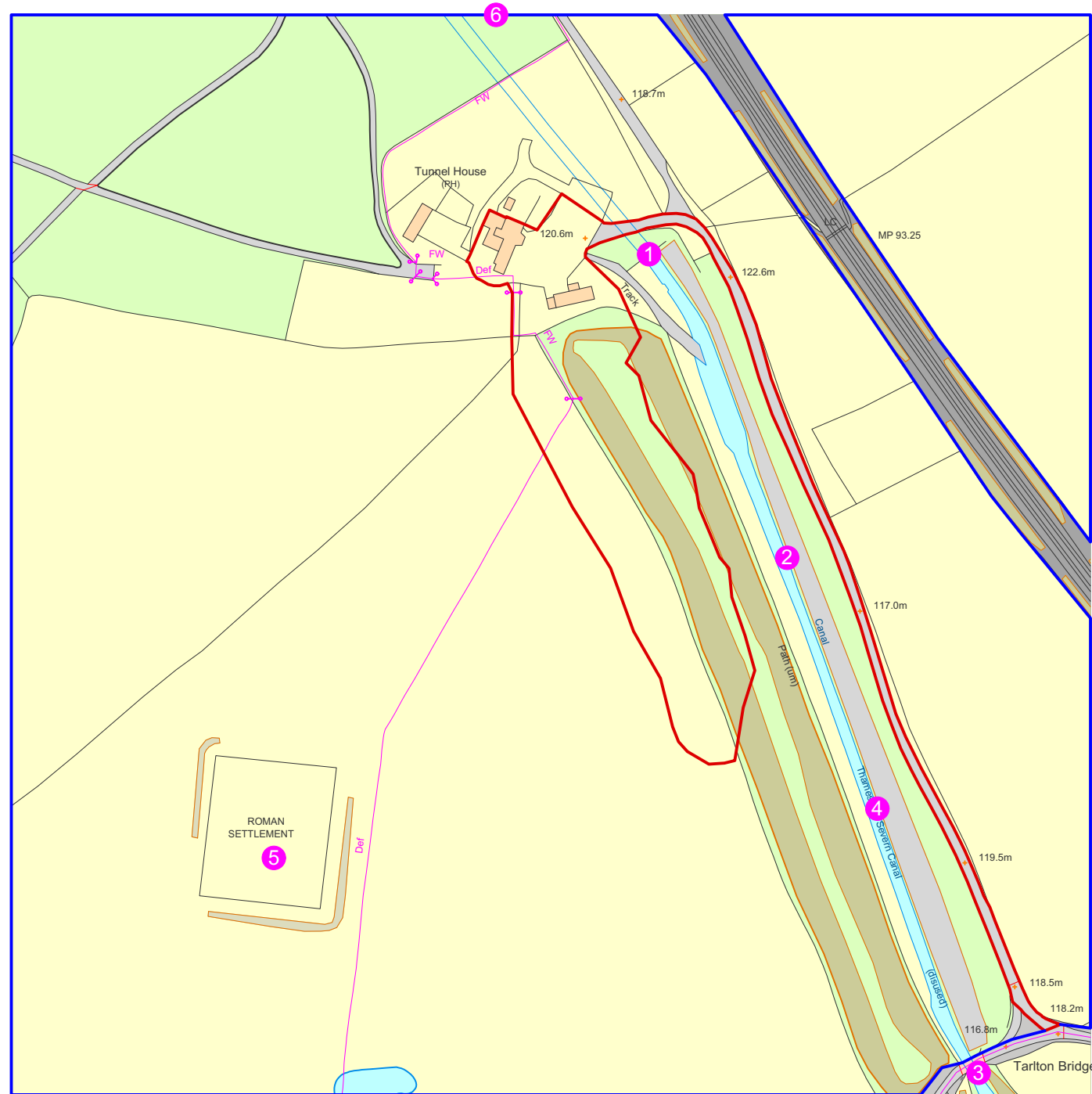
Kind regards

Yours sincerely

Andrew Miles
Director



This page is intentionally left blank



Designated heritage assets:

- 1 • The Grade II* listed Sapperton Canal Tunnel South Entrance.
- 2 • The Grade II listed canal walls of the Kings reach section of the Thames and Severn Canal.
- 3 • The Grade II listed Tarlton Bridge over the canal.
- 4 • The Thames and Severn Canal conservation area.
- 5 • The Hayley Wood scheduled monument.
- 6 • Cirencester Park, a Grade I registered park/garden.

- Proposed Site Boundary
- Land in Ownership

General Notes
 1. Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.
 2. All dimensions to be checked onsite.
 3. Unless otherwise stated dimensions are in millimetres.
 4. Drawings to be read in conjunction with all other project drawings.
 5. Copyright Millar + Howard Workshop Ltd.

Rev.	Date	Notes

Chartered Architects
MILLAR+HOWARD
 WORKSHOP

St Mary's Mill
 St Mary's
 Chalford
 STROUD
 Gloucestershire
 GL6 8NX

t: 01453 887186
 e: info@mhworkshop.co.uk
 w: www.mhworkshop.co.uk

Project Title
Tunnel House

Project Address
**The Tunnel House Inn
 Coates
 Cirencester**

Job No. **1909**

Drawing Title
Site Location Plan

Drawn By CG	Checked By GL	Date Sept 2021
-----------------------	-------------------------	--------------------------

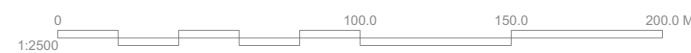
Scale **1:2500@A3**

Drawing No. P/001	Revision -
-----------------------------	----------------------

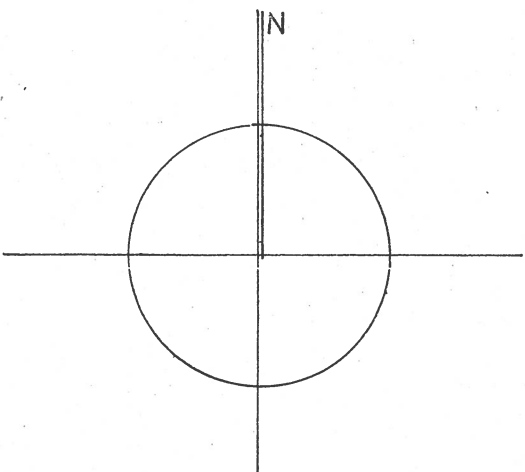
Drawing Status **Planning**



P/001 SITE LOCATION PLAN
 1:2500



This page is intentionally left blank



Page 105

TUNNEL HOUSE INN

THE TUNNEL HOUSE INN
COATES

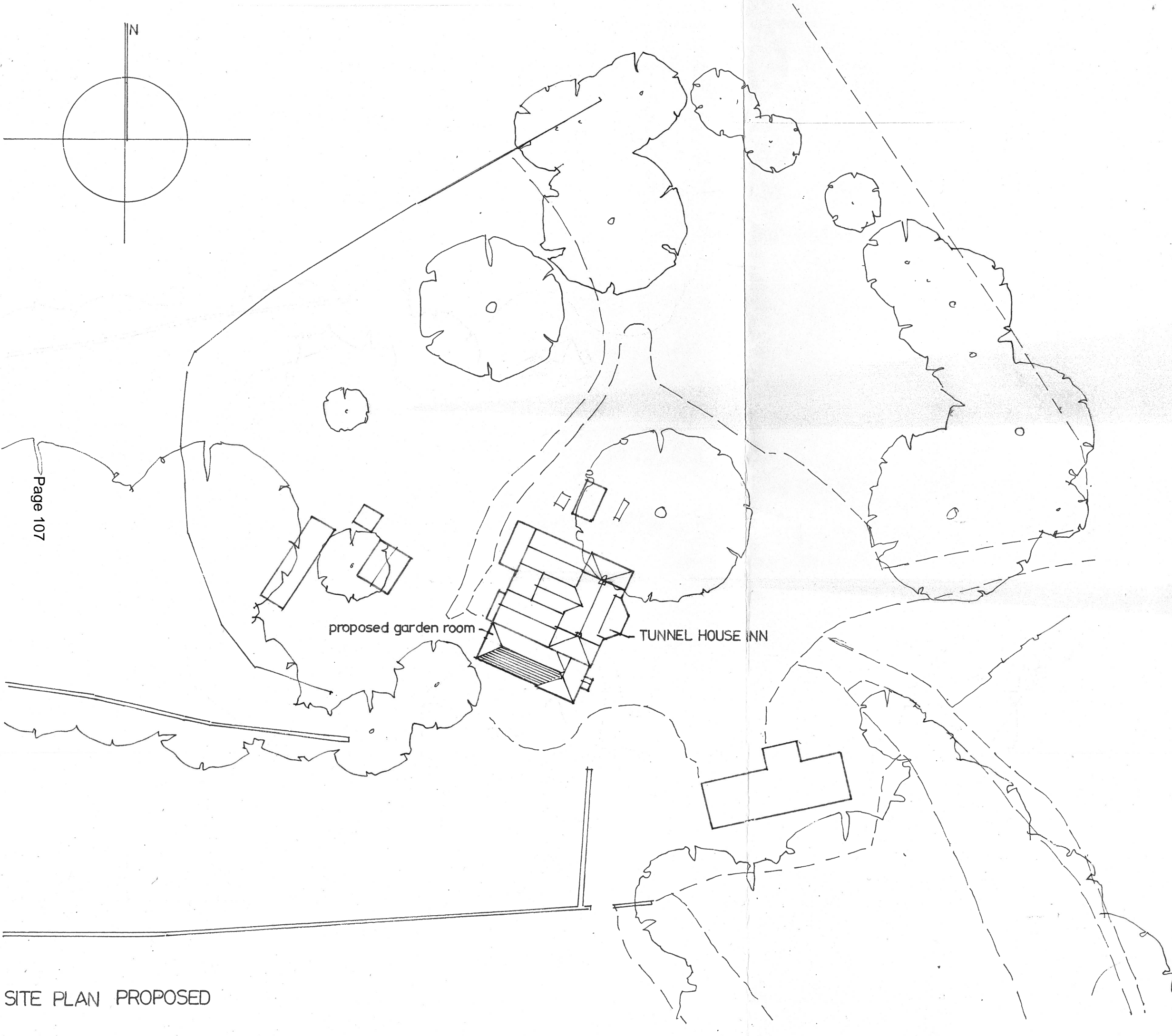
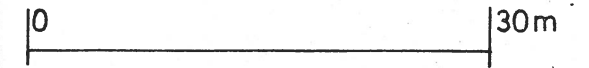
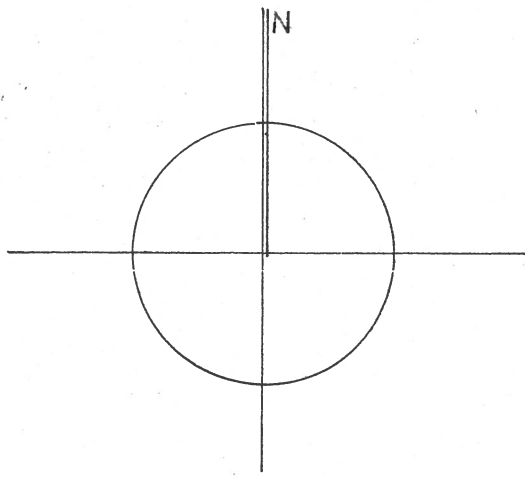
SITE PLAN - EXISTING

SCALE 1,500/A3
DRG No LPC.5009.21.02
DATE 16 APRIL 2021

SITE PLAN - EXISTING

lpc TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS
 Trull ■ Tetbury Gloucestershire G L B 8 S Q
 Tel: 01285 841433 Fax: 01285 841489

This page is intentionally left blank



Page 107

proposed garden room

TUNNEL HOUSE INN

THE TUNNEL HOUSE INN
COATES

SITE PLAN - PROPOSED

SCALE 1,500/A3
DRG No LPC.5009.21.03
DATE 16 APRIL 2021

SITE PLAN PROPOSED

lpc TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS Trull ■ Tetbury Gloucestershire GL8 8SQ Tel:01285 841433 Fax:01285 841489

This page is intentionally left blank

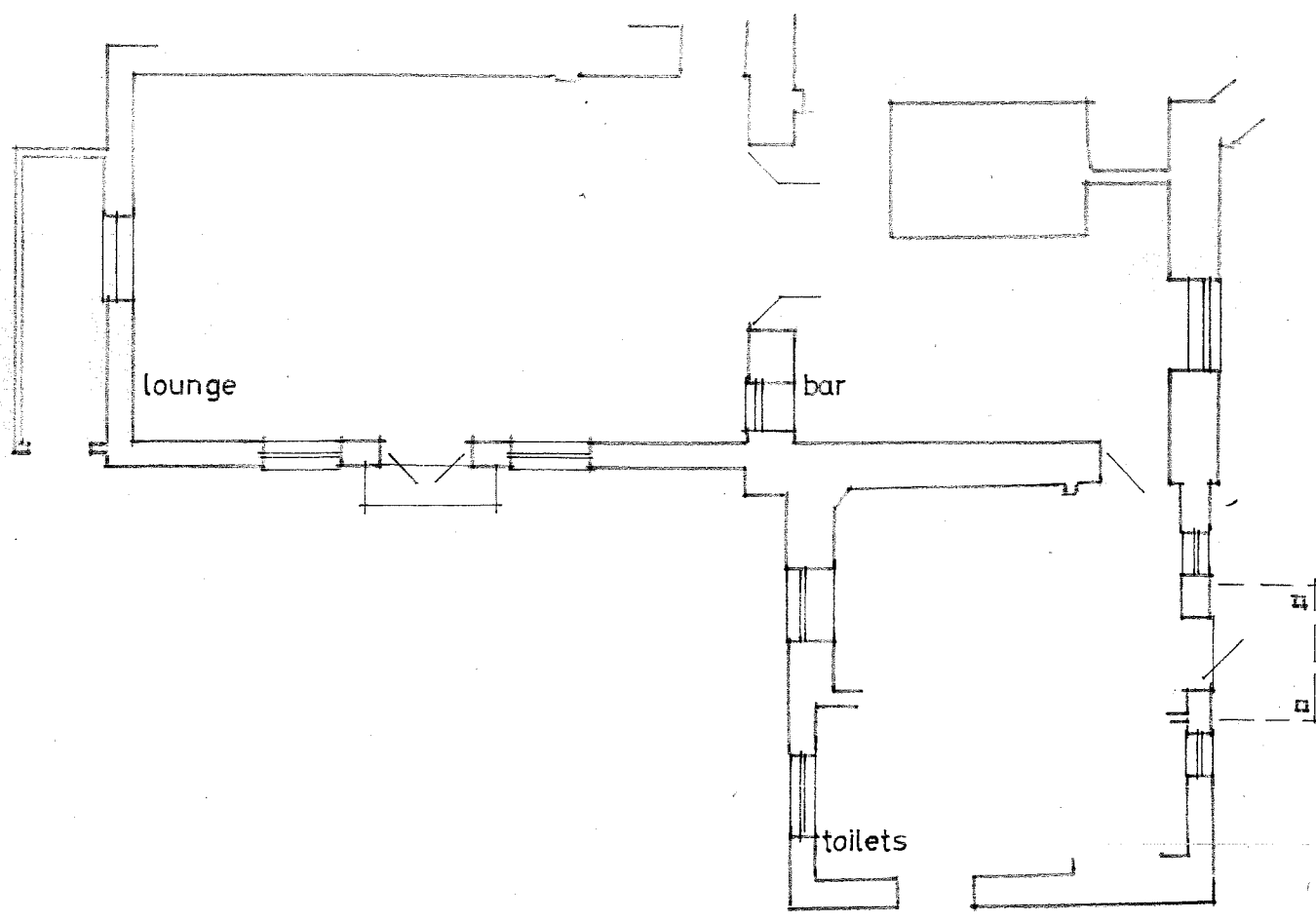


SOUTH WEST

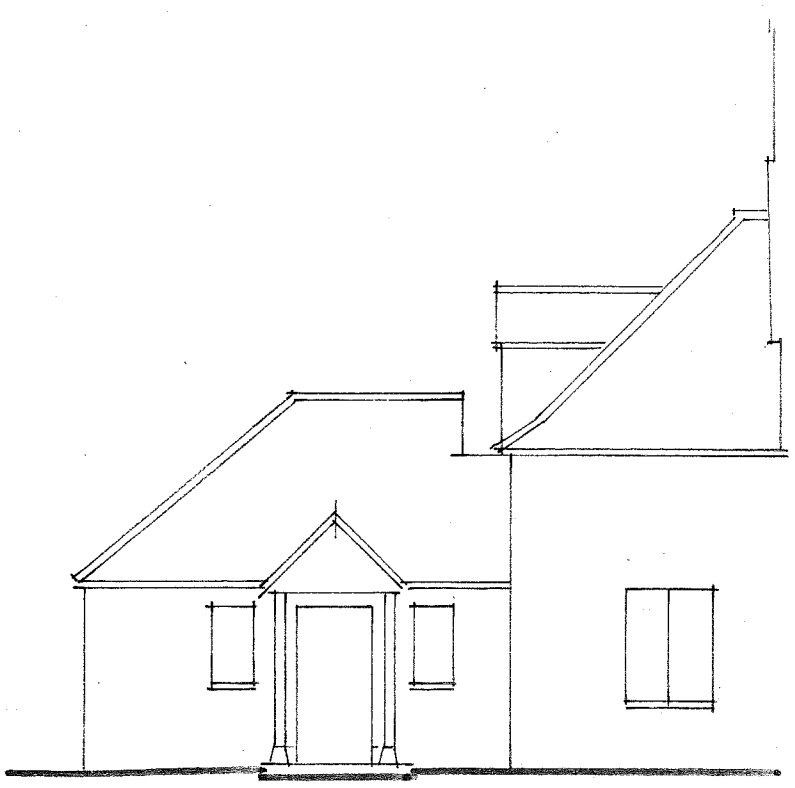


NORTH WEST

Page 109



GROUND FLOOR EXISTING



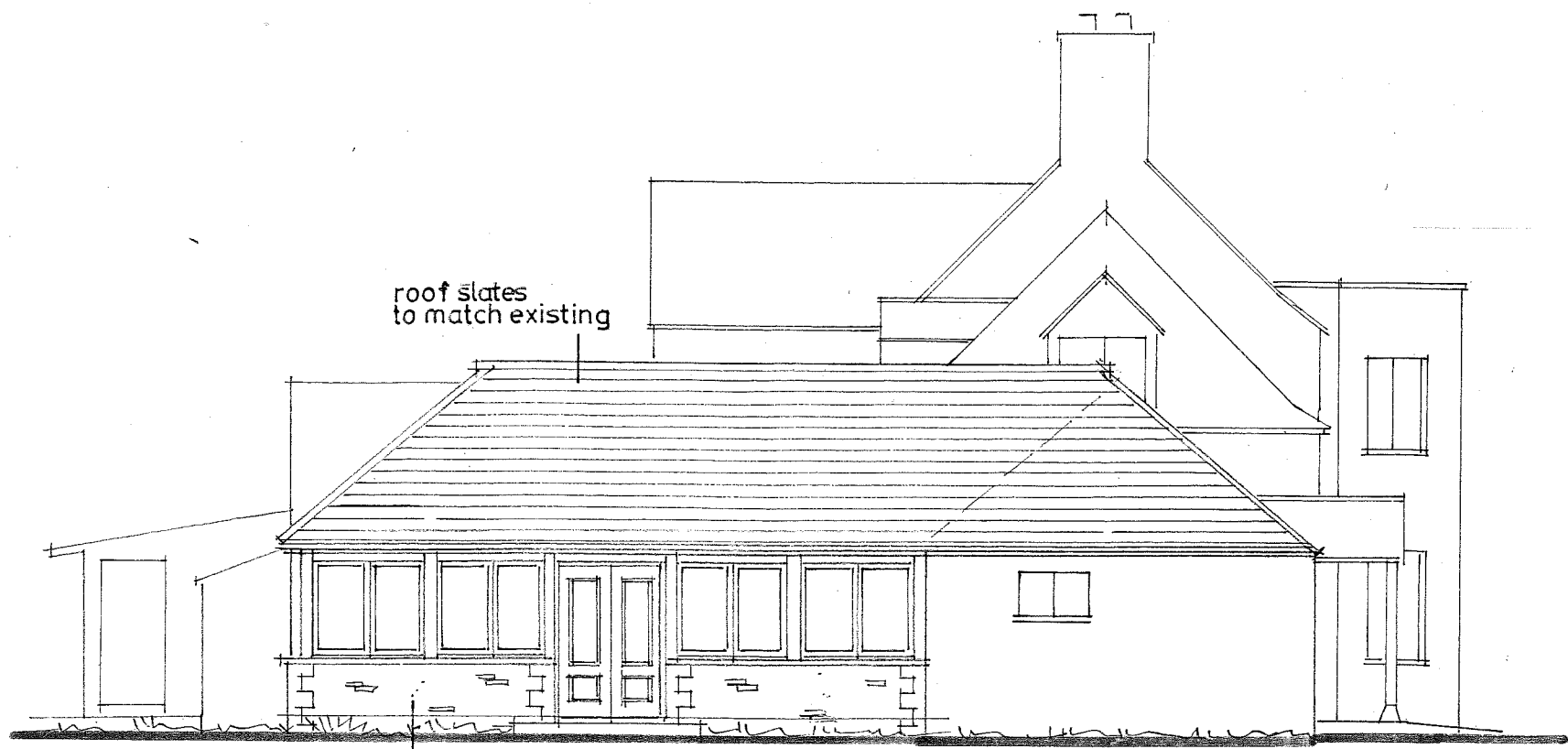
NORTH EAST



THE TUNNEL HOUSE INN
 COATES
 PART EXISTING FLOOR PLAN
 AND ELEVATIONS
 SCALE 1,100 A3
 DATE 16 APRIL 2021
 DRG No LPC,5009,21,04

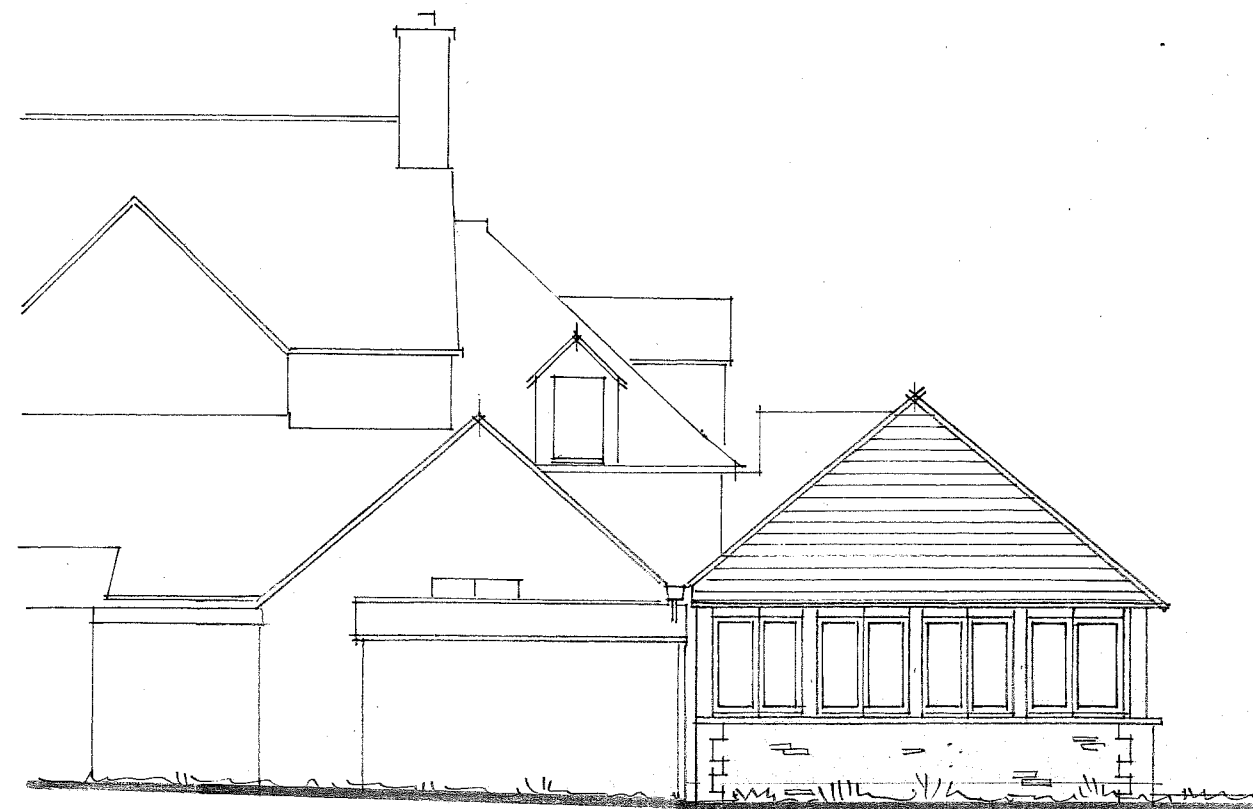
IPC	TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS	Trull ■ Tetbury Gloucestershire G L 8 8 S Q Tel:01285 841433 Fax:01285 841489
------------	---	--

This page is intentionally left blank



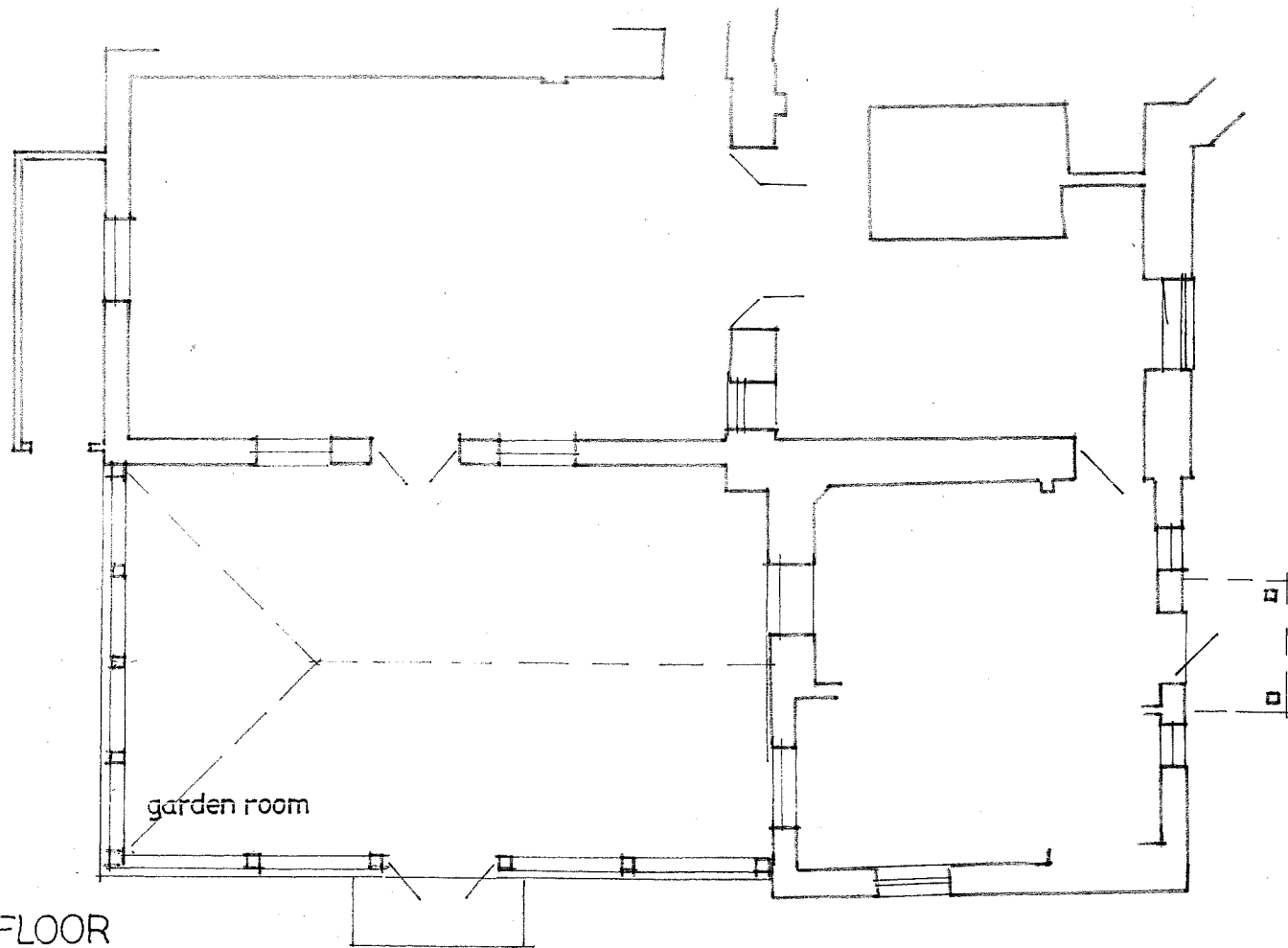
SOUTH WEST

stone to match existing



NORTH WEST

Page 111



GROUND FLOOR
PROPOSED



NORTH EAST



THE TUNNEL HOUSE INN
COATES
PROPOSED GARDEN ROOM
SCALE 1,100 / A3
DATE 16 APRIL 2021
DRG No LPC,5009,21,05

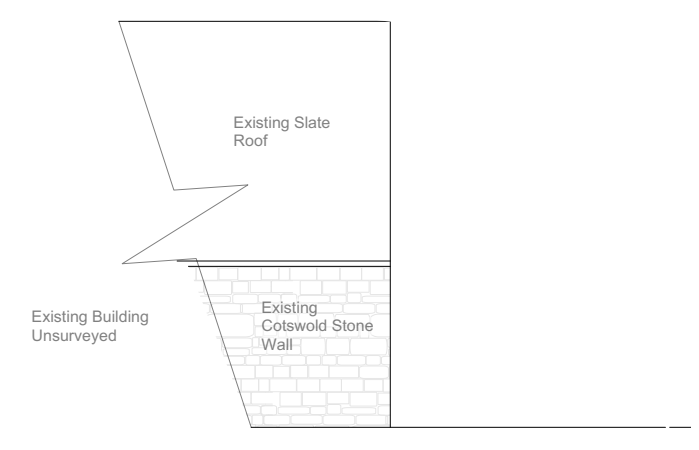


TOWN AND
COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS

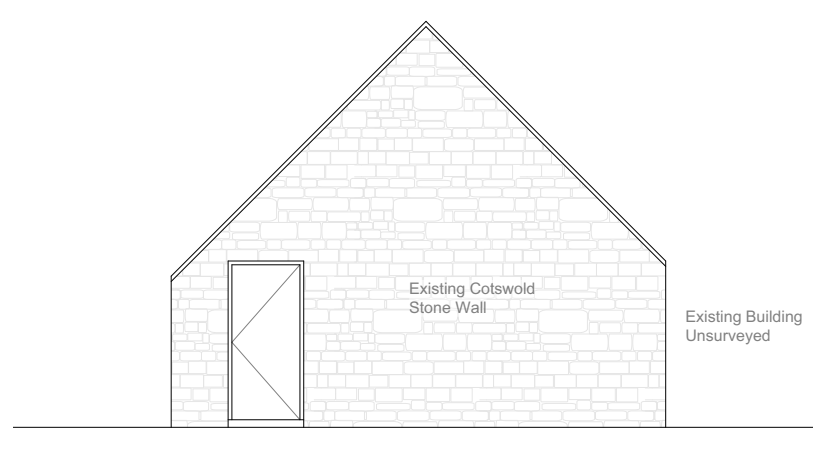
Trull ■ Tetbury
Gloucestershire
G L 8 8 S Q
Tel:01285 841433
Fax:01285 841489

This page is intentionally left blank

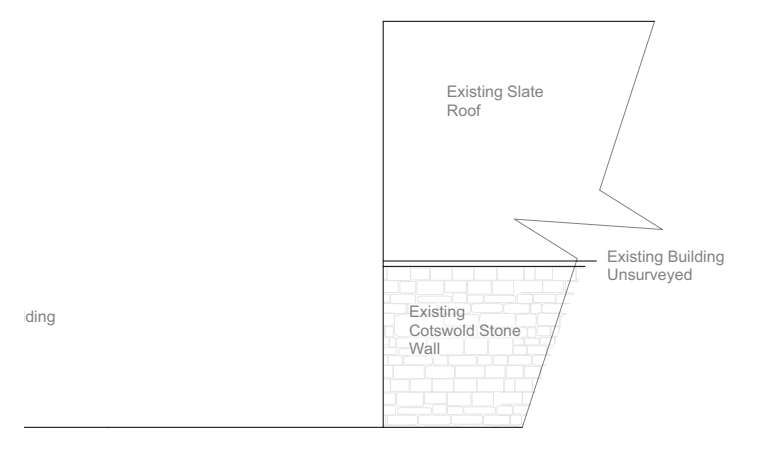
General Notes
 1. Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.
 2. All dimensions to be checked onsite.
 3. Unless otherwise stated dimensions are in millimetres.
 4. Drawings to be read in conjunction with all other project drawings.
 5. Copyright Millar + Howard Workshop Ltd.



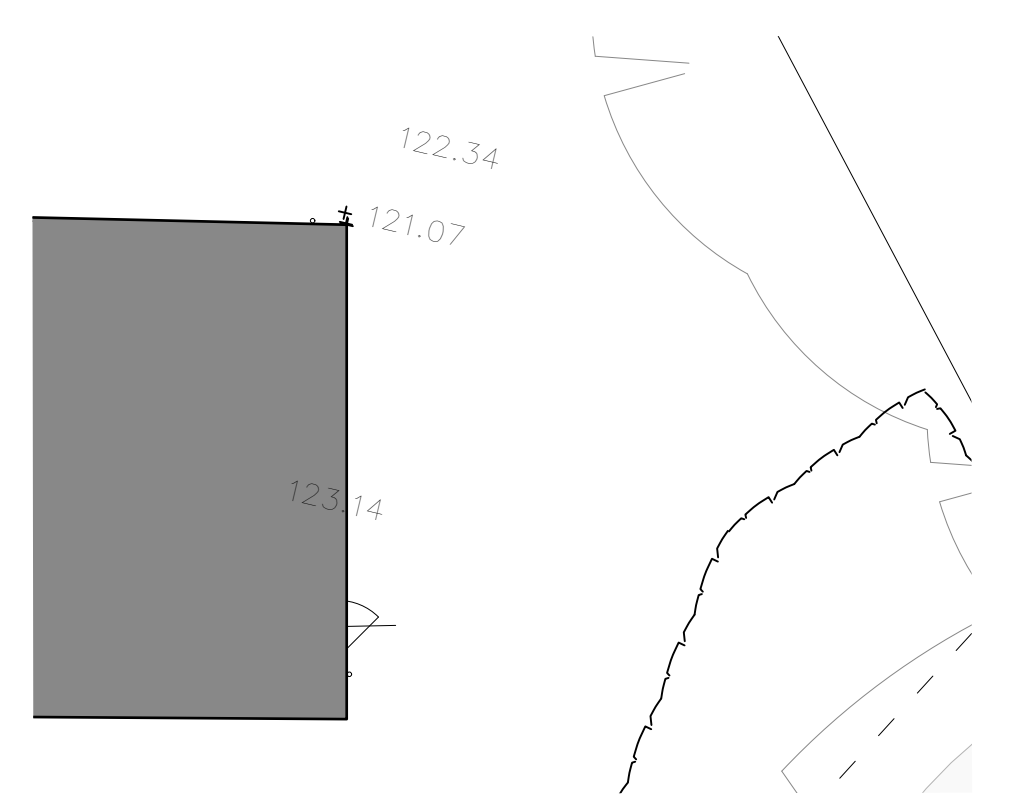
P/214 EXISTING STORE / PLANT ELEVATION (REAR)
 1:100



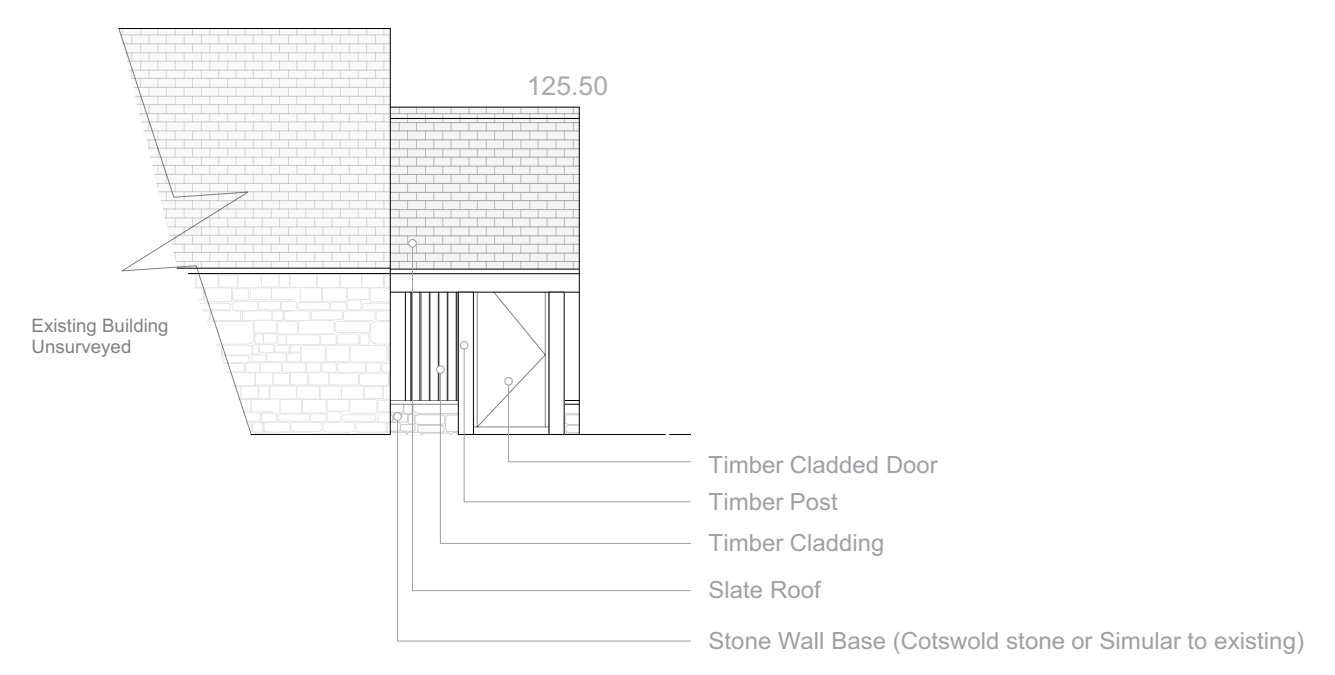
P/214 EXISTING STORE / PLANT ELEVATION (SIDE)
 1:100



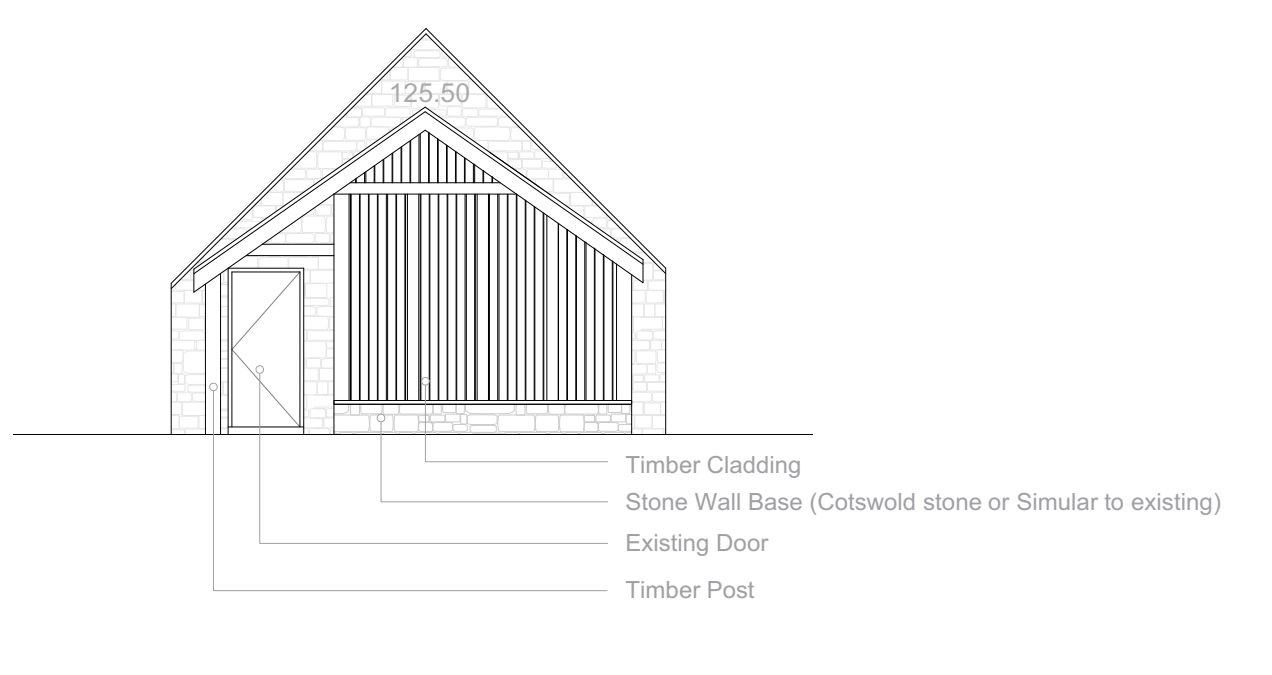
P/214 EXISTING STORE / PLANT ELEVATION (FRONT)
 1:100



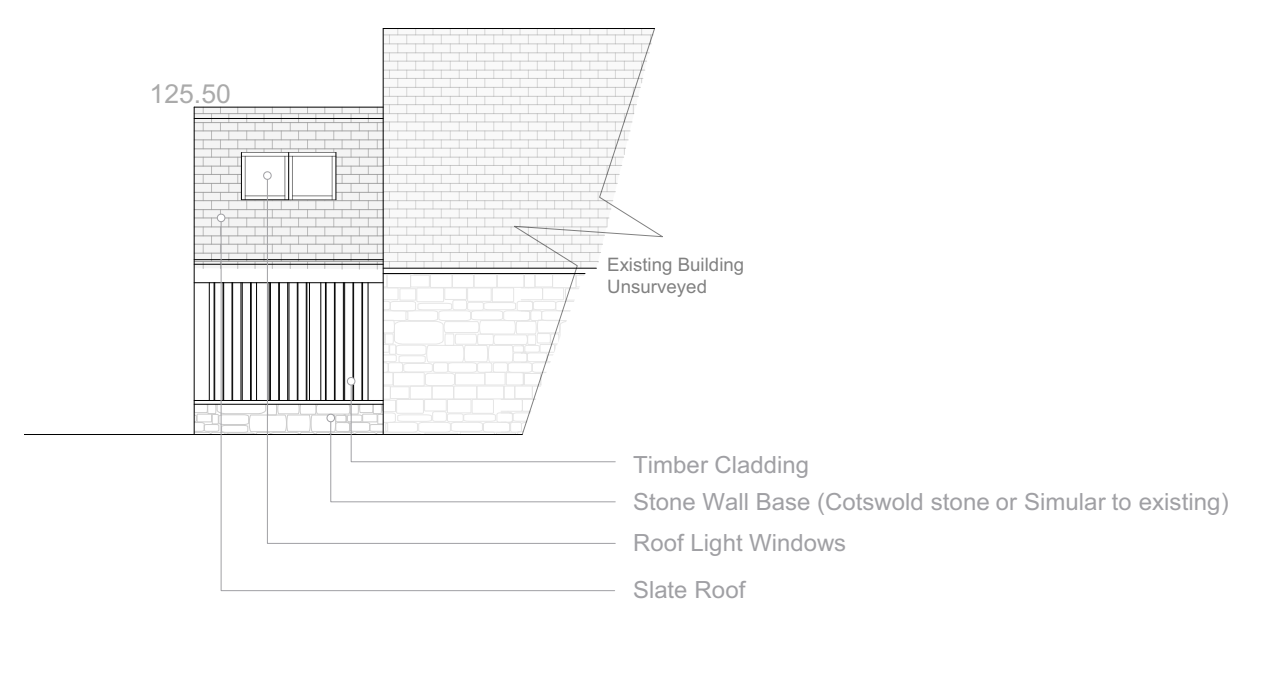
P/214 EXISTING STORE / PLANT PLAN
 1:100



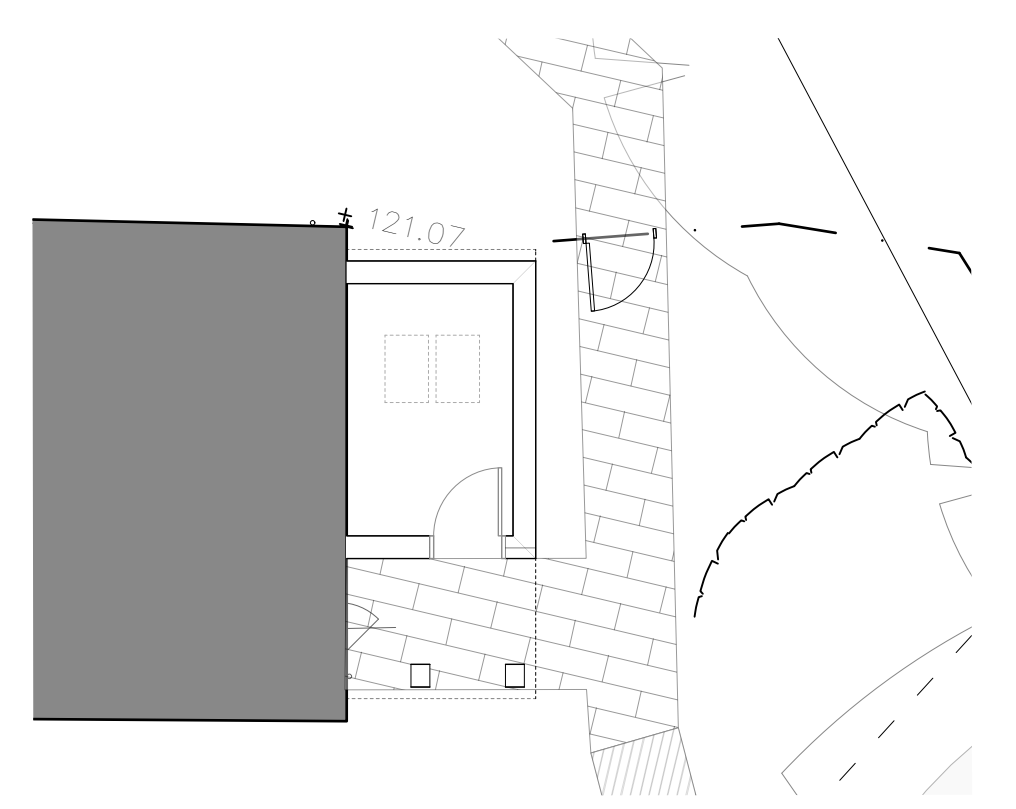
P/214 PROPOSED STORE / PLANT ELEVATION (REAR)
 1:100



P/214 PROPOSED STORE / PLANT ELEVATION (SIDE)
 1:100



P/214 PROPOSED STORE / PLANT ELEVATION (FRONT)
 1:100



P/214 PROPOSED STORE / PLANT PLAN
 1:100

Page 113



P/214 EXISTING STORE / PLANT SITE PHOTO



P/214 PROPOSED STORE / PLANT SITE PLAN
 1:1000

Context drawn in for illustrative purposes only and should not be relied upon.
Pod design drawn by others not M+H Architects

Date: 09/2021
MILLAR+HOWARD
 PLANNING DRAWINGS
 not for construction

Chartered Architects MILLAR+HOWARD WORKSHOP		
St Mary's Mill St Mary's Chalford STROUD Gloucestershire GL6 8NX t: 01453 887186 e: info@mhworshop.co.uk w: www.mhworshop.co.uk		
Project Title Tunnel House		
Project Address The Tunnel House Inn Coates Cirencester		
JH No.	1909	
Drawing Title	Proposed & Existing Store / Plant	
Scale	Author: C/JG GL	Date: June 2021
Drawing No.	P/214	
Drawing Date	Revision Planning	

This page is intentionally left blank

NOTES
 This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultant's documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Drawing Office. If in doubt ASK.

Construction Risks	Maintenance/Cleaning Risks	Demolition/Adaptation Risks
In addition to the hazards/risks normally associated with the types of work detailed on this drawing take note of the above and refer to the Designers 'Design Risk Assessment' document. It is assumed that all works on this drawing will be carried out by competent contractors working, where appropriate, to appropriate risk and method statements.		
Health Safety and Environmental Information Box		



REV	DESCRIPTION	GRID	DRAWN	APPROVED	DATE

LDP
 LEISUREDESIGNPROJECTS


13 Eelmoor Road,
 Farnborough, Hampshire,
 GU14 7QN
 W: www.leisuredesignprojects.com
 T: +44 (0)1252 561060
 E: sales@leisuredesignprojects.com

CLIENT: BATHURST ESTATE	STATUS: PRELIMINARY	SCALE (if A1): 1:500	DATE: 13.06.22	DRAWN: M.F.	APPROVED:
ADDRESS: PROPOSED ACCOMMODATION PODS, TUNNEL HOUSE INN, COATES, CIRENGESTER, GL7 6PW	PROJECT NO: 199	DRAWING NO: 100	REVISION:		
SHEET NAME: PROPOSED SITE PLAN					


This page is intentionally left blank

PLANTING LEGEND


Woodland Under-canopy:

	40 <i>Corulus avellana</i>	60-80-1+1	PLANTED IN RANDOM MIX WITHIN AREAS SHOWN, AT AVE. 1.5x1.5M STAGGERED CENTRES, BUT ADJUSTED ON-SITE TO SUIT EXISTING SAPLINGS ETC. <i>CORYLUS</i> & <i>LIGUSTRUM</i> ALSO USED AS GROUPS ADJACENT TO RAISED BOARDWALK SECTIONS IN RATIO 2:1, AT APPROX. 1 PLANT/M ² , ALLOWING 120 No. IN TOTAL
	20 <i>Crataegus monogyna</i>	60-80-1+1	
	10 <i>Ilex aquifolium</i>	40-50 c.g.	
	20 <i>Ligustrum vulgare</i>	40-60-1+1	
	10 <i>Toxus baccata</i>	30-40-2+2	

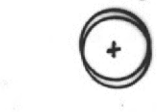



Field-edge/hedgerow reinforcement & replanting:

	10 <i>Corulus avellana</i>	60-80-1+1	PLANTED IN RANDOM MIX AT 2 TO 4 PLANTS/LIN.M. AS NOTED FOR INDIVIDUAL SECTIONS: A-B: 4/LIN.M. AS 2 ALTERNATE ROWS B-C: 3/LIN.M. AS STAGGERED ROWS C-D: 3/LIN.M. AS STAGGERED ROW D-E: 4/LIN.M. AS 2 ALTERNATE ROWS E-F: 2/LIN.M. AS STAGGERED ROW
	25 <i>Crataegus monogyna</i>	60-80-1+1	
	15 <i>Euonymus europaeus</i>	60-80-1+1	
	15 <i>Ligustrum vulgare</i>	40-60-1+1	
	15 <i>Prunus spinosa</i>	40-60-1+1	
	5 <i>Rosa canina</i>	40-60-1+1	
	15 <i>Viburnum lantana</i>	40-60-1+1	

Woodland extension groups:

	15 <i>Acer campestre</i>	80-100-1+1	PLANTED AT TYPICAL SPACING OF 2M x 2M STAGGERED CENTRES; GENERALLY AS RANDOM MIX, BUT USING SHADE-TOLERANT TREES [I.E. OAK + BEECH] WITH SHRUBBY SPECIES WHERE CLOSER TO OVERHANGING CANOPIES, OAKS TO BE PLANTED IN 1.2M. HIGH TREE SHELTERS
	10 <i>Betula pendula</i>	60-80-1+1	
	5 <i>Corulus avellana</i>	60-80-1+1	
	15 <i>Crataegus monogyna</i>	60-80-1+1	
	5 <i>Euonymus europaeus</i>	60-80-1+1	
	5 <i>Fagus sylvatica</i>	40-60-1+1	
	15 <i>Prunus avium</i>	80-100-1+1	
	5 <i>Prunus spinosa</i>	40-60-1+1	
	15 <i>Quercus robur</i>	40-60-1+1	
	10 <i>Sorbus aucuparia</i>	80-100-1+1	

Feathered/light standard trees:



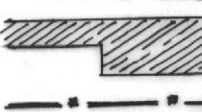


	Ac <i>Acer campestre</i>	1.75-2.0M. FEATHERED	TO BE PLANTED INTO PITS FIRST EXCAVATED TO MIN. 450MM DIAM. & DEPTH. PROVIDE WITH SHORT, LIGHT STAKE & SINGLE TIE
	Bp <i>Betula pendula</i>	1.5-1.75M. 1+2 FEATHERED	
	Pa <i>Prunus avium</i>	1.75 x 60M. MIN. LIGHT STD.	
	Sa <i>Sorbus aucuparia</i>	1.5-1.75M. 1+2 FEATHERED	

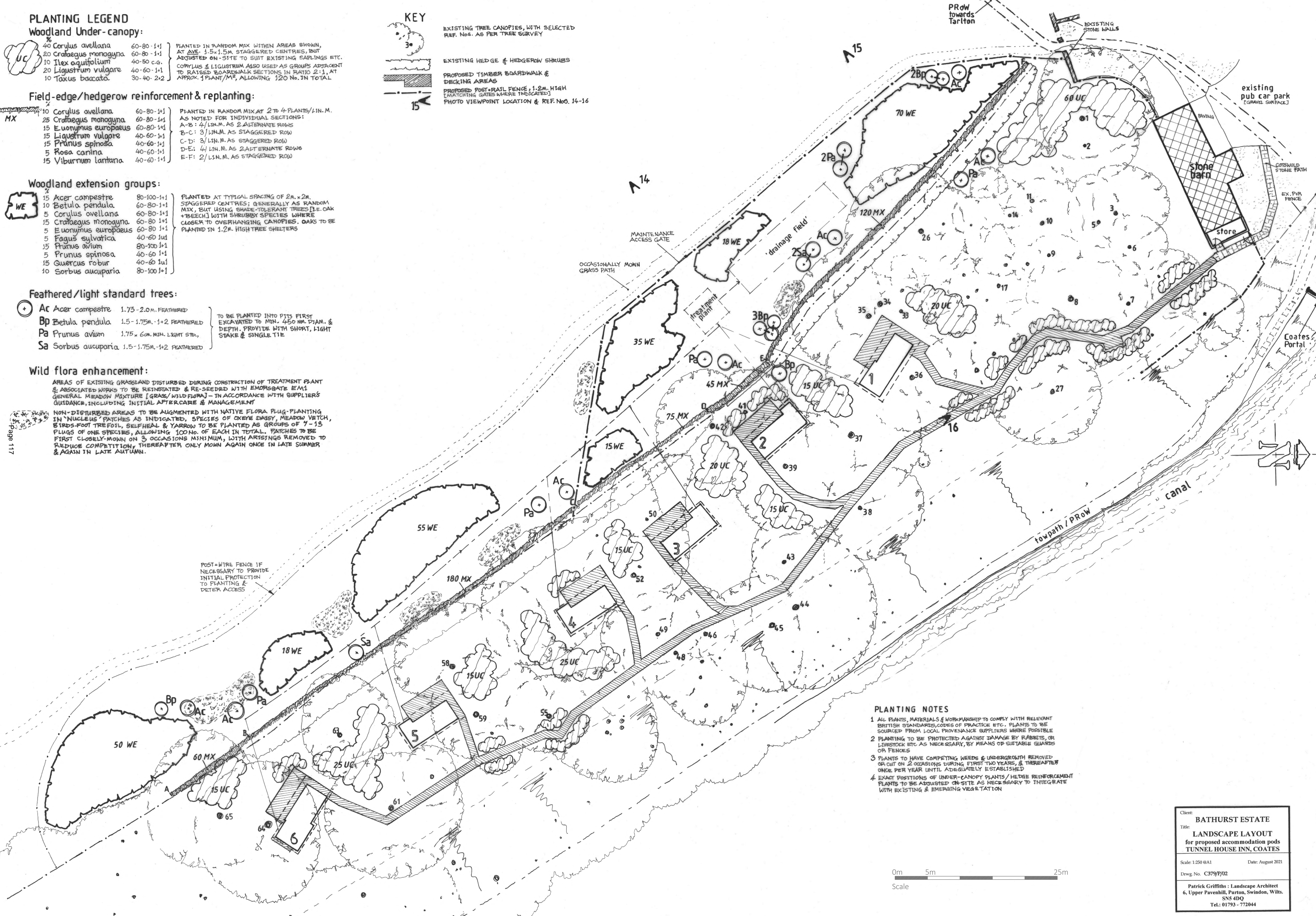
Wild flora enhancement:

AREAS OF EXISTING GRASSLAND DISTURBED DURING CONSTRUCTION OF TREATMENT PLANT & ASSOCIATED WORKS TO BE REINSTATED & RE-SEEDING WITH EMORSGATE EM1 GENERAL MEADOW MIXTURE [GRASS/WILD FLORA] - IN ACCORDANCE WITH SUPPLIER'S GUIDANCE, INCLUDING INITIAL AFTER-CARE & MANAGEMENT

NON-DISTURBED AREAS TO BE AUGMENTED WITH NATIVE FLORA PLUG-PLANTING IN 'NUCLEUS' PATCHES AS INDICATED. SPECIES OF OX-EYE DASSY, MEADOW VETCH, BIRDS-FOOT TREFOIL, SELFHEAL & YARROW TO BE PLANTED AS GROUPS OF 7-13 PLUGS OF ONE SPECIES, ALLOWING 100 No. OF EACH IN TOTAL. PATCHES TO BE FIRST CLOSELY-MOWN ON 3 OCCASIONS MINIMUM, WITH ARTISINGS REMOVED TO REDUCE COMPETITION, THEREAFTER ONLY MOWN AGAIN ONCE IN LATE SUMMER & AGAIN IN LATE AUTUMN.

KEY

-  EXISTING TREE CANOPIES, WITH SELECTED REF. Nos. AS PER TREE SURVEY
-  EXISTING HEDGE & HEDGEROW SHRUBS
-  PROPOSED TIMBER BOARDWALK & DECKING AREAS
-  PROPOSED POST-RAIL FENCE, 1.2M. HIGH [MATCHING GATES WHERE INDICATED]
-  PHOTO VIEWPOINT LOCATION & REF. Nos. 14-16



PLANTING NOTES

- 1 ALL PLANTS, MATERIALS & WORKMANSHIP TO COMPLY WITH RELEVANT BRITISH STANDARDS, CODES OF PRACTICE ETC. PLANTS TO BE SOURCED FROM LOCAL PROVENANCE SUPPLIERS WHERE POSSIBLE
- 2 PLANTING TO BE PROTECTED AGAINST DAMAGE BY RABBITS, OR LIVESTOCK ETC AS NECESSARY, BY MEANS OF SUITABLE GUARDS OR FENCES
- 3 PLANTS TO HAVE COMPETING WEEDS & UNDERGROWTH REMOVED OR CUT ON 2 OCCASIONS DURING FIRST TWO YEARS, & THEREAFTER ONCE PER YEAR UNTIL ADEQUATELY ESTABLISHED
- 4 EXACT POSITIONS OF UNDER-CANOPY PLANTS / HEDGE REINFORCEMENT PLANTS TO BE ADJUSTED ON-SITE AS NECESSARY TO INTEGRATE WITH EXISTING & EMERGING VEGETATION

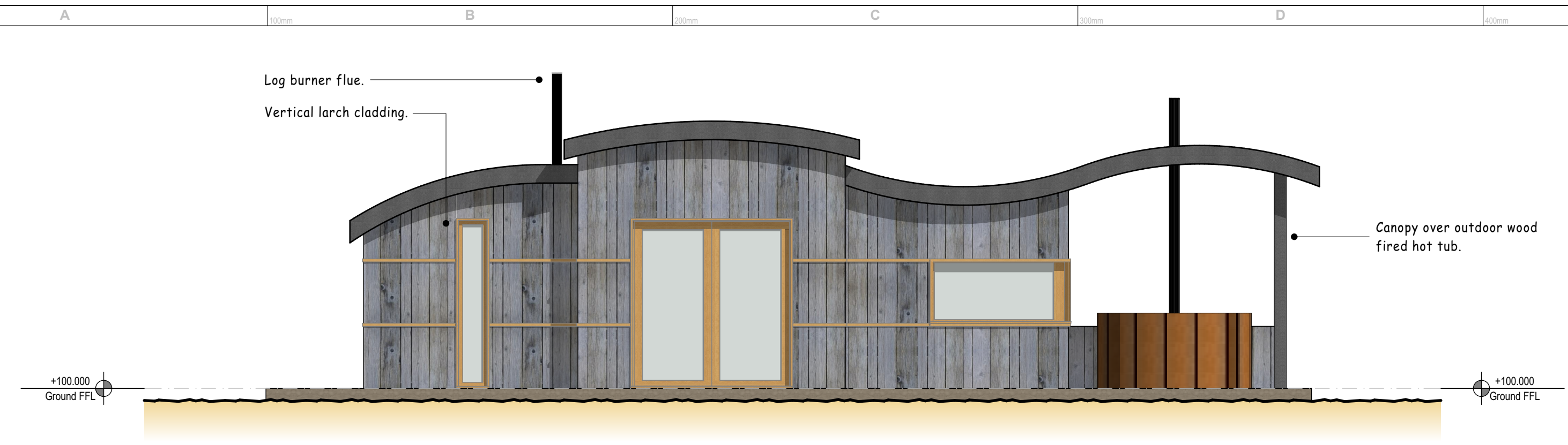


Client: **BATHURST ESTATE**
 Title: **LANDSCAPE LAYOUT**
 for proposed accommodation pods
TUNNEL HOUSE INN, COATES

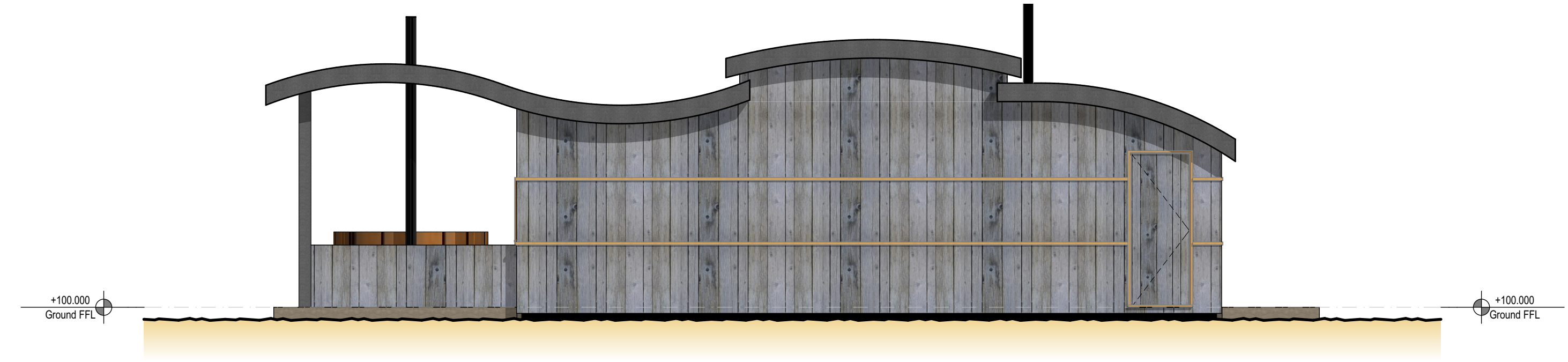
Scale: 1:250 @A1 Date: August 2021
 Drwg No. C379/P/02

Patrick Griffiths : Landscape Architect
 6, Upper Pavenhill, Purton, Swindon, Wilts.
 SN4 4DQ
 Tel.: 01793 - 772844

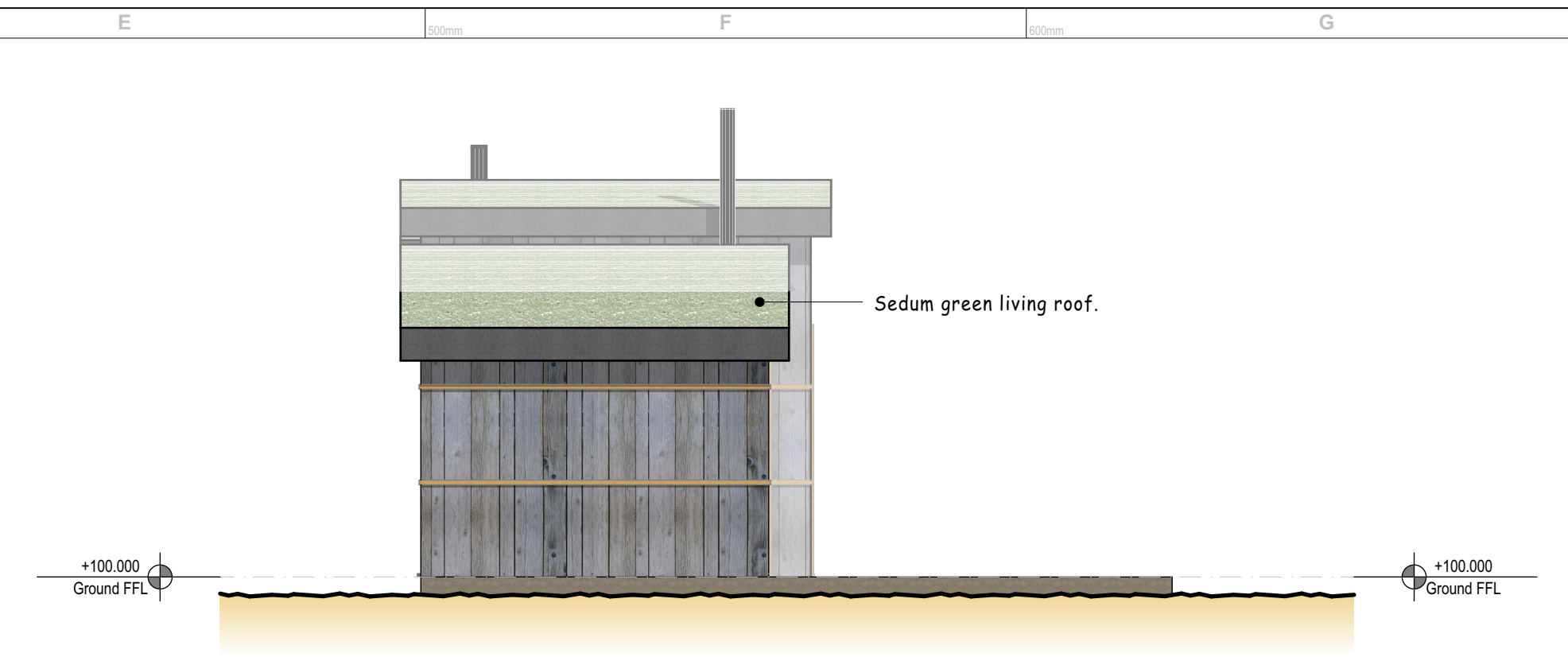
This page is intentionally left blank



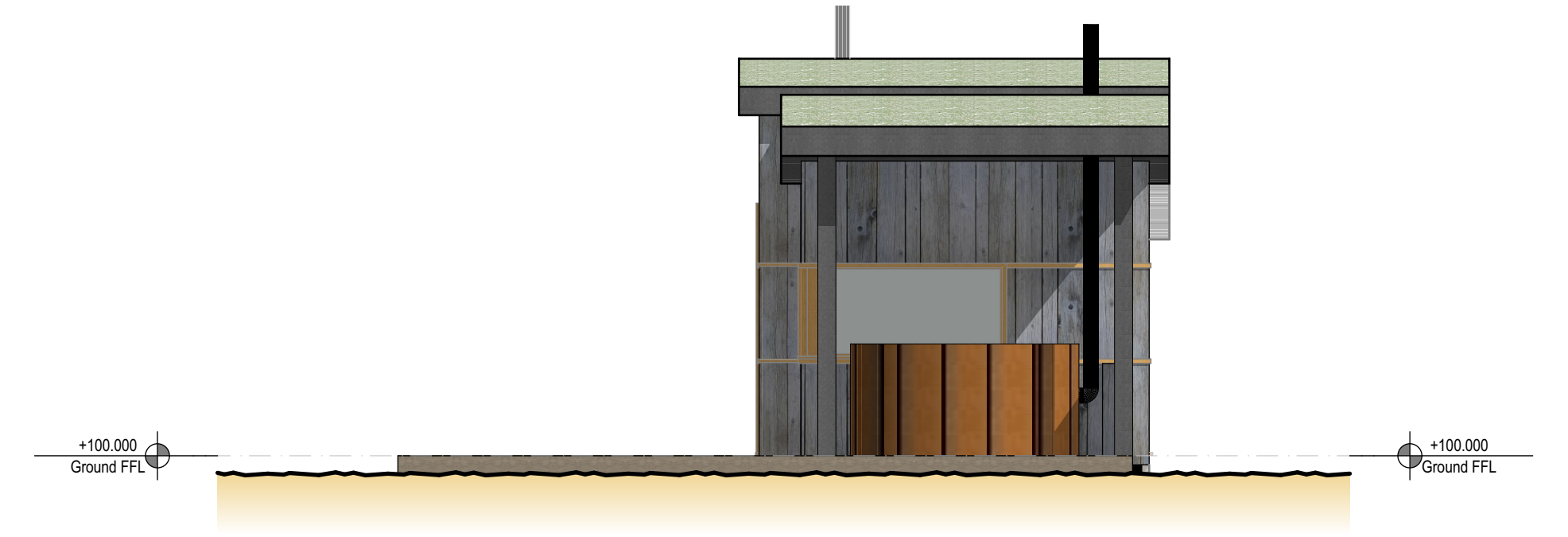
G.A. E-01 South Western Elevation
1:50



G.A. E-03 North Eastern Elevation
1:50



G.A. E-02 North Western Elevation
1:50

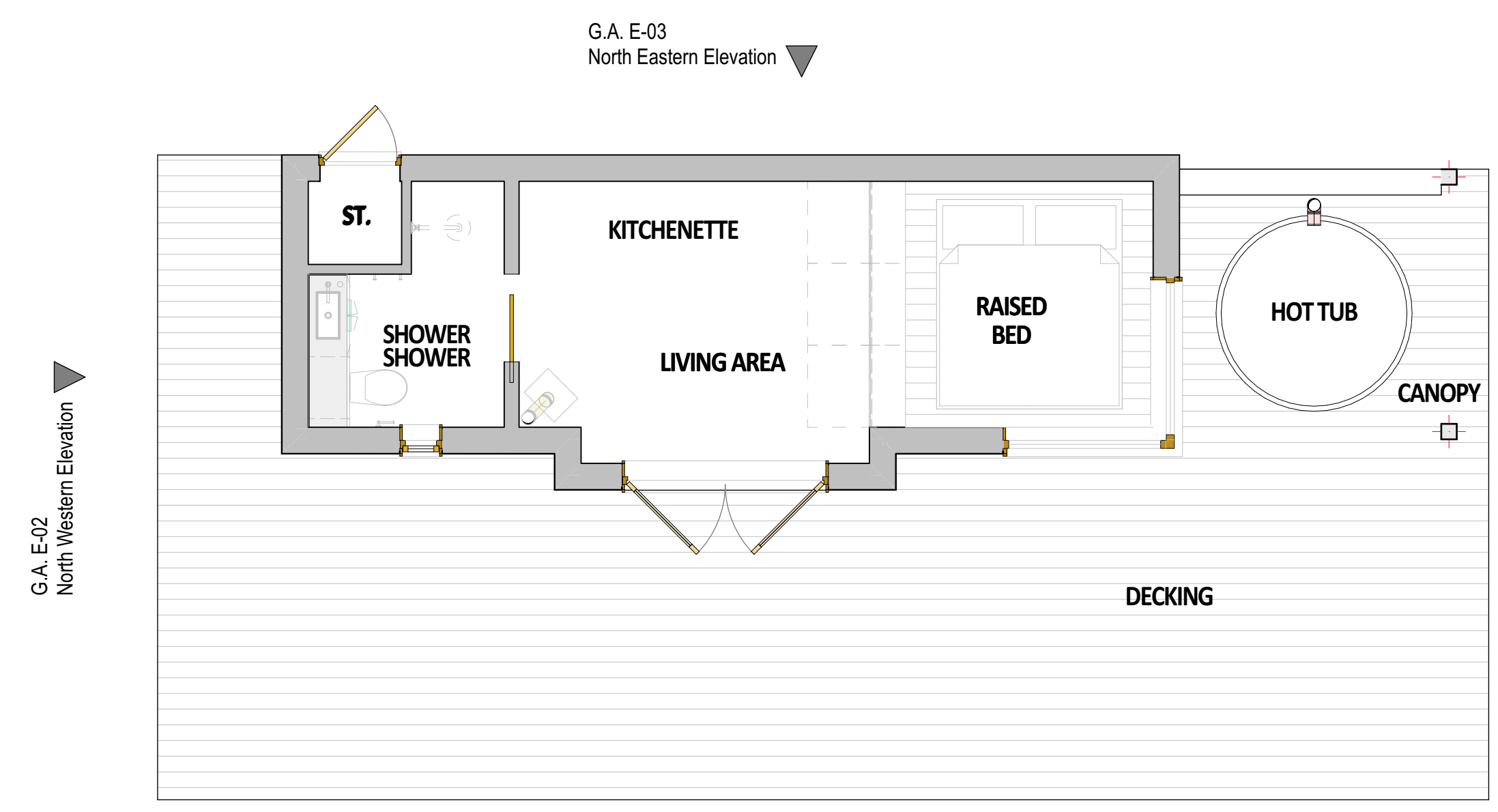


G.A. E-04 South Eastern Elevation
1:50

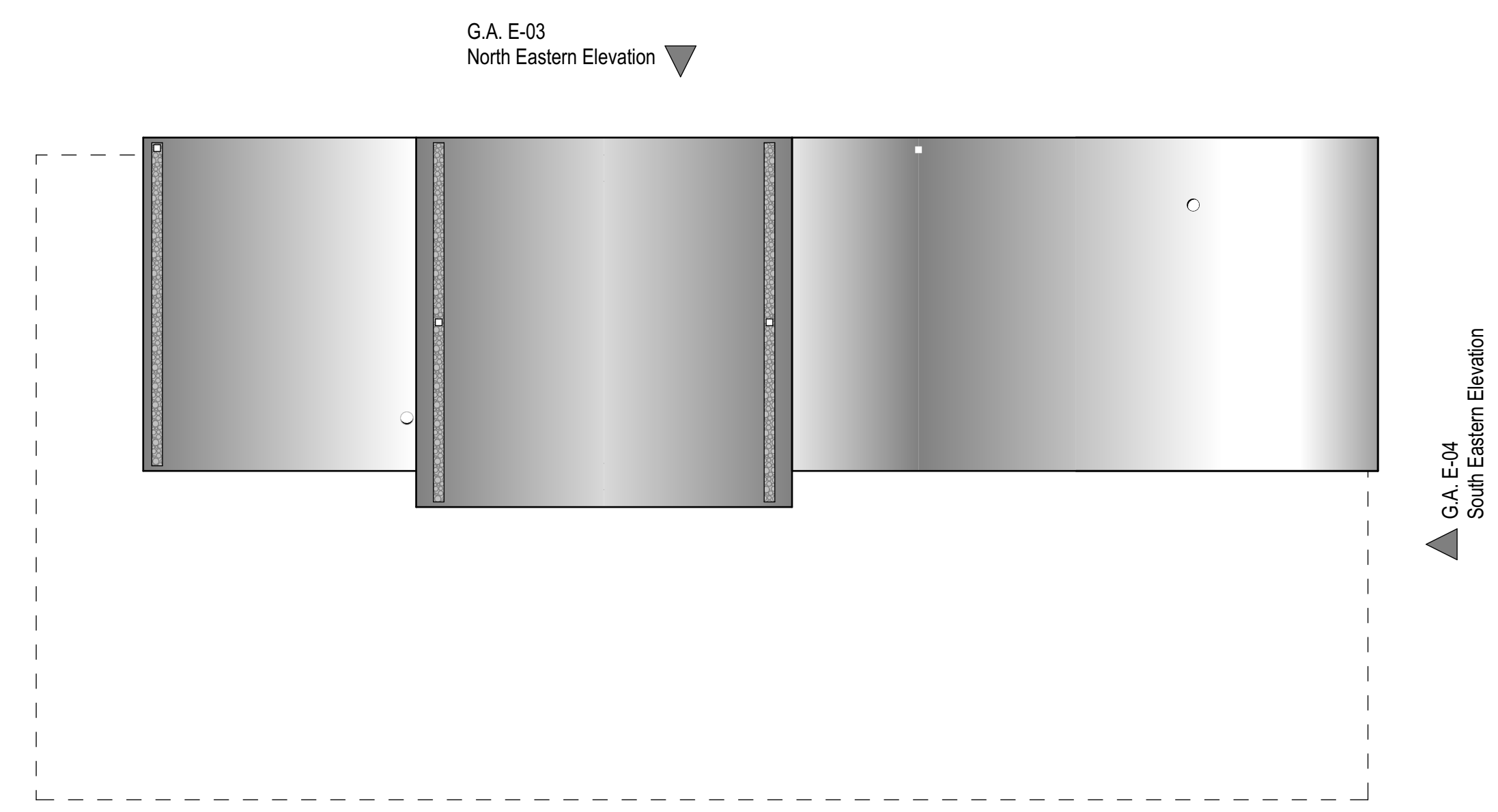
NOTES
This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultant's documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Drawing Office. If in doubt ASK.

Construction Risks Maintenance/Cleaning Risks Demolition/Adaptation Risks
In addition to the hazard/risks normally associated with the types of work detailed on this drawing take note of the above and refer to the Designers 'Design Risk Assessment' document. It is assumed that all works on this drawing will be carried out by competent contractors working, where appropriate, to appropriate risk and method statements.

Health Safety and Environmental Information Box



Proposed Floor Plan
1:50

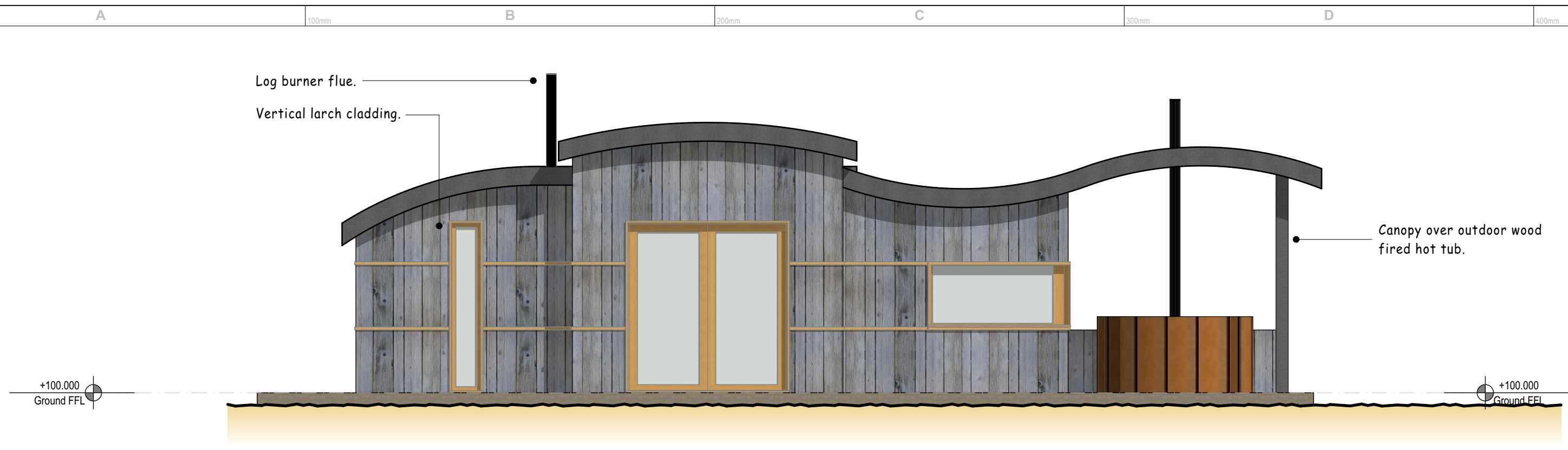


Proposed Roof Plan
1:50

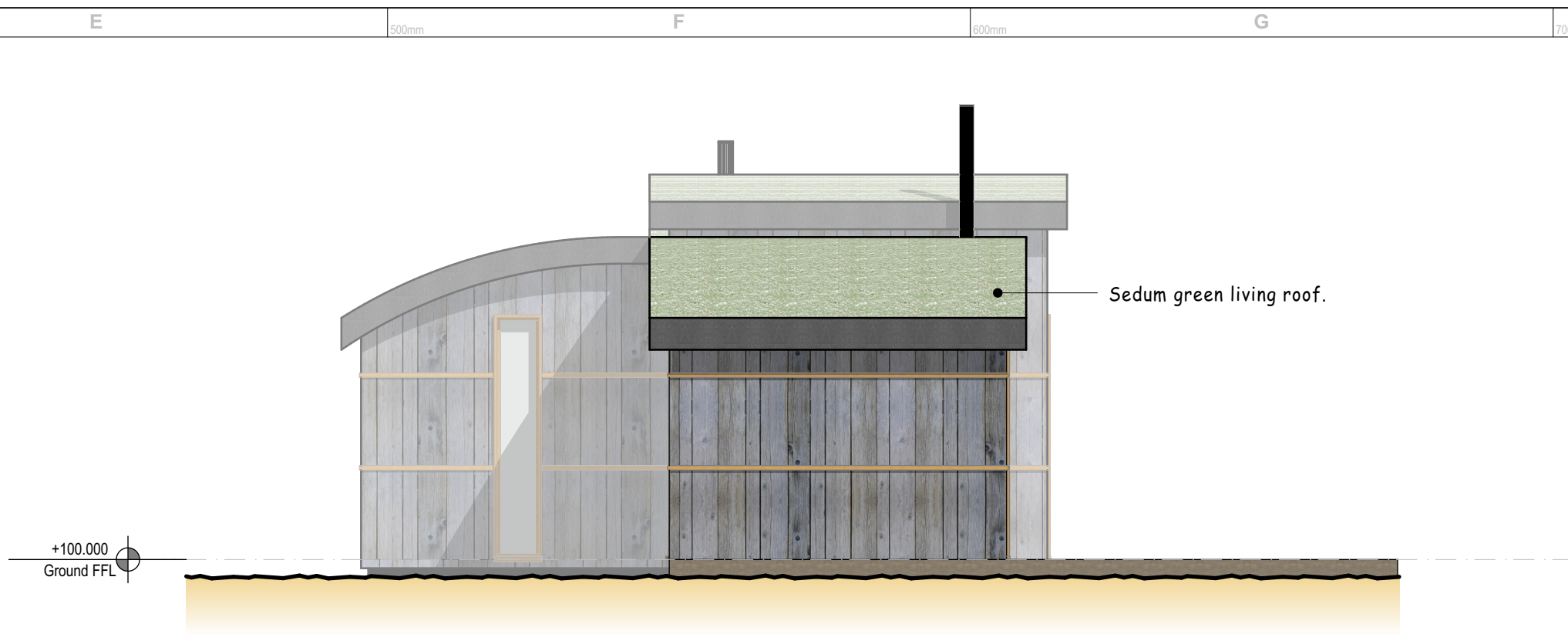


Block Plan
1:1000

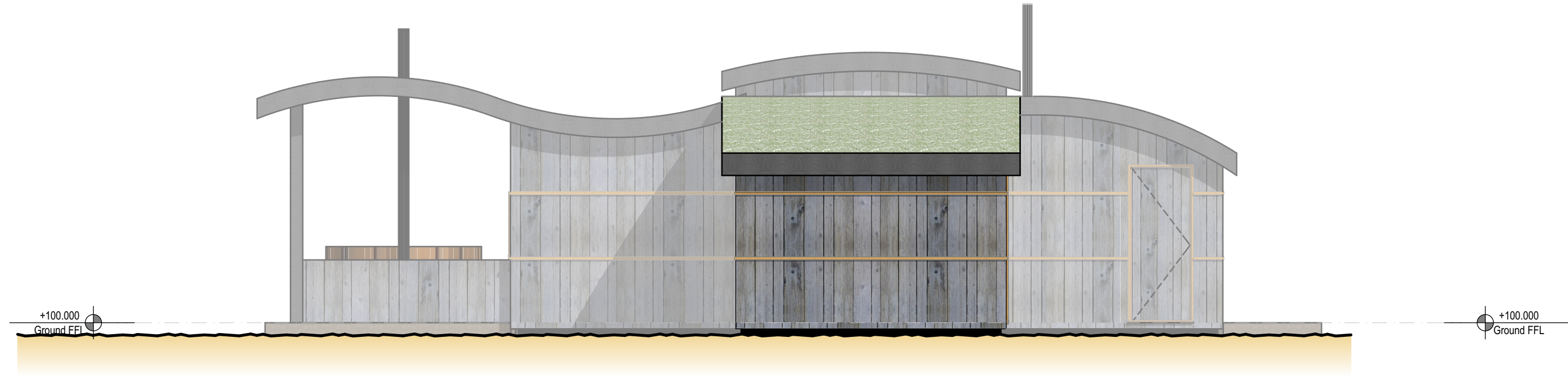
This page is intentionally left blank



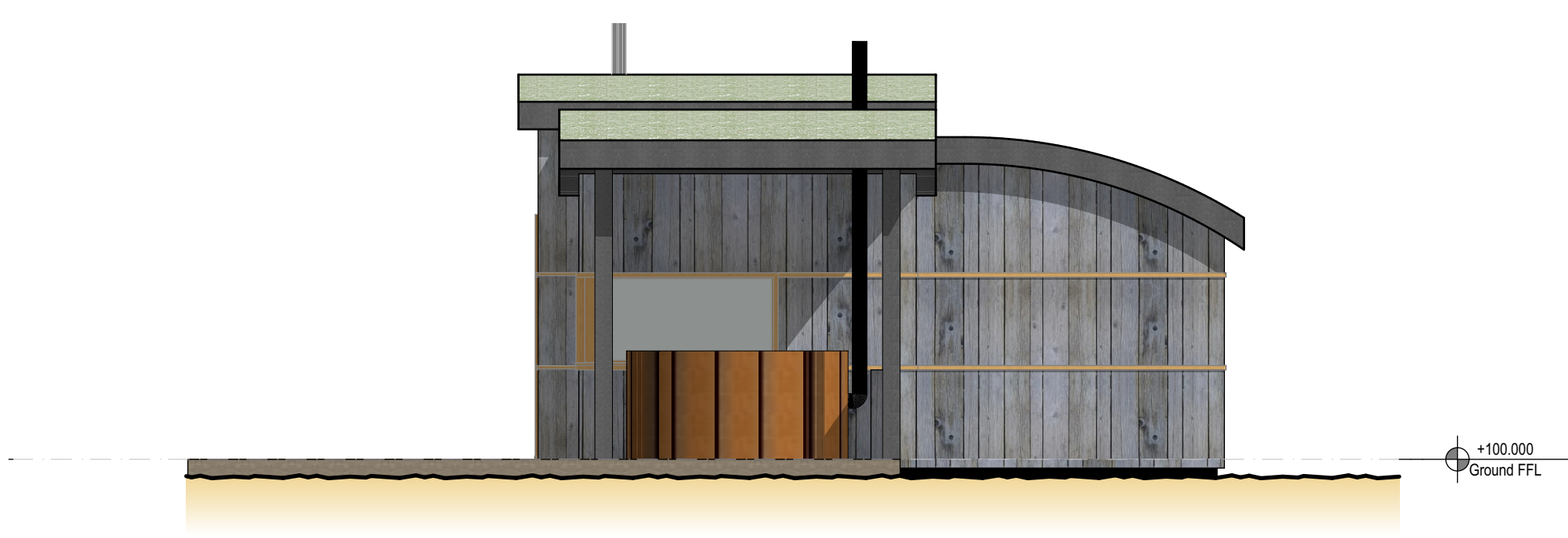
G.A. E-01 South Western Elevation
1:50



G.A. E-02 North Western Elevation
1:50



G.A. E-03 North Eastern Elevation
1:50



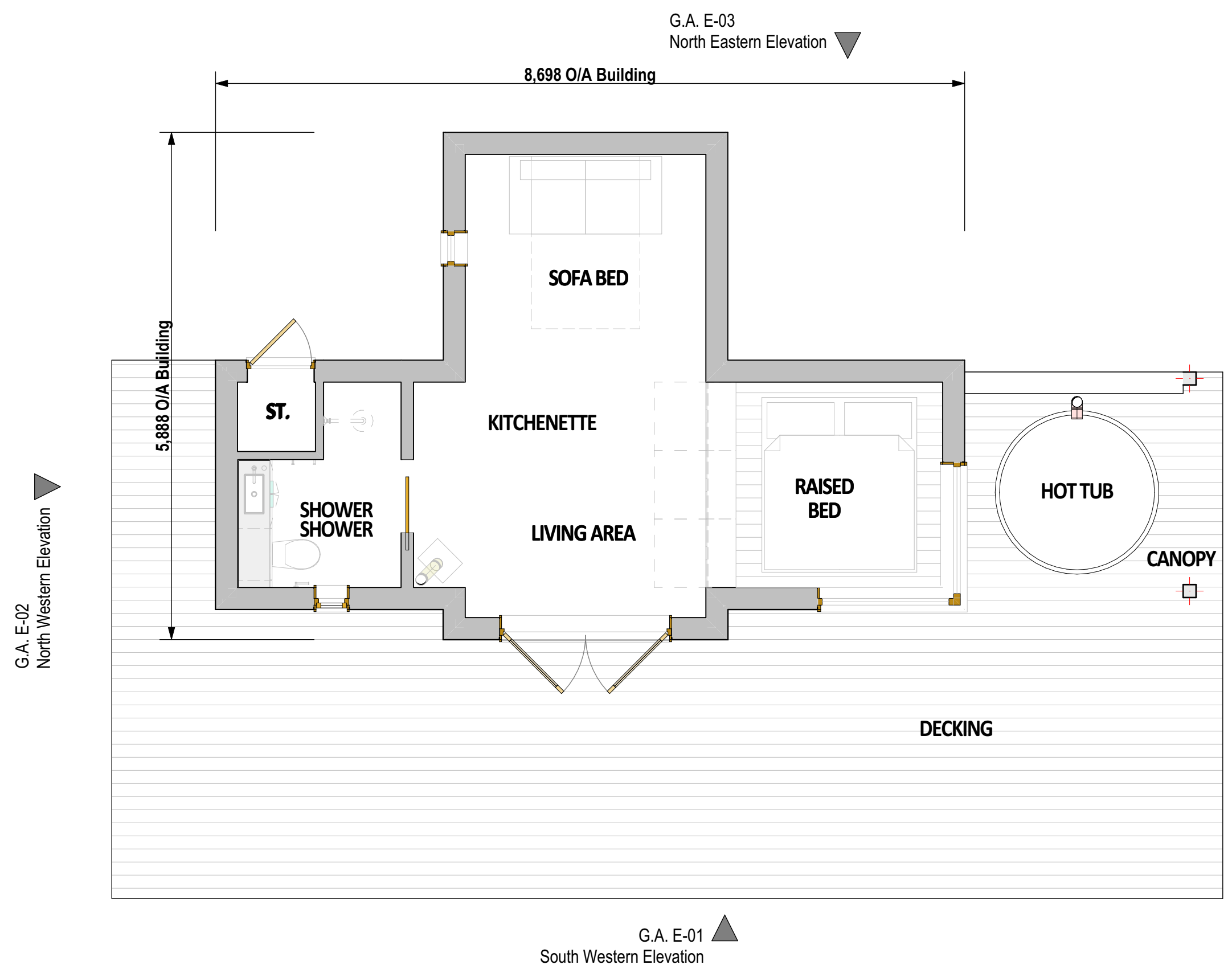
G.A. E-04 South Eastern Elevation
1:50

NOTES
This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultant's documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Drawing Office. If in doubt ASK.

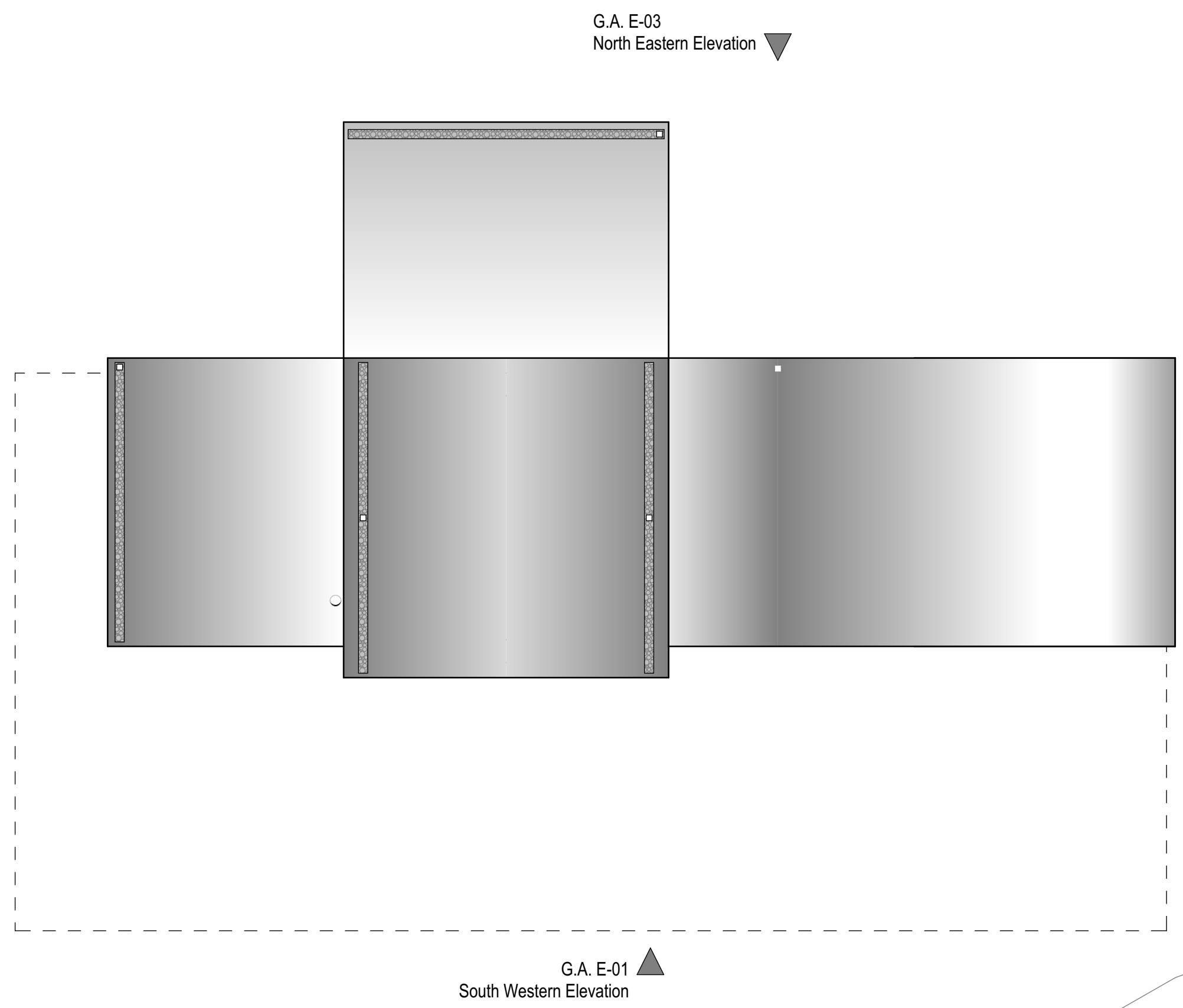
Construction Risks	Maintenance/Cleaning Risks	Demolition/Adaptation Risks

In addition to the hazards/risks normally associated with the types of work detailed on this drawing take note of the above and refer to the Designers 'Design Risk Assessment' document. It is assumed that all works on this drawing will be carried out by competent contractors working, where appropriate, to appropriate risk and method statements.

Health Safety and Environmental Information Box



Proposed Floor Plan
1:50

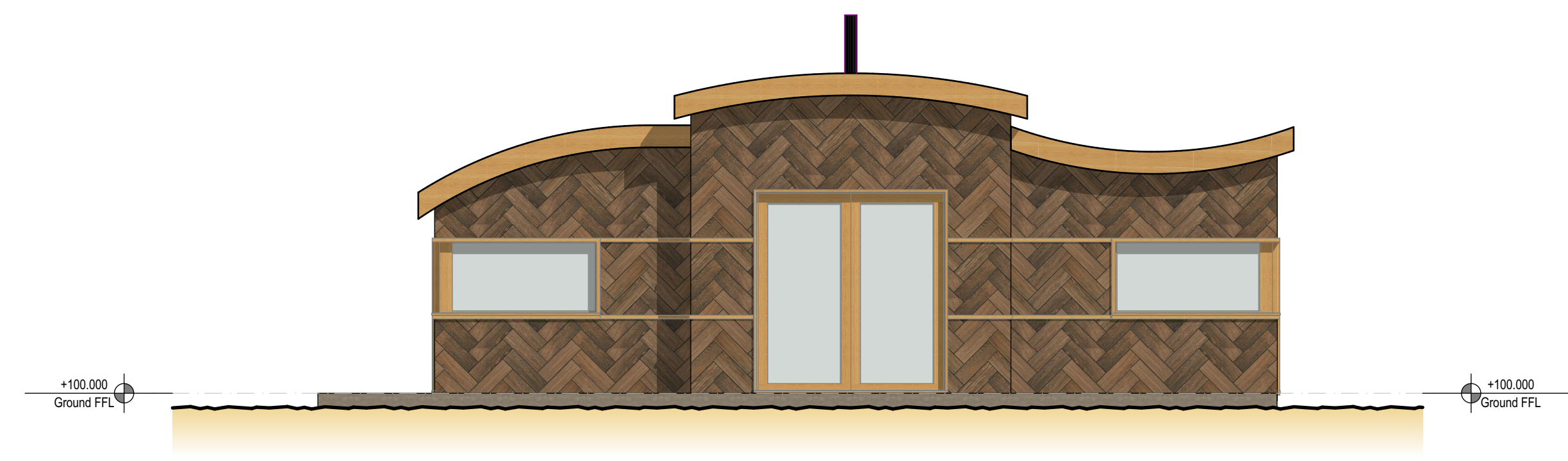


Proposed Roof Plan
1:50

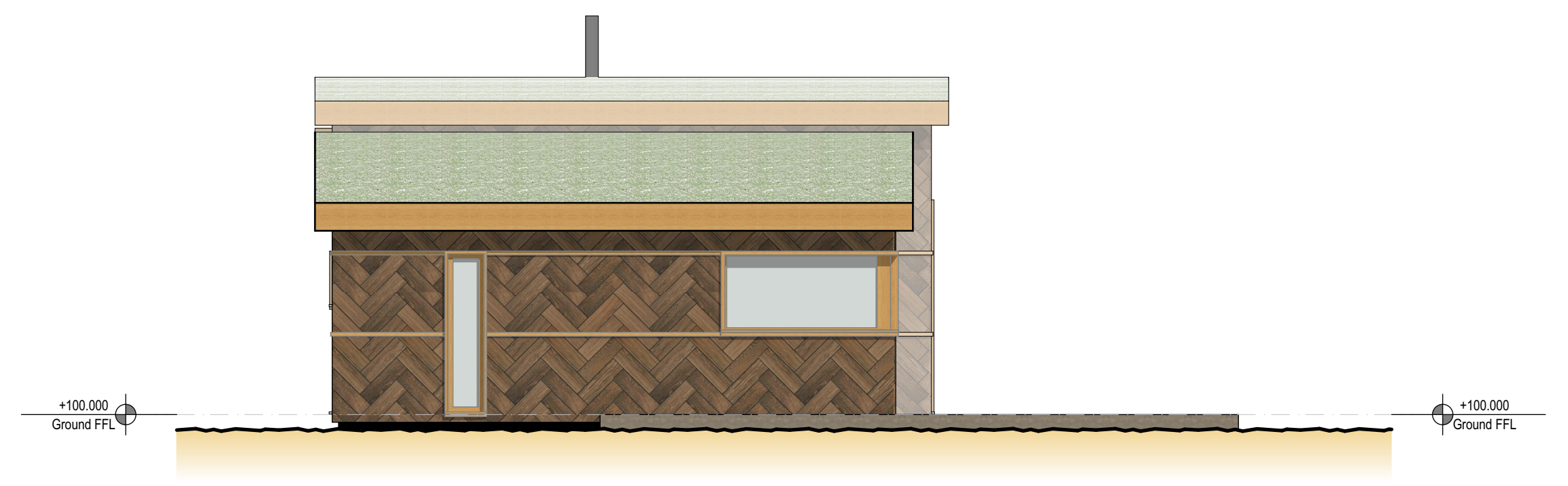


Block Plan
1:1000

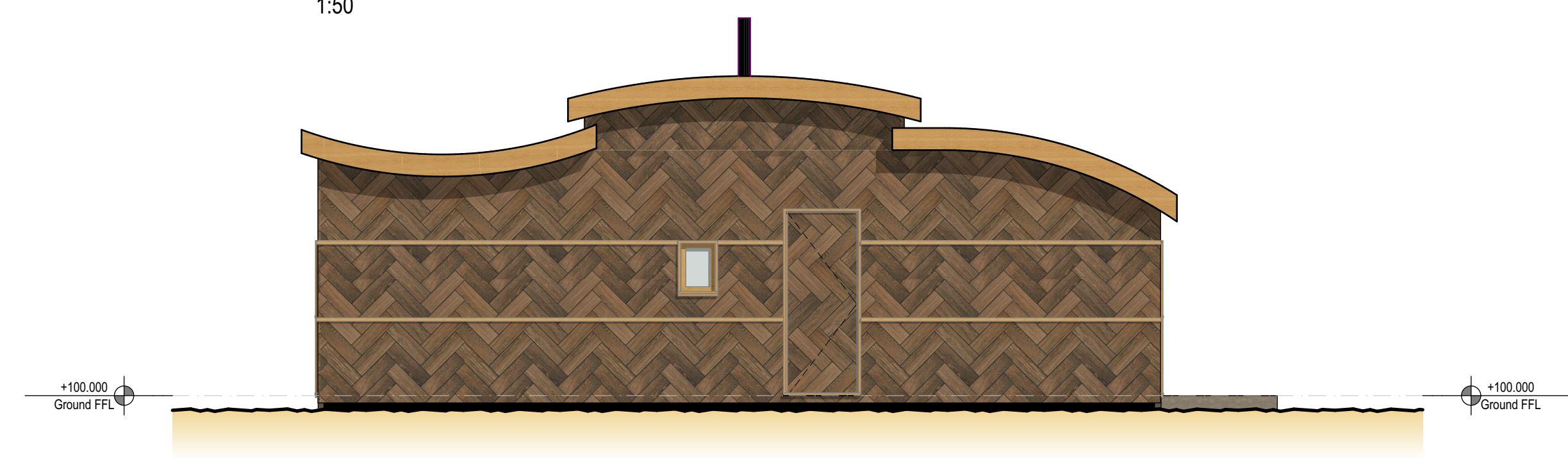
This page is intentionally left blank



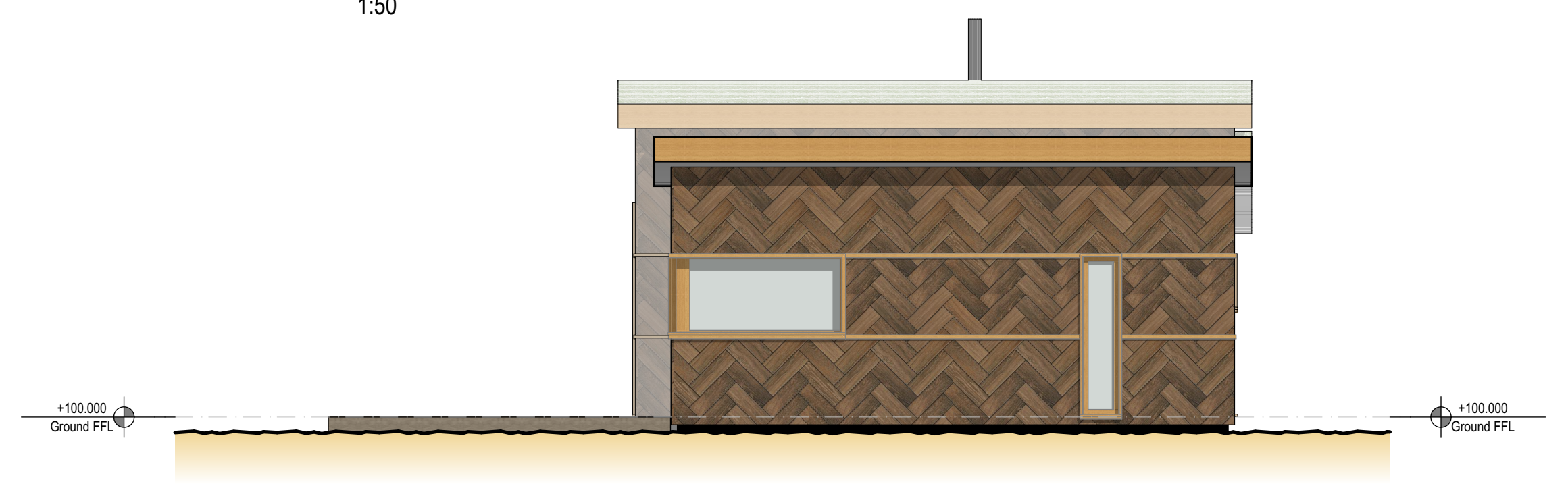
G.A. E-01 South Western Elevation
1:50



G.A. E-02 North Western Elevation
1:50



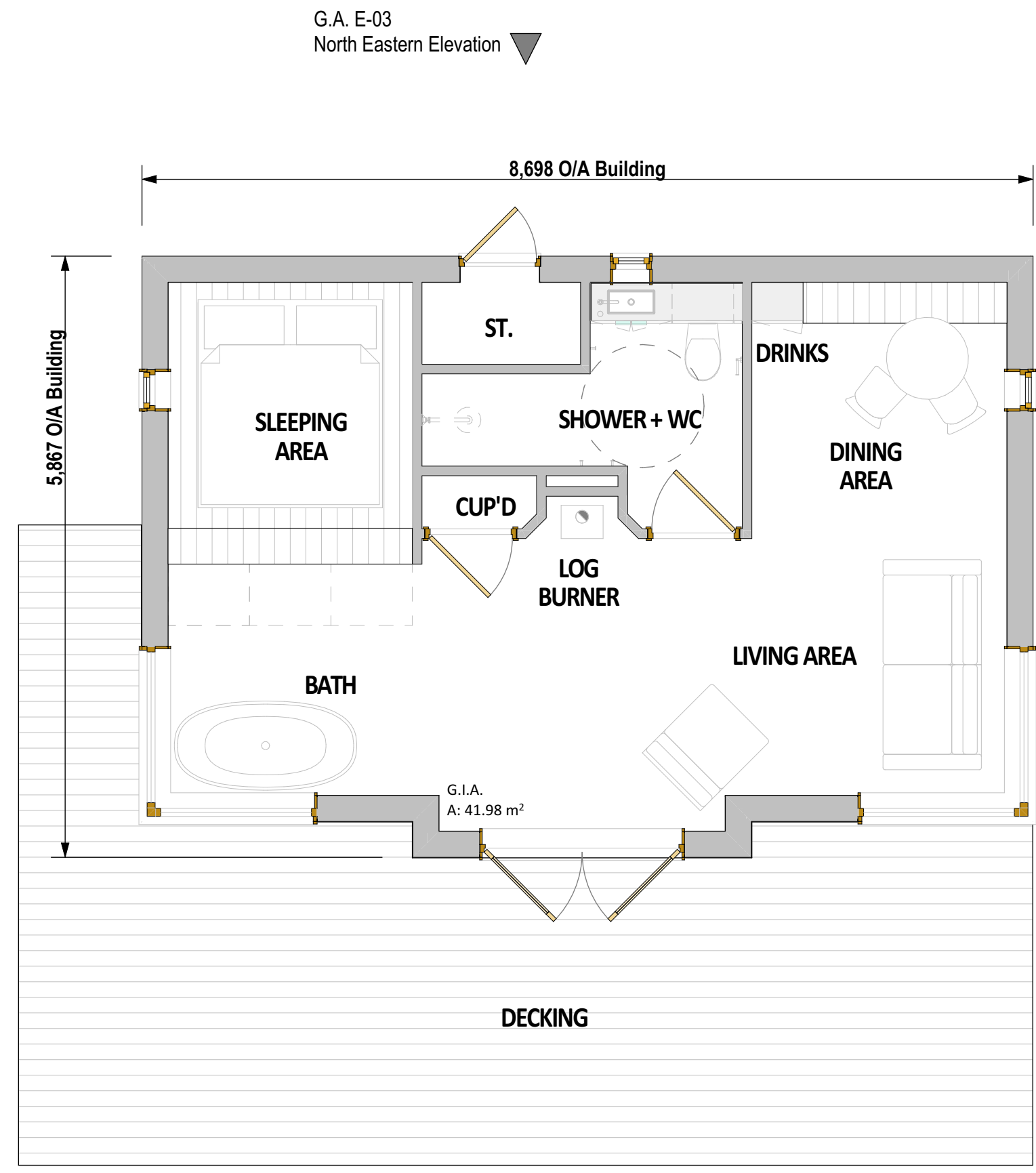
G.A. E-03 North Eastern Elevation
1:50



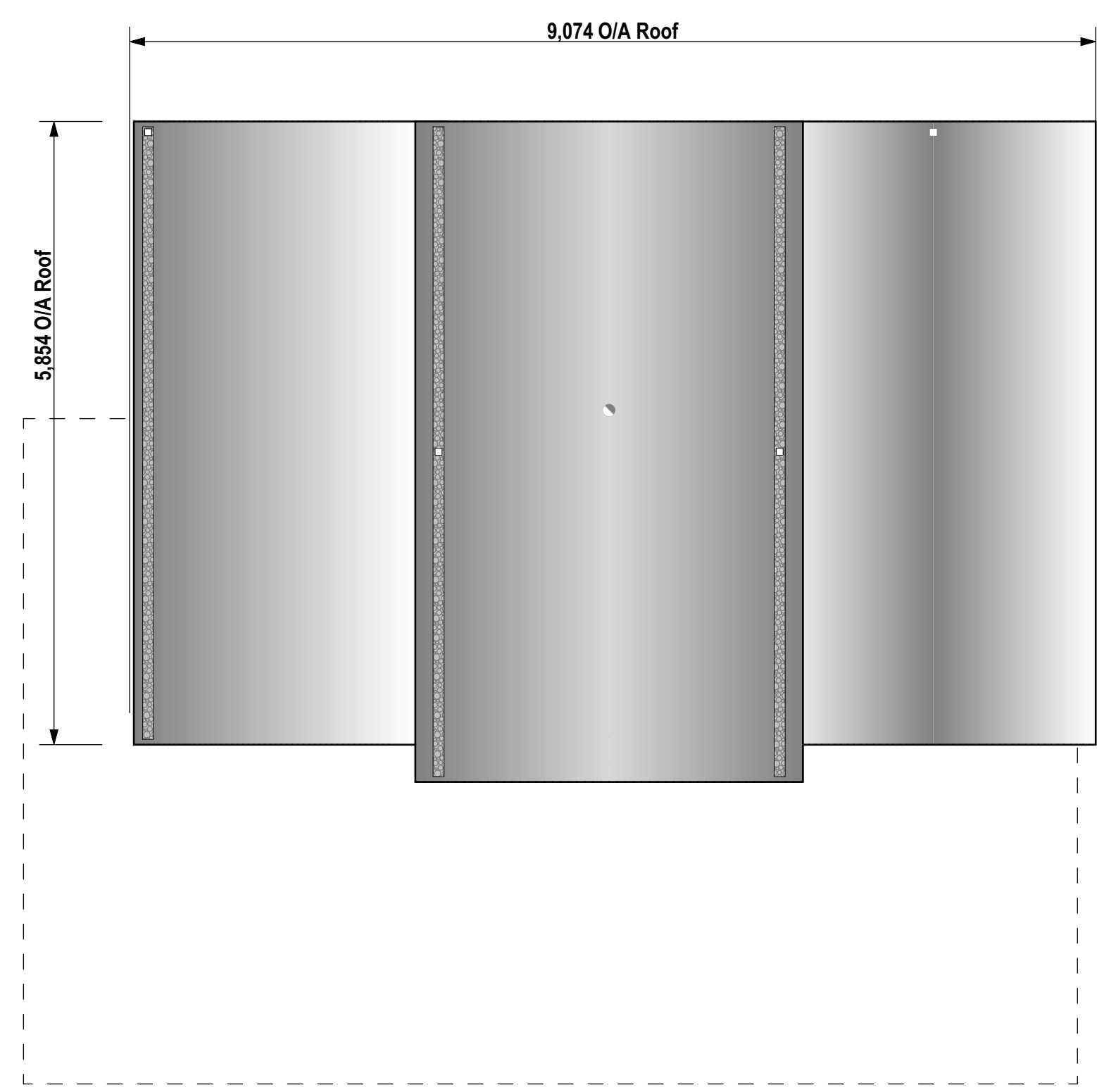
G.A. E-04 South Eastern Elevation
1:50

NOTES
This document and its design content is copyright ©. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultant's documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Drawing Office. If in doubt ASK.

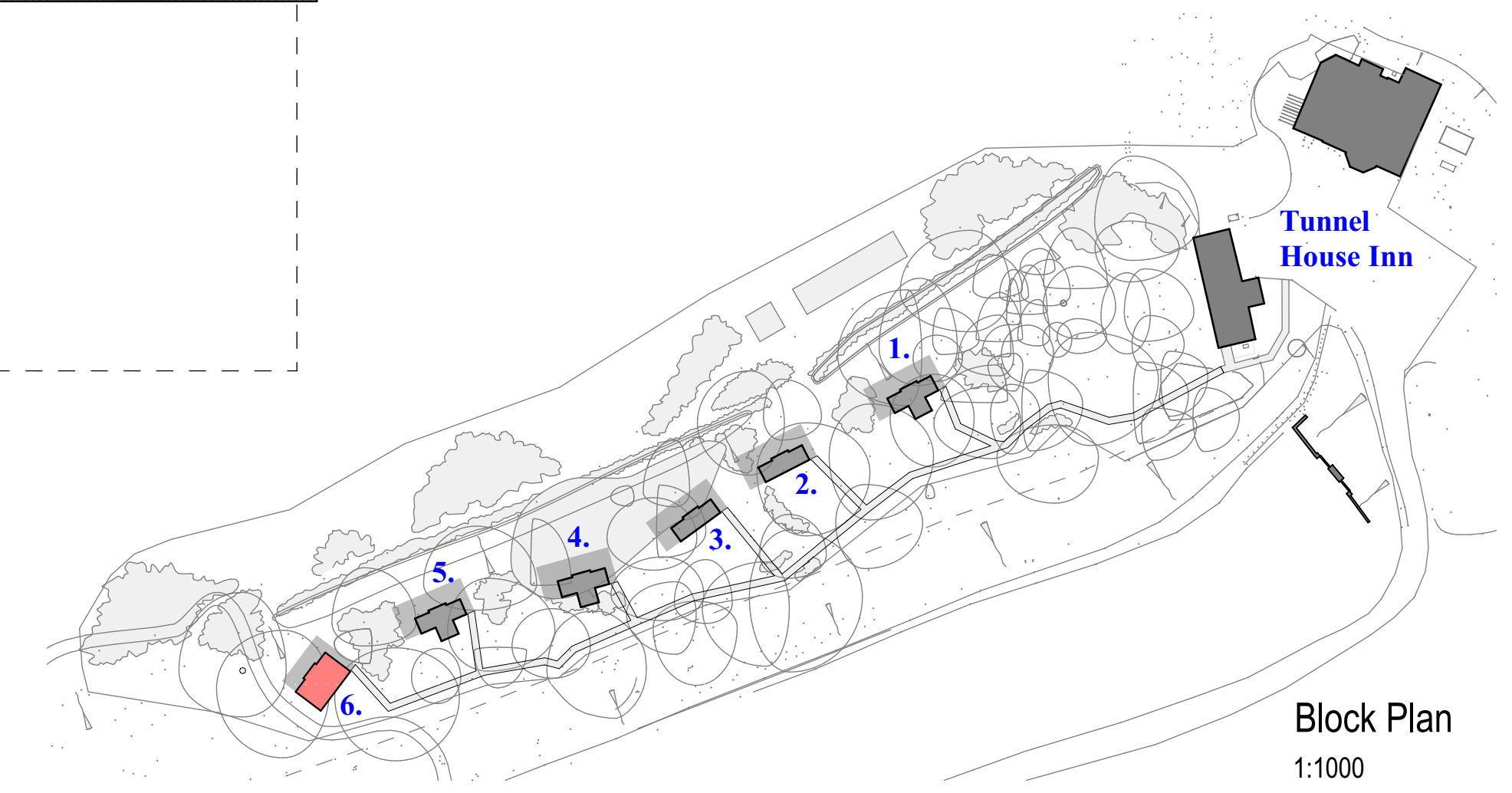
Construction Risks	Maintenance/Cleaning Risks	Demolition/Adaptation Risks
In addition to the hazards/risks normally associated with the types of work detailed on this drawing take note of the above and refer to the Designers 'Design Risk Assessment' document. It is assumed that all works on this drawing will be carried out by competent contractors working, where appropriate, to appropriate risk and method statements.		
Health Safety and Environmental Information Box		



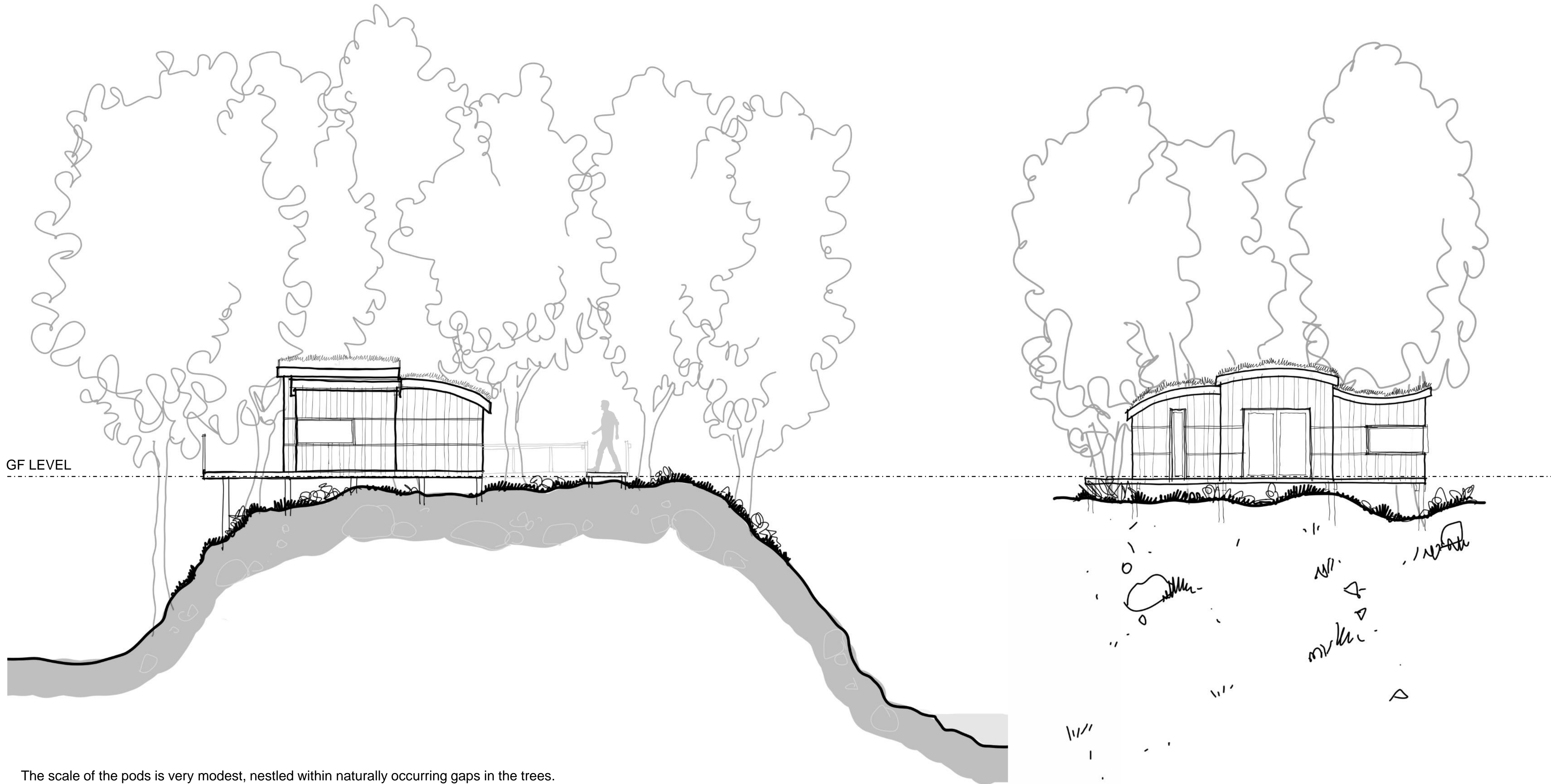
Proposed Floor Plan
1:50



Proposed Roof Plan
1:50



This page is intentionally left blank



The scale of the pods is very modest, nestled within naturally occurring gaps in the trees. The planted green roof will help blend the units with the understorey and the natural timber appearance will camouflage into the landscape. The curved rooflines directly answer the topography of the site.

For exact scale, refer to separately issued drawings of Kabina.

This page is intentionally left blank

Application No: 21/04539/FUL

**Land Off Cricklade Road
South Cerney
Cirencester
Gloucestershire
GL7 5QE**

Change of use of land to 3 No. Traveller pitches and associated works including, 3 No. day rooms, 3 No. mobile homes, 3 No. touring caravans, and hard standing at Land Off Cricklade Road South Cerney Cirencester Gloucestershire GL7 5QE

Full Application 21/04539/FUL	
Applicant:	Ms J Lamb
Agent:	Ruston Planning Limited
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Evely
Committee Date:	14th June 2023
RECOMMENDATION:	PERMIT SUBJECT TO THE APPLICANT COMPLETING A S.I.I.I LEGAL AGREEMENT AND MAKING THE NECESSARY FINANCIAL CONTRIBUTION TO MITIGATE THE IMPACT OF THE DEVELOPMENT UPON THE NORTH MEADOW SPECIAL AREA OF CONSERVATION

1. Main Issues:

- (a) Proposed Development
- (b) Principle of Development
- (c) Landscape Impact
- (d) Impact upon residential amenity
- (e) Drainage and flood risk
- (f) Highway safety
- (g) North Meadow SAC
- (h) CIL

2. Reasons for Referral:

2.1 The application is referred at the request of the Ward Member, Cllr Evely, for the following reasons:

'I would like this application referred to the review panel for consideration about whether it can be included on the agenda for the Planning and Licensing Committee.

I am doing so because I believe there are two relevant policies within our Local Plan which are potentially in conflict. Policy DS4 states that 'new-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with developments in such locations' which would appear to prohibit residential development in this location. However policy H7 for Gypsy and Traveller Sites provides an exemption from DS4 and proposes a sequential test approach to determine acceptability. I would like the Committee to determine whether the requirement for 'compelling reasons' for this development as explained in paragraph 8.7.7 of the Cotswold Local Plan have been met, given the presumption against housing developments in rural locations such as this.'

3. Site Description:

3.1 The application site comprises an open field upon to the south-western side of Cricklade Road in South Cerney parish. The site is located to the south of Butts Farm, and is in open countryside. The site is near to the A419 dual carriageway to the north-east, and is screened by an established hedgerow along the roadside boundary. To the south-east is a dwelling, known as Fosseleigh.

3.2 The site is located outside any development boundary defined in the Cotswold District Local Plan, but is not subject to any landscape designation.

4. Relevant Planning History:

4.1 20/04505/FUL: Widening existing agricultural access. Granted 17.03.2021

5. Planning Policies:

NBPLAN NEIGHBOURHOOD PLANS
TNPPF The National Planning Policy Framework
DS4 Open Market Housing o/s Principal/non-Pr
H7 Gypsy & Traveller Site
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN14 Managing Flood Risk
EN15 Pollution & Contaminated Land
INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

6.1 Forward Planning: No objection

6.2 Drainage Officer: No objection, subject to condition

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

7. View of Town/Parish Council:

7.1 South Cerney Parish Council objects to this application on the following grounds:

- The Council echoes the concerns of neighbour regarding privacy
- The Council considers this proposal to be overdevelopment in a rural area
- Development of full width of site removes agricultural access to the field behind the site

- The supporting statement does not show that this proposal fits in with Policy H7 of the Local Plan and how the needs of H7 are met
- No evidence is offered of where the proposal sits in the sequential test: under 8.7.7 it states:

"The following approach will be used to determine the acceptability, in principle, of planning applications for Traveller development:

- a. First preference will be sites specifically allocated in this Plan for Travellers.
- b. Second preference will be to designate additional pitches /plots within the boundaries of existing suitable Traveller sites, including sites that have already been identified for this use.
- c. Third preference will be to extend existing suitable Traveller sites adjacent to existing boundaries.
- d. Where a sufficient supply of pitches or plots cannot be achieved at the above locations new sites will be considered."

8.7.7 further states:

"A sequential approach for meeting any further provision is set out in clause 3 of Policy H7. Should any of the allocated sites be considered unsuitable, compelling reasons must be produced as to why it is necessary to consider an alternative location."

Compelling reasons have not been provided.

8. Other Representations:

9 objections have been received, making the following comments: -

- contrary to Neighbourhood Plan
- out of keeping with the area
- impact upon property values
- not allocated in Local Plan
- flood risk
- request landscaping be provided
- increased traffic

9. Applicant's Supporting Information:

- Planning Statement
- Proposed Plans

10. Officer's Assessment:

(a) Proposed Development

10.1 The application site is located to the south-western side of Cricklade Road, South Cerney, and is currently part of an open field located between Butts Farm and Fosseleigh. The site benefits from some existing screening with hedgerow and trees to the boundaries.

10.2 There is an existing entrance off the highway near to the north-eastern corner of the site, which was granted planning permission under reference 20/04505/FUL, with these works having been implemented.

10.3 The proposal would include the provision of three pitches, with each providing a mobile home, dayroom, parking and space for a touring caravan.

(b) Principle of Development

10.4 Policy H7 of the adopted Local Plan identifies two sites for accommodating the future needs of Travellers, to include 7 pitches at Four Acres, Shorncote and 4 pitches at Meadowview, Fosseway, near Bourton-on-the-Water. To date, only 1 pitch has been provided at these two allocated sites.

10.5 Since the adoption of the Local Plan in August 2018, a Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) update was published in November 2022, which provides the current Traveller pitch need. Given a recent Court of Appeal Judgement (Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31 October 2022), local planning authorities should plan accommodation need in accordance with the ethnic definition of Gypsies and Travellers.

10.6 The GTAA finds that Cotswold District currently has an identified need for 18 additional travellers pitches for the period 2021-26 and five further pitches for the period 2026-31.

10.7 There is, therefore, currently a shortfall of six Traveller pitches to accommodate need for the period 2021-26 and a further shortfall of five pitches to accommodate need for the period 2026-31 (11 in total). The Council is therefore currently unable to demonstrate a five year supply of Traveller sites, which is required by paragraph 10 of the Planning policy for traveller sites (DCLG, 2015). The application site would make a valuable contribution towards reducing the shortfall.

10.8 Finding suitable sites for Traveller pitches in Cotswold District, and more widely across Gloucestershire, is extremely difficult. Several of the Gloucestershire local planning authorities have shortfalls in their supply of Traveller pitches, some of which are substantial.

10.9 Cotswold District Council produced a Gypsy and Traveller - Identification of Potential Sites report in December 2017. Since then, several further Call for Sites campaigns have been undertaken, although no further suitable Traveller sites have been identified.

10.10 The Council's decisions to refuse several Traveller pitch planning applications have been overturned at appeal in recent years (e.g. Hillside View, Hartley Lane, Seven Springs,

Gloucestershire, GL53 9NF - Application Ref: 18/04875/FUL, Appeal Ref: APP/F1610/W/19/3237163). The need for additional pitches was a key issue in these appeals. Similarly, other planning permissions have been granted by the Council on highly constrained sites and the unmet Traveller pitch need was again a key issue in justifying the permissions. Gloucester City Council's unmet Traveller pitch need led to a site at Land on the north east side of Walham Lane, Gloucester, being granted at appeal, despite the site having extremely high flood risk - being located in Flood Zones 2 and 3 - and the site being completely cut off when the River Severn floods (Appeal Ref: APP/F1610/W/19/3237163). These decisions collectively demonstrate the importance of accommodating unmet Traveller pitch needs, even where there are significant constraints.

10.11 The main concern with the application site, from a strategic planning perspective, is its isolated location, which does not offer walking, cycling or public transport access to services, facilities or employment. New Traveller pitches in this location would likely cause a reliance on private vehicles and may leave future occupants isolated.

10.12 Notwithstanding this, the application site is located outside the AONB. The applicant claims the site is well screened by the existing mature hedgerows, though it is proposed if necessary to undertake infill planting of the north-eastern and south-eastern boundaries with native species. Other than the North Meadow SAC Mitigation Strategy, there are not considered to be any further significant constraints on the site at this stage. The site therefore seems to be less sensitive to development than other parts of the District (e.g. sites inside the AONB).

10.13 It is important to note that the current unmet Traveller pitch need causes an issue for the District, as it may be used to justify planning permissions or unauthorised encampments on sites elsewhere where the level of harm may be greater than the application site or where the site is unsuitable for temporary or permanent Traveller pitches. Granting planning permission to the current application could reduce the scale of the unmet need and the justification for Traveller pitches elsewhere.

10.14 It is also noteworthy that the Local Plan Partial Update will need to allocate sufficient sites to deliver the unmet Traveller pitch need for the 2021-26 and 2026-31 periods. If this site is not granted planning permission, alternative sites will need to be allocated to make up the shortfall, although there is currently a lack of alternative sites to deliver the full unmet needs for the periods 2021-26 and 2026-31.

10.15 Policy SC2 in the South Cerney Neighbourhood Plan requires consideration, as the site falls within the Area of Separation designated within the village and Cirencester, Siddington and Preston. The final sentence of this policy states:

'Subject to the exceptions provided for in CDLP Policies DS4 and EC3, development proposed in the Area of Separation which would result in a significant erosion of the separation between settlements will not be supported.'

10.16 It is considered that this proposal would not result in a 'significant erosion' of this area considering that there is a dwelling to the south and Butts Farm to the north. In addition, Policy H7 of the Local Plan allows for this form of development outside designated settlement boundaries and, as such, is not contrary to Policy DS4 which controls other forms of residential development. It should be noted that the allocated sites within that policy are both

located in open countryside, and the appeal allowed for an additional plot at Hartley Lane, Seven Springs (18/04875/FUL, appeal decision dated 5th September 2022), related to a site in open countryside within the AONB.

10.17 The principle of providing 3 pitches at this site is, therefore, considered to be acceptable on balance, considering the revised need identified in the GTAA.

(c) Landscape Impact

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

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

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

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

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

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

10.23 The site is located within Landscape Character Type (LCT) Cornbrash Limestone Lowlands and Landscape Character Area (LCA) 2B: Driffield Lowlands, as identified within the 'Cotswolds Water Park Integrated Landscape Character Assessment' (August 2009). This LCT extends along the northern perimeter of the Cotswolds Water Park. Key characteristics include;

- Very gently sloping landform with subtle undulations linked to small scale tributary valleys that cross the area;
- Network of tributary streams draining from the Dip-Slope Limestone Lowland towards the River Thames, their course often marked by scattered lines and groups of trees;
- Predominance of large scale arable fields bounded by a network of hedgerows of varying quality and occasional stone walls;
- Vertical elements such as hedgerow trees gain visual prominence;
- Fertile soils derived from the Cornbrash Formation bedrock;
- Dispersed settlement pattern of mainly linear or nucleated villages, hamlets and farmsteads;
- Occasional mainly geometric woodland copses, comprising broadleaf and coniferous plantations;
- Single principal road bounds or crosses the area together with a limited number of local, and generally straight rural roads; and
- Occasional wide views over productive farmland, limited only by farm copses and woodlands.

10.24 The proposal seeks permission for the change of use of land to 3 no. traveller pitches and associated works including, 3 no. day rooms, 3 no. mobile homes, 3 no. touring caravans, and hard standing. Access would be obtained from the existing access off Cirencester Road.

10.25 The site itself is situated within a small pastoral field which is enclosed by both hedgerow planting and fencing. The field is defined by the Cirencester Road to the north-eastern boundary, residential land to the south-eastern boundary and farm buildings are located along part of the north-western boundary. The remaining boundaries adjoin agricultural land, and the field is relatively flat.

10.26 The site is not situated within the Cotswolds AONB or a Special Landscape Area, but is situated within the Cotswolds Water Park, albeit some distance from the lakes and is not influenced by the character and appearance of this landscape.

10.27 However, the site does display some of the key characteristic of the Cornbrash Limestone Lowlands character type and reads as part of the wider rural landscape. This includes:

- The general settlement pattern alongside Cirencester Road is scattered and the green gaps help to reinforce the rural character.
- The site itself has an open and rural character. However, there are urbanising influences near to the site, including the busy road network and also nearby residential and farm development.

10.28 In terms of public views, there are no public footpath routes which lie in close proximity of the site and any longer range views would be largely screened by intervening vegetation. Views would be available from the Cirencester Road, via the access and also gaps in the hedgerow. Light spill from the development may also be perceived from the wider landscape context.

10.29 Considering the surrounding context of the site, it is not considered that the proposed traveller site would result in significant landscape and visual effects. The site is visually enclosed

and is influenced by nearby development and the busy road network. However, the encroachment of the pitches and associated paraphernalia and activity into an undeveloped agricultural field would result in a level of harm. However, in view of the need that is established for this type of development, it is considered likely that the benefits would outweigh the harm to the landscape.

(d) Impact upon residential amenity

10.30 The nearest neighbouring residential property to the site is Fosseleigh, which is located to the south-east of the application site approximately 25 (check) metres from the nearest mobile home. As such, bearing in mind this distance, it is not considered that the proposal would have an adverse impact upon the amenities of neighbouring properties, and would accord with Policy EN15 of the Local Plan and Paragraph 130(f) of the NPPF.

(e) Drainage and Flood Risk

10.31 The site is within Flood Zone 1 and extends to 0.9 hectares in area. Apart from the roofs of the structures, parking areas and driveway, a significant proportion of the site would be retained as grass.

10.32 Following consultation with the Drainage team, it has been advised that soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. Furthermore, all surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding, whilst an exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties

10.33 Subject to a condition being attached requiring a scheme of surface water drainage to be submitted, there is no objection raised. The proposal, therefore, accords with Policy EN14 of the Local Plan and the NPPF.

(f) Highway Safety

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

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

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

10.37 The proposal re-uses of the existing vehicular entrance onto the Cricklade Road at a point where the road subject to a speed limit of 60mph, however the road outside the site is straight and benefits from good visibility in both directions. The Highway Authority raised no

objection to the previous application (20/04505/FUL), and there is no highway objection raised to the application, which is considered to accord with Policies INF4 and INF5 of the Local Plan, in addition to Section 9 of the NPPF.

(g) North Meadow SAC

10.38 The site is located within the Zone of Influence of the North Meadow Special Area of Conservation (SAC). As such, the applicant is required to make a financial contribution, secured by a Legal Agreement, to mitigate the impact of increased visitor pressure upon this internationally designated wildlife site.

10.39 The applicant is prepared to await the outcome of this process and to make this contribution, which will have to be paid prior to any planning permission being granted. Whilst the Mitigation Strategy is not yet published, the recommendation to permit is subject to the applicant making the necessary financial contribution through the completion of a S.I.I.I Legal Agreement.

(h) CIL

10.40 This application is CIL liable 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.

11. Conclusion

11.1 Having regard to the increased pitch need identified in the GTAA published in November 2022, and the lack of a five year supply of such sites within the District, the proposal is considered to be acceptable with regard to the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for planning permission to be granted.

12. 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 numbers: JL21-SLP; 2100096/02; 2100096/03 and 4941/03.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex I of PPTS (August 2015) or any replacement guidance.

Reason: In order to comply with the Planning Policy for Traveller Sites and Cotswold District Local Plan Policy H7 as an exception to policies of development restraint in open countryside locations.

4. There shall be no more than 3 pitches on the site.

Reason: In order to control the development and in the interests of visual amenity within the Cotswolds Area of Outstanding Natural Beauty in accordance with Policy EN4 of the Cotswold District Local Plan and paragraph 174 of the National Planning Policy Framework.

5. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

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

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

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

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

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

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

9. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

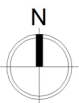
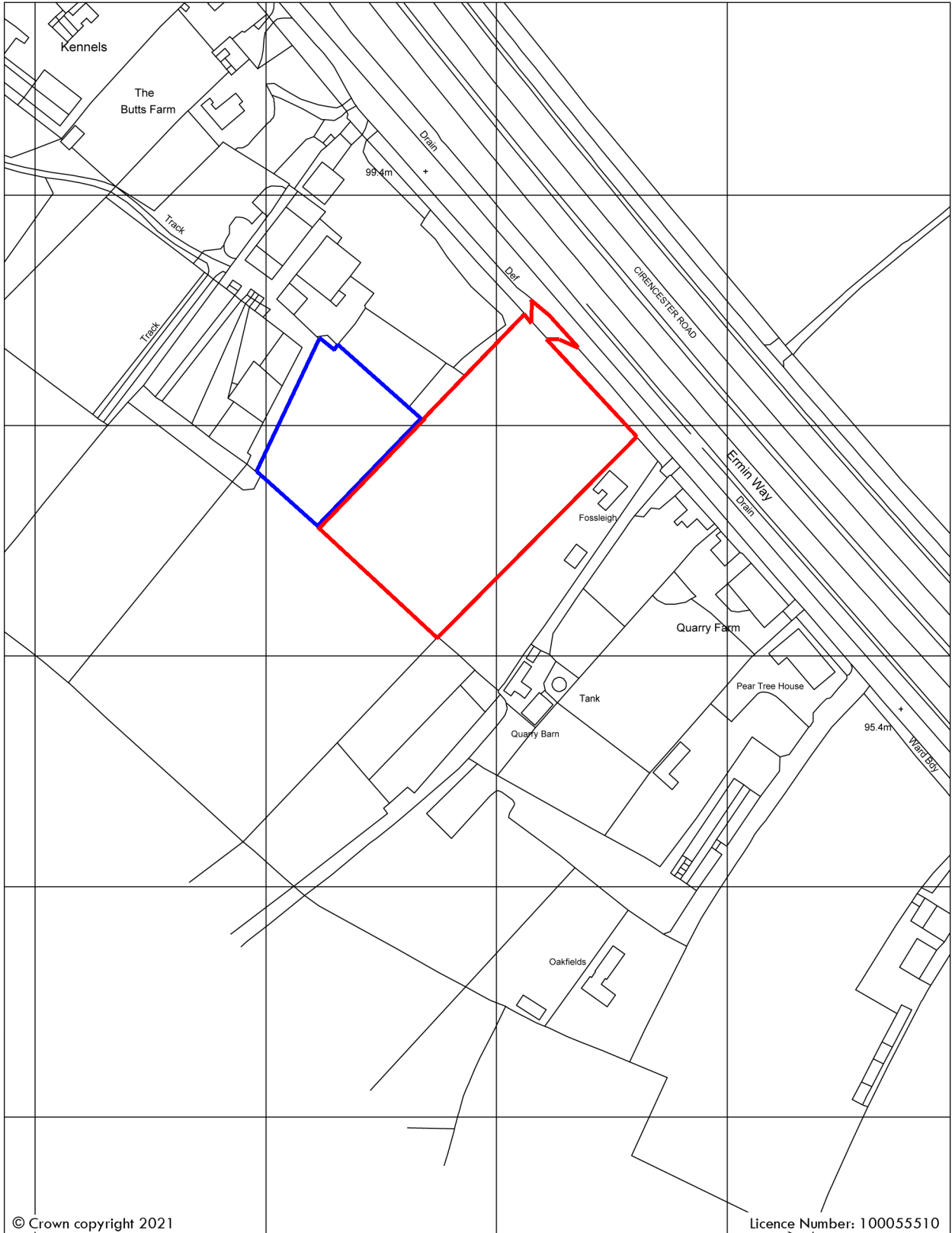
Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

Informatives:

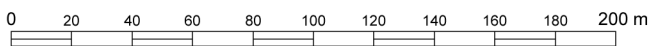
1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. 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

2. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

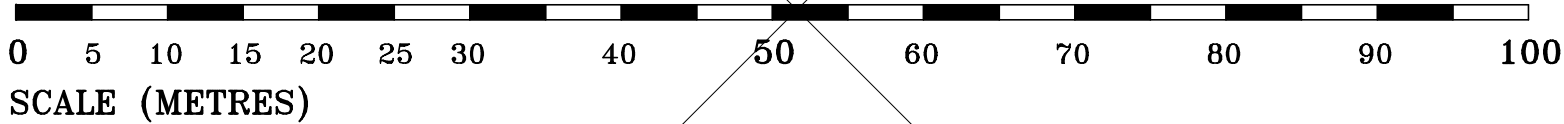


Scale 1:2500 @ A4



Drawing Title: SITE LOCATION PLAN
 Drawing No.: JL21-SLP
 Location: Land off Cricklade Road, GL7 5QE
 Grid ref. X: 406513 Y: 198505

This page is intentionally left blank



406500 E

198550 N

406450 E

198500 N

406400 E

198450 N

198400 N

CIRENCESTER ROAD

LEGEND

FENCES

- bw barbed wire
- cb closeboard
- gt gate
- mr metal rail
- pr post & rail
- pw post & wire

WALLS

- bk brick wall
- cw concrete wall
- es edging stones
- sw stone wall
- tw top of wall

ROADS

- dk drop kerbs
- ek edging kerbs
- rs road sign
- ts tactile slabs
- we wood edging
- se setts
- sf flush setts
- sr raised setts

SERVICES

- bt British Telecom
- ep electricity pole
- ohc overhead cable
- tp telegraph pole

M.H. MOBILE HOME (12.20 x 6.10m)

D.R. DAYROOM (12.20 x 7.00m)

T.C. TOURING CARAVAN

st SEPTIC TANK (SEALED UNIT)

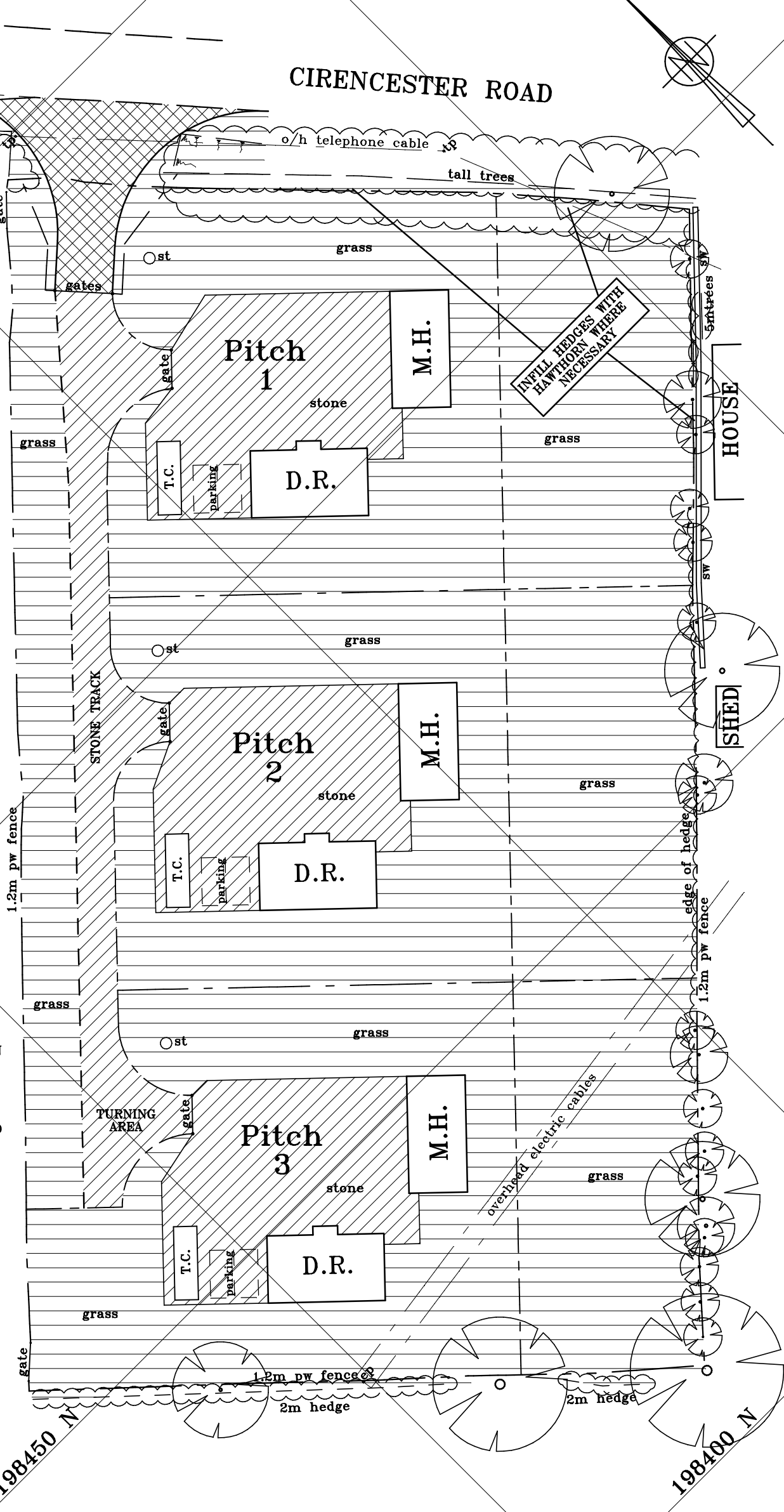
--- 1.8m CLOSEBOARD FENCE

--- 1.2m POST AND RAIL FENCE

▨ TARMAC

▨ STONE

▨ GRASS



INFILL HEDGES WITH HAWTHORN WHERE NECESSARY

STONE TRACK

TURNING AREA

overhead electric cables

RUXTON
SURVEYS

The Long Barn
Mitre Farm
Corse Lawn
Gloucestershire
GL19 4NG
Tel. 01684 217217
Mob. 07831 861822

www.ruxtonsurveys.co.uk
enquiries@ruxtonsurveys.com

LOCATION:

LAND SOUTH OF BUTTS FARM
CIRENCESTER ROAD
SOUTH CERNEY
GLOUCESTERSHIRE

CLIENT:

MR J LAMB

DRAWING TITLE:

PROPOSED SITE LAYOUT

SCALE:

1 to 500

DATE:

NOVEMBER 2021

SHEET SIZE:

A3

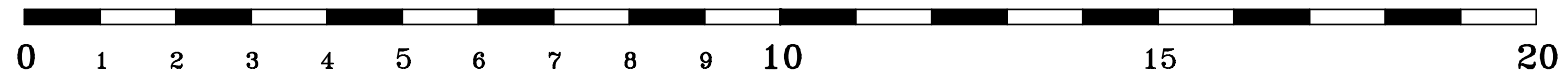
DRAWING NUMBER:

2100096/02

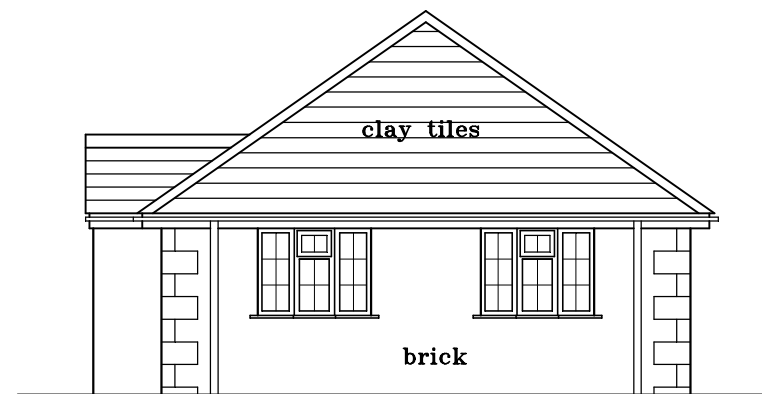
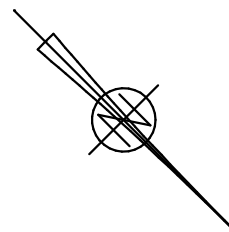
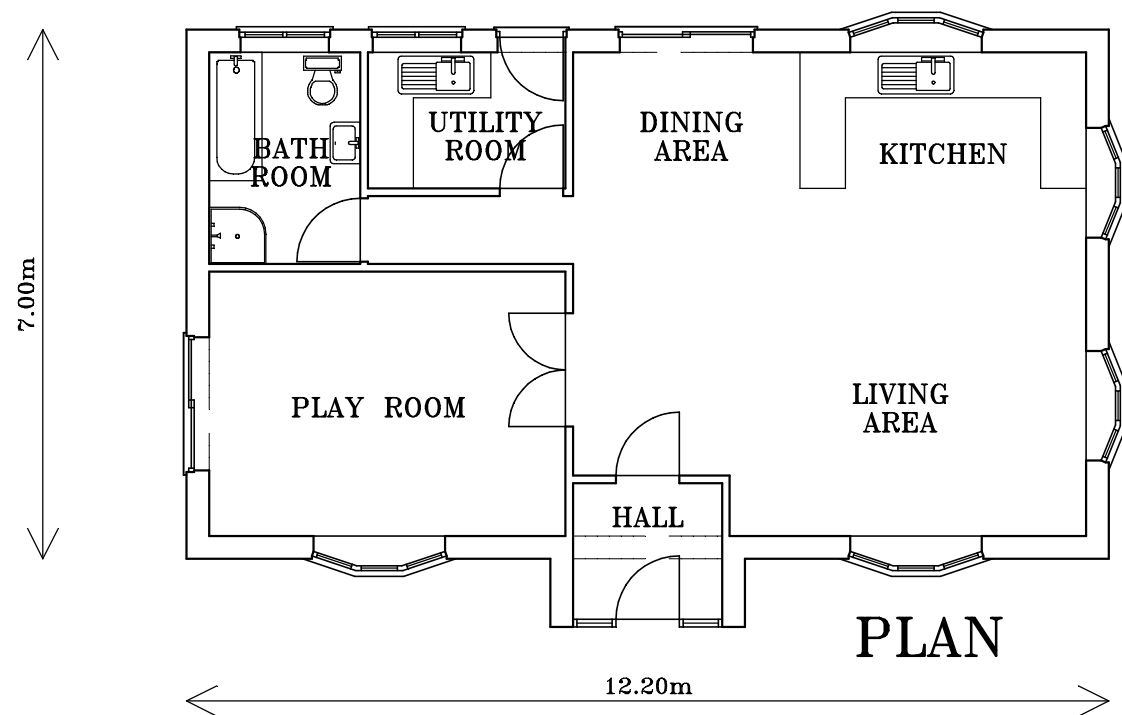
DRAWN BY:

N.R.

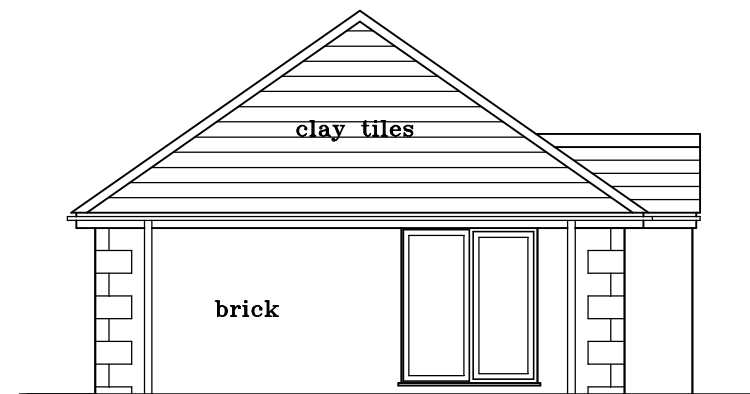
This page is intentionally left blank



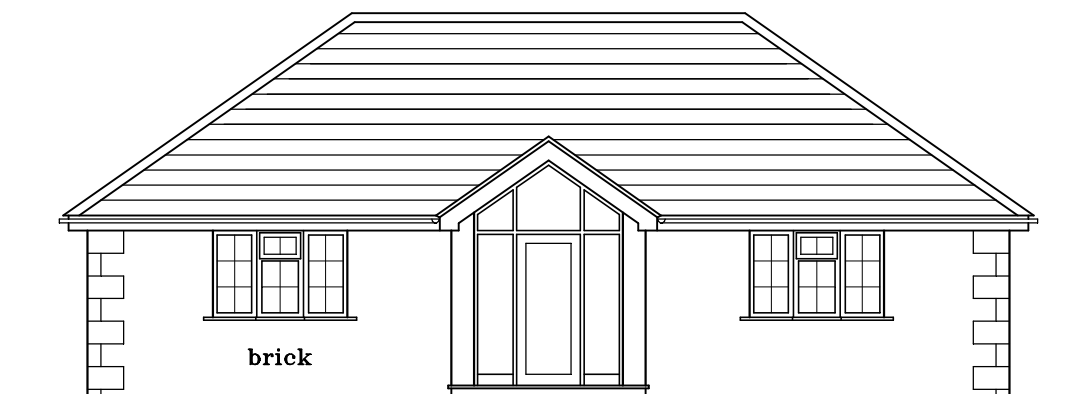
SCALE (METRES)



NORTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

RUXTON
SURVEYS

The Long Barn
Mitre Farm
Corse Lawn
Gloucestershire
GL19 4NG

Tel. 01684 217217

office@ruxtonsurveys.com
www.ruxtonsurveys.co.uk

LOCATION:

LAND SOUTH OF BUTTS FARM
CIRENCESTER ROAD
SOUTH CERNEY
GLOUCESTERSHIRE

CLIENT:

MR J LAMB

DRAWING TITLE:

PROPOSED DAYROOM
PLAN & ELEVATIONS

SCALE:

1 to 100

DATE:

NOVEMBER 2021

SHEET SIZE:

A3

DRAWING NUMBER:

2100096/03

DRAWN BY:

N.R.

This page is intentionally left blank







This page is intentionally left blank

Application No: 22/03307/ADV

**John Stayte Services
82 Chesterton Lane
Cirencester
Gloucestershire
GL7 1YD**

Installation of single illuminated 48-sheet digital advertisement display at John Stayte Services 82 Chesterton Lane Cirencester Gloucestershire GL7 1YD

Advert Application 22/03307/ADV	
Applicant:	Alight Media
Agent:	Turnkey Design Partnership Ltd
Case Officer:	Cameron Berry
Ward Member(s):	Councillor Gary Selwyn
Committee Date:	14th June 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Residential Amenity
- (b) Public Safety

2. Reasons for Referral:

2.1 Ward Councillor Comments:

“I understand your reasons for wishing to permit, given the industrial nature of the surrounding area, however, the sign is very large - I'm presuming this will be used as an income stream for the business? Is it inappropriately large for the area - noting that the dimensions of the Wicks signs nearby were reduced in size at CDCs request.”

3. Site Description:

3.1 The application site consists of a parcel of land located on an industrial estate along Chesterton Lane, within the Cirencester Development Boundary. The site is located on a parcel of unoccupied land facing to the west of Chesterton Lane.

3.2 The application site is not located within the Cotswolds Area of Outstanding Natural Beauty or a Conservation Area.

4. Relevant Planning History:

4.1 None of relevance

5. Planning Policies:

EN1 Built, Natural & Historic Environment
 TNPPF The National Planning Policy Framework
 EN2 Design of Built & Natural Environment

INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

6.1 Highways Officer - No Objection.

7. View of Town/Parish Council:

7.1 Objection on the grounds of the measurements of the proposed sign and the light pollution impacts on the nearby residential houses.

8. Other Representations:

8.1 None received

9. Applicant's Supporting Information:

- Drawings

10. Officer's Assessment:

10.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities considers interests of amenity (visual and aural) and public safety. These should take into account the provisions of the development plan (the adopted Cotswold District Local Plan 2011 - 2031 in this case), in so far as they are material, and any other relevant factors.

10.2 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material consideration.

Background and Proposed Development

10.3 The proposed development seeks to install a single illuminated 48-sheet digital advertisement display, and replace the existing fence. The proposed fence will match the existing in terms of height and materials, the proposed illuminated digital advertisement display will measure approximately 3 metres in height, and 6 metres in width. The proposed display will display a new image every 10 seconds and would not contain any movement, animation or special effects. And the proposed screen will be limited to 300 candela/ sqm at night (600 candela in the day).

(a) Amenity

10.4 Cotswold District Local Plan Policy EN1 'Built, Natural and Historic Environment' states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by, amongst other things; ensuring the

protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset; ensuring design standards that complement the character of the area and the sustainable use of the development.

10.5 Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.6 Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

10.7 The Cotswold Design Code has a specific section on signage (D.67.7). This advises that new signage should be limited in number and scale, so as to not detract from the quality of the building and area. Additionally the signage should not be visually dominant or incongruous. The avoidance of too much information on new signs is also advised, instead limiting signs to the business name only, rather than including telephone numbers, website and such. Lighting of signage should be avoided. Internal illumination of signs is almost always unacceptable, especially in sensitive historic or landscape settings. Limited and subtly installed external illumination is sometimes permissible, usually for business premises with evening opening hours.

10.8 It is considered that the design, size and scale of the signage are appropriate for the scale and mass of the site and the street scene. Although the proposed signage is not set on Love Lane, it has been noted that the Wicks signs have been reduced at the CDCs request. The proposed Wicks sign on the shop front measure approximately 10 metres in width by 5 metres in height, this was reduced from 10.5 metres in width and 5.25 metres in height per the councils request. The Town Council has raised concern that the proposal would result in an increase in light pollution to the nearby residential dwellings. The proposed signage will be set approximately 45 metres from the closest residential dwelling (flats 7/8 Meadow Court). The dwellings located opposite within Fairview Court are set down from the street scene and views of the proposed signage will be blocked by the existing embankment.

10.9 The Cotswold Design Code notes that illuminated signage is almost always unacceptable, especially in sensitive historic or landscape settings. This site is however, site is set within a less sensitive commercial setting and not restricted by any landscape or heritage designations. The digital signs are proposed to be illuminated at a level of 600 cd/m (candela per square metre) and reduced to 300 cd/m at night. It is noted that there are very few if no 24 hour illuminated signs located within the immediate area. However, the site is not located within an Article 2(3) designated land as such it is considered there is no material planning harm arising from the scheme.

10.10 The signage would serve an existing commercial unit. The illumination is considered acceptable given the context, located on an existing commercial site where signage such as this is expected. Accordingly, the proposed signage is not considered to have a negative impact on the character of this commercial area and would not cumulatively create an unacceptably cluttered appearance.

(b) Public Safety

10.11 Local Plan Policy INF4 and INF5 states that development will be permitted that is well integrated with the existing transport network; minimises conflicts between traffic and cyclists or pedestrians, and avoids street clutter; and provides safe and suitable access.

10.12 Section 9 of the NPPF promotes sustainable transport. Paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

10.13 The proposed illuminated signage is static, set back from the highway and would be viewed in the context of existing commercial buildings. It is noted that a Highways Officer has submitted no-objection to the proposed plans, as such the plans are considered not to obstruct the visibility splays or cause a distraction to passing drivers. The signage would therefore not cause any obstruction or distraction to the detriment of highway safety.

11. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and material considerations, as such the proposal is recommended for permission.

11.2 This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

12. Proposed Conditions:

1. Express consent is granted subject to the standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Reason: To comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisements must be maintained in a clean, tidy and safe condition and must not obscure road signs or railway.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): T4742 A4 050, T4742 A4 051, T4742 A4 060, T4742 A4 061.

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

3. The illumination levels of the proposed digital signage will not exceed 600 candela/sqm during the day and 300 candela/sqm at night.

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.

This page is intentionally left blank

This page is intentionally left blank

Notes:
All details existing, unless marked proposed
Original drawing size A4
Scaled dimensions should not be taken from this
drawing unless authorised.

— Site Boundary
— Advert Location



Sign Panel Location



Page 157



ALIGHT MEDIA Ref:
9489

Project
Land at
82 Chesterton Lane,
Cirencester
GL7 1YD

Drawing Name
Site Plan - Proposed

Drawing Status
PLANNING

Revision
- First Formal Issue CO

Date
14.09.2022

Drawing Scale @ A4
1:500

Layout ID **Revision**
T4742 A4 051



This page is intentionally left blank

Notes:
 All details existing, unless marked proposed
 Original drawing size A4
 Scaled dimensions should not be taken from this drawing unless authorised.

ALIGHT MEDIA Ref:
 9489

Project
 Land at
 82 Chesterton Lane,
 Cirencester
 GL7 1YD

Drawing Name
 Elevations - Existing
 and Proposed

Drawing Status
 PLANNING

Revision
 - First Formal Issue CO

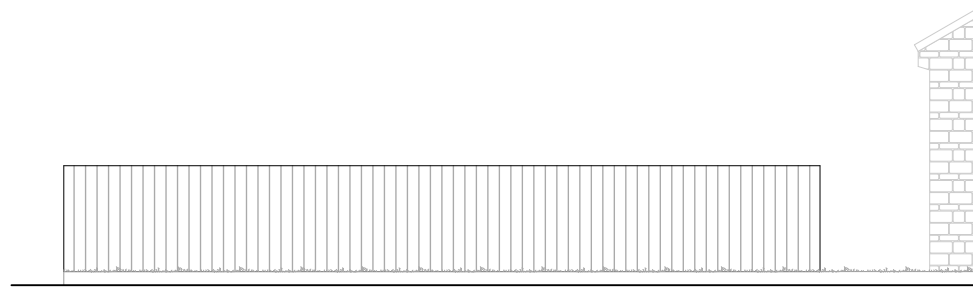
Date
 14.09.2022

Drawing Scale @ A4
 1:100

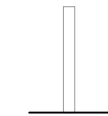
Layout ID **Revision**
 T4742 A4 060



Page 159



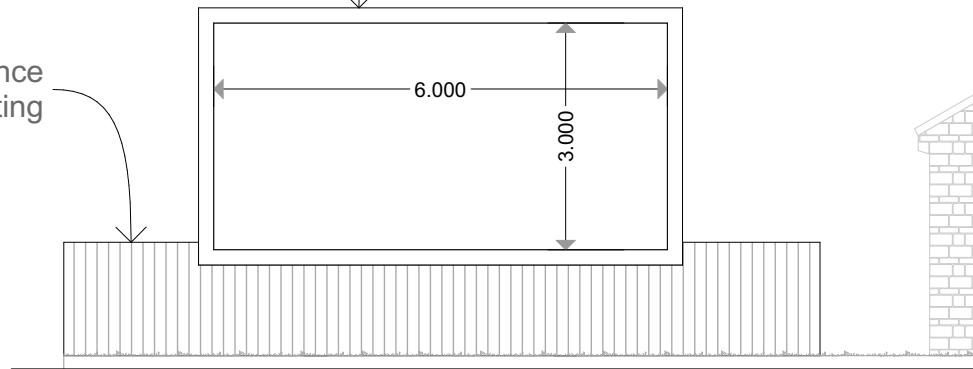
Existing
 North West Elevation



Section

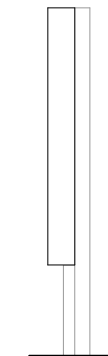
Proposed 48 sheet digital display
 6m wide x 3m high

Replace existing fence
 with new all to match existing



Proposed
 North West Elevation

356



Section



This page is intentionally left blank

Notes:
 All details existing, unless marked proposed
 Original drawing size A4
 Scaled dimensions should not be taken from this drawing unless authorised.



Alight Media
 58-59 Great Marlborough Street
 London
 W1F 7JY

Tel.020 7183 2346 www.alightmedia.com

ALIGHT MEDIA Ref:

9489

Project

Land at
 82 Chesterton Lane,
 Cirencester
 GL7 1YD

Drawing Name

Specification -
 Proposed Digital 48
 LED Display

Drawing Status

PLANNING

Revision

- First Formal Issue

CO

Date

14.09.2022

Drawing Scale @ A4

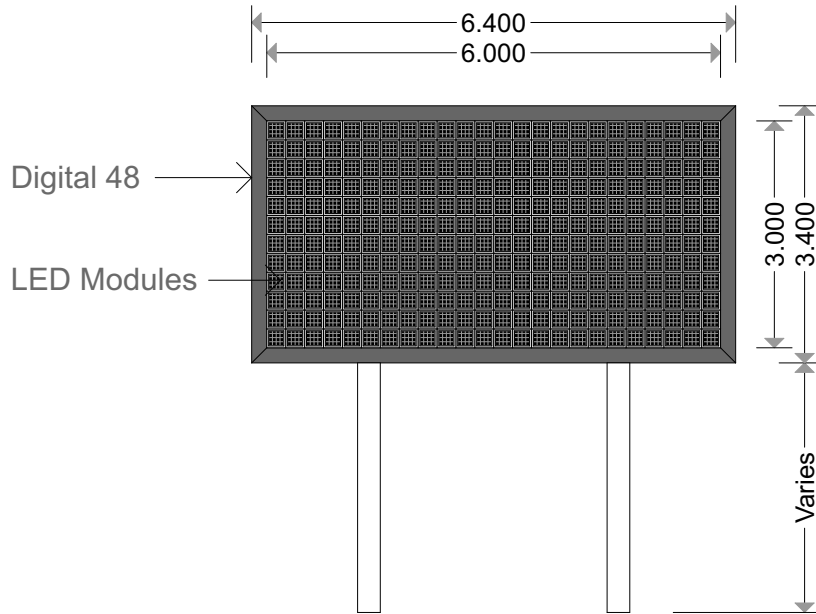
1:100

Layout ID

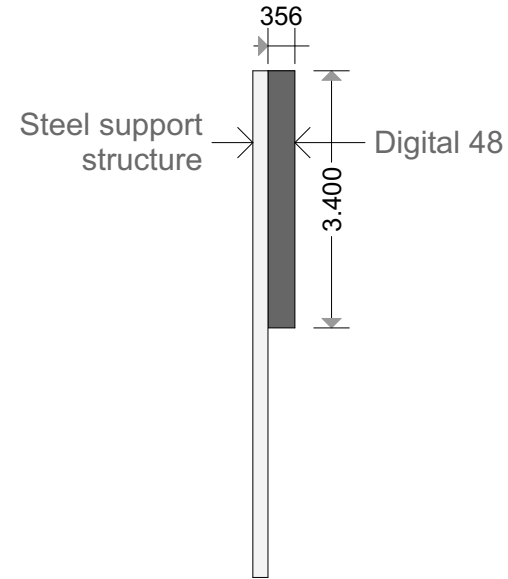
T4742 A4 061

Revision

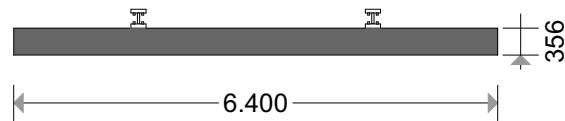
Page 161



FRONT ELEVATION



SECTION



PLAN VIEW



This page is intentionally left blank









Application No: 23/00892/FUL

**Old Farm House
Preston
Cirencester
Gloucestershire
GL7 5PR**

Relocate and increase size of swimming pool and associated landscaping at Old Farm House Preston Cirencester Gloucestershire GL7 5PR

Full Application 23/00892/FUL	
Applicant:	Mrs Lisa Spivey
Agent:	
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Mike Evely
Committee Date:	14th June 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Impact on the setting of the Listed Building
- (b) Impact on the character and appearance of the Conservation Area
- (c) Impact on the residential amenities of the neighbouring properties
- (d) Community Infrastructure Levy (CIL)

2. Reason for Referral:

2.1 The Applicant is a Ward Councillor

3. Site Description:

3.1 The proposal relates to the curtilage of a Grade II listed building within the Preston Conservation Area. The property is set within a spacious plot away from other neighbouring properties with paddocks to the north-east side of the property.

4. Relevant Planning History:

- 4.1 91.02271 Extension to house to provide first floor ensuite bathroom over existing utility and replacement of three windows Permitted 1991
- 4.2 91.02272 Extension over existing utility room to provide ensuite bathroom Permitted 1991
- 4.3 00.02147 Replacement of existing natural stone tiles with artificial stone slates on the north elevation of the barn to the rear of the main dwelling Refused 2000
- 4.4 18/01036/FUL External alterations including demolition of single storey extension and erection of replacement extension, conversion of workshop barn to living accommodation, demolition of existing lean-to and erection of link extension, erection of porch to rear. Demolition of pigsty walls and repairs to barn, Installation of new gates and hard landscaping Permitted 2018

- 4.5 18/01037/LBC External and internal alterations including demolition of single storey extension and erection of replacement extension, conversion of workshop barn to living accommodation, demolition of existing lean-to and erection of link extension, erection of porch to rear. Permitted 2018
- 4.6 21/03907/LBC Replace side and rear existing wooden casement single glazed windows with slim profile double glazed, wooden casement windows Pending Consideration

5. Planning Policies:

EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
TNPPF The National Planning Policy Framework

6. Observations of Consultees:

6.1 Conservation Officer: Supports

7. View of Town/Parish Council:

7.1 'No Objections'

8. Other Representations:

8.1 None received

9. Applicant's Supporting Information:

- Application Forms
- Site Plan
- Block Plan
- Amended drawing and amended Design and Access Statement

10. Officer's Assessment:

10.1 The proposal relates to the formation of a swimming pool in the rear garden.

10.2 The proposed scheme has been amended, so as not to increase the height of the boundary walls and the plant room has been omitted. An existing adjacent ancillary building will accommodate the necessary pool plant equipment without interference with the historic fabric of this building. The surrounding paving has been changed to natural Cotswold stone.

(a) Impact on the setting of the Listed Building

10.3 Old Farmhouse, Preston is a Grade II Listed Building. As such this 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 as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) act 1990.

10.4 The proposed works relate to the formation of a swimming pool to the rear of the property with associated landscaping around the swimming pool. The pool would be 10.25 metres in length, 4.5 metres in width and 1.2 metres in depth with a natural stone paved surround level with the existing garden. The proposed works would be set away from the listed building, so as not to interfere with the structural loading of the walls. It is considered that the proposed works would not harm the significance of the listed building.

(b) Impact on the character and appearance of the Conservation Area

10.5 The land is within the Preston Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.6 The proposed development relates to an area of rear garden behind the dwelling to the south, there are existing ancillary buildings to the north and west with a boundary wall at approximately 1 metre in height. The proposed new swimming pool would result in the removal of an existing swimming pool, with the new swimming pool being placed in part over the footprint of the existing swimming pool. The proposed works would be located within in the north east corner of the rear garden where it would be surrounded by natural stone paving and adjacent to the boundary wall, it would not be publicly visible. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policies EN10 and EN11 and Section 16 of the NPPF and Section 72(1) of the of the Planning (Listed Building and Conservation Areas) Act 1990.

(c) Impact on the residential amenities of the neighbouring properties

10.7 Owing to the scale, siting and position to relative neighbouring properties, the proposed development is not considered to impinge on the residential amenities of the neighbouring properties having regard to loss of light or overlooking. The proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

(d) Community Infrastructure Levy (CIL)

10.8 The retrospective development would not be CIL eligible as the works relate the physical formation of works in excess of 100 sq m and as such would not be CIL liable.

11. Conclusion:

11.1 As such the proposed works are considered to be acceptable and as such would preserve the setting and features of special architectural and historic interest. In accordance with the objectives of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) act 1990. Sections 12 and 16 of the NPPF and Local Plan Policies EN2, EN10 and EN11.

12. 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.

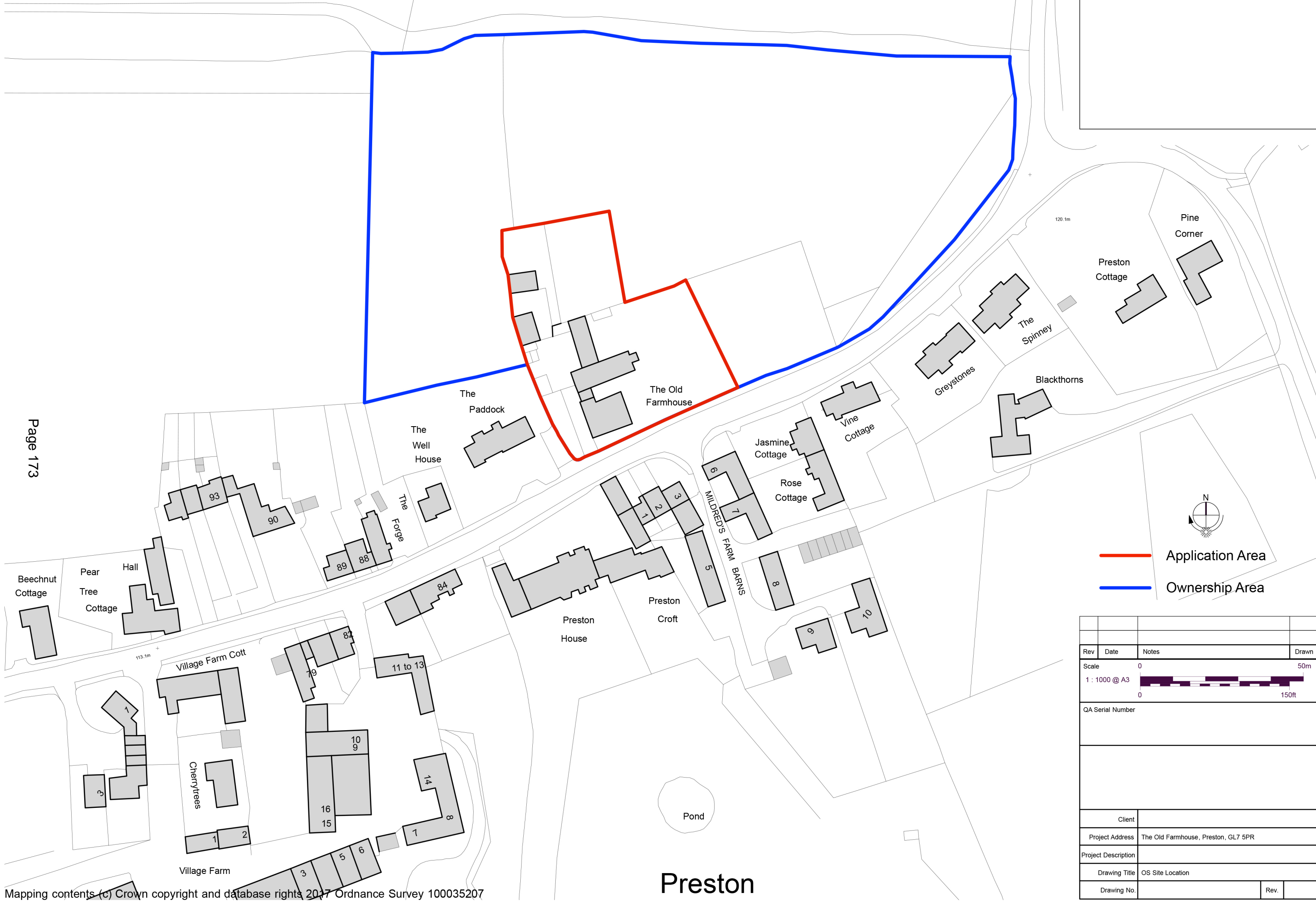
2. The development hereby approved shall be carried out in accordance with the following amended drawing number B-101 REV I.

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

Informative:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

This page is intentionally left blank



Preston

Rev	Date	Notes	Drawn
Scale		0	50m
1 : 1000 @ A3			
0		150ft	
QA Serial Number			
Client			
Project Address	The Old Farmhouse, Preston, GL7 5PR		
Project Description			
Drawing Title	OS Site Location		
Drawing No.		Rev.	

This page is intentionally left blank

This page is intentionally left blank



