

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on **Wednesday, 8 November 2023 at 2.00 pm.**

Rob Weaver
Chief Executive

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

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 5 - 10)**
To confirm the minutes of the meeting of the Committee held on 11 October 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.

Schedule of Applications

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

8. **23/02682/FUL - Land West Of Worwell Farmhouse, Cirencester Road, Tetbury** (Pages 13 - 42)

Summary

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.

Case Officer

Harrison Bowley

Ward Member

Councillor Chris Twells

Recommendation

REFUSE

9. **23/02283/FUL - Gardners Cottage, Back Lane, Upper Oddington** (Pages 43 - 62)

Summary

Demolition of existing reconstituted stone dormer bungalow and replacement with new build dwelling and associated works at Gardners Cottage, Back Lane, Upper Oddington, Moreton-In-Marsh Gloucestershire GL56 0XL.

Case Officer

Harrison Bowley

Ward Member

Councillor David Cunningham

Recommendation

PERMIT

10. **Sites Inspection Briefing**
Members for Wednesday 6 December 2023 (if required)

Councillors Ray Brassington, Patrick Coleman, David Fowles, Julia Judd, Ian Watson.

11. **Licensing Sub-Committee**
Members for Licensing Sub-Committee (Licensing 2003 Act Matters), to be confirmed (if required)

Councillors Patrick Coleman, Ian Watson, Mark Harris.

12. **Confirmation of an Article 4 Direction at Land Parcel West Of St. Lawrence's Church, Church Street, Weston Subedge. (Pages 63 - 72)**

Purpose

For the Committee to confirm the proposed Article 4 Direction.

Recommendation

That Planning and Licensing Committee resolves to confirm the Article 4 Direction.

(END)

Planning and Licensing Committee
11/October2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 October 2023.

Councillors present:

Ray Brassington - Chair
Dilys Neill
Michael Vann
Ian Watson

Patrick Coleman –Vice-Chair
Gary Selwyn
Julia Judd
David Fowles

Daryl Corps
Clare Turner

Officers present:

Helen Blundell, Interim Head of Legal Services

Observers:

Councillor Joe Harris

1 Apologies

Apologies were received from Councillors Mark Harris and Cllr Andrew Maclean.

2 Substitute Members

Councillor Lisa Spivey substituted for Councillor Mark Harris and Councillor Clare Turner substituted for Councillor Andrew Maclean.

3 Declarations of Interest

In regards to Agenda Item 8 (23/01045/FUL - Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire), Councillor Daryl Corps stated that he had on site conversations with the applicants and residents, before and subsequent to his election as the Ward Member. However, Councillor Corps stated that in determining the application, he would approach it with an open mind.

The Interim Head of Legal Services confirmed that they had discussed the matter with Councillor Corps and that they were happy for Councillor Corps to fully take part in the meeting.

4 Minutes

The minutes were amended to specify who was the Chair and Vice-Chair.

The Chair had been contacted by a member of the public after the previous meeting in regards to page 9 of the minutes. After the meeting the Interim Head of Legal Services had found out that a premises license was held and it was not dealt with under a temporary event notice as initially suspected. Having consulted with Licensing Colleagues, the Interim Head of Legal Services confirmed that the minutes were a correct record of the meeting.

RESOLVED: To APPROVE the minutes of the previous meeting subject to the amendments being made.

For	Against	Abstention
Daryl Corps		Clare Turner
David Fowles		Gary Selwyn
Ian Watson		Dilys Neill
Julia Judd		Lisa Spivey
Michael Vann		
Patrick Coleman		
Ray Brassington		

Members who did not attend the previous meeting were advised to not vote on the minutes.

5 Chair's Announcements (if any)

The Chair stated that the item at Agenda Number 9 (23/02137/FUL - Valley View Chapel Street Maugersbury Cheltenham Gloucestershire) had been removed from the agenda by the Interim Development Manager.

The Interim Development Manager explained that the application was invalid due to an outstanding piece of information.

6 Public questions

There were no public questions.

7 Member questions

There were no questions from members.

8 23/01045/FUL - Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire

The Case Officer introduced the item.

The application was for the change of use of an agricultural grazing paddock to also be used as two secure dog walking fields at Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire.

The officer recommendation was to permit.

The Case Officer stated (upon later clarification) that the site was within the Cotswold Area of Outstanding Natural Beauty (AONB) and summarised the contents of the additional pages.

Mr. Matt Beresford addressed the Committee to object to the application.

The applicant, Ms. Christina Oughton, addressed the Committee.

Councillor Daryl Corps addressed the Committee as the ward member. Councillor Corps stated that he had referred the application to the Committee due to the unique nature of the application and strong representation from residents both objecting and supporting the application.

Sites Inspection briefing

The Chair asked members who attended the briefing to summarise their findings.

Members raised the following points;

- There were ample spaces to park a car around the site.
- There were concerns over whether the nearby junction could be impacted.
- The site was in close proximity to the nearby houses.

Member Questions

Members noted that there was no proposed lighting, and asked officers whether this would impact the times the fields would be in use. The Interim Development Manager stated that the intention was for the fields to be utilised only during daylight hours, and that this was reflected in the booking system. There was related discussion over the hours in the associated business plan, which extended into 8/9pm. Officers clarified that these were the operating hours of a different site which had been included in the business plan for illustrative purposes.

Officers also confirmed that no additional structures were to be added to the field (e.g. for dog agility training), and that the conditions reflected this.

Members asked about the fencing and associated landscape works. The fencing was confirmed by the Case Officer as being of an appropriate type and height to contain dogs. It would also be fully contained within the hedging, so as to not be visible from the outside.

Members requested detail on the impact to great crested newts, which were referenced in the Officer report. The Case Officer stated that the mention of the newts was due to the area that the site lay in, but that the Biodiversity Officer was consulted and satisfied that there was no risk to great crested newts from the proposal.

Members discussed the positioning of the hard standing, and whether it could be moved to reduce the noise impact on residents. The Case Officer stated that the positioning of it was to reduce the impact on the AONB and the Interim Development Manager added that the built elements should be kept as close to the site as possible.

The Committee asked about the disruption and noise levels. There would be staggered start times to the 50 minute slots, but there would be a maximum of four cars arriving an hour.

Members asked about the 'sui generis' use class, and what this entailed. The Interim Development Manager and Case Officer both explained that this use class essentially entailed no permitted change of use from anything other than a dog walking field without further planning permission being required. The Interim Development Manager highlighted that if the application was granted, there would be no material change to the planning context of the site since it would remain a field.

The Case Officer confirmed that the larger dog waste bins would be located off site, with the smaller caddies included in the landscaping plan.

Members asked the ERS officer about the noise management plan;

- Officers had raised concerns, but due to the restrictions on the number of dogs and operating hours were satisfied with the plan for managing noise levels.
- Onsite management of noise levels was discussed, but overall it was decided that this was not practical.

Member Comments

Members discussed the application, with the main debate taking place being regarding the noise and disruption;

- Some members felt that the noise from the potential barking, gates, and cars would be disruptive, while others disagreed and felt this would be minimal, due to the restrictions and booking system and because not all dogs are prone to excessive barking.
- It was also stated by some members that the noise e.g. cars, gates and barking, would ordinarily already exist in a residential area.
- Discussion was also had over whether the proposal was necessary due to other dog walking amenities existing in the Cotswolds. Some members welcomed the proposal due to a lack of enclosed dog walking amenities, while others disagreed and were concerned over its location. However, the Interim Development Manager stated that under Policy EC5 of the Local Plan there was no reference to need, so cautioned members about putting too much weight on this element.

After discussing the application, three proposals were made by members;

1. Councillor Ray Brassington stated that the noise management was not satisfactory and therefore proposed a temporary two year permission to allow the Council to monitor the noise levels.

The proposal was seconded by Councillor Coleman, who welcomed Councillor Brassington's argument but felt confident that the applicant could prove the business was minimally disruptive to the surrounding area.

2. Councillor David Fowles proposed to refuse the application. Councillor Fowles raised concerns about the noise and disruption but stated that he couldn't see the applicant investing the money for the temporary application, as it would be prohibitively expensive to do so without certainty.

Councillor Julia Judd seconded the proposal stating that the application was against policies EN1, EN4 and EN5.

3. Councillor Lisa Spivey proposed to permit the application due to similar cost concerns, but welcomed the proposal and did not think it would cause disruption.

Councillor Dilys Neill seconded the proposal, welcoming the application and stating that there were significant checks and balances to ensure that the application was not overly disruptive.

Planning and Licensing Committee

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The Committee voted on the proposals in the order that they were proposed.

Proposal 1: Temporarily permit for a two year period.

The proposal was not passed.

Voting record – For 2, Against 6, Abstain 3

For	Against	Abstention
Patrick Coleman	Clare Turner	Daryl Corps
Ray Brassington	Ian Watson	Gary Selwyn
	Julia Judd	Dilys Neill
	Lisa Spivey	
	Michael Vann	
	David Fowles	

Proposal 2: Refuse.

The proposal was not passed.

Voting record- For 3, Against 7, Abstain 1

For	Against	Abstention
Ray Brassington	Clare Turner	Daryl Corps
David Fowles	Dilys Neill	
Julia Judd	Ian Watson	
	Gary Selwyn	
	Lisa Spivey	
	Michael Vann	
	Patrick Coleman	

Proposal 3: Permit.

RESOLVED: To PERMIT the application

Voting record- For 7, Against 3, Abstain 1

For	Against	Abstention
Clare Turner	Ray Brassington	Daryl Corps
Dilys Neill	David Fowles	
Ian Watson	Julia Judd	
Gary Selwyn		
Lisa Spivey		
Michael Vann		
Patrick Coleman		

9 23/02137/FUL - Valley View Chapel Street Maugersbury Cheltenham Gloucestershire

The application was removed from the agenda due to it being invalid and was therefore not considered.

10 Sites Inspection Briefing

A Sites Inspection Briefing was to be held on the 1st of November at 10am, if needed.

11 Licensing Sub-Committee

The Democratic Services Officer stated that a Licensing Sub-Committee was due to take place on 1 of November. It was noted that a follow up email would be sent to all Members to clarify the timings.

The Meeting commenced at 2:00pm and closed at 3:30pm

Chair

(END)

PLANNING AND LICENSING COMMITTEE 8th November 2023

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

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

PLANNING AND LICENSING COMMITTEE 8th November 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 23/02682/FUL Full Application	01
Oddington	Gardners Cottage Back Lane Upper Oddington Moreton-In-Marsh Gloucestershire GL56 0XL 23/02283/FUL Full Application	02

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 23/02682/FUL	
Applicant:	Stonewood Homes Ltd
Agent:	
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Chris Twells
Committee Date:	8th November 2023
RECOMMENDATION:	REFUSE

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. Reasons for Referral:

2.1 Officers considered it appropriate for this application to be determined by 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:

4.1 22/03495/FUL - Mixed use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works - Refused 15/06/2023.

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 Natural England - No Objection.

6.2 Local Highways Authority - No objection subject to conditions and financial obligations.

6.3 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.

6.4 Conservation & Design - Objection considered in the main body of the report.

- 6.5 Lead Local Flood Authority - The LLFA has no objections to the proposal and does not require any conditions.
- 6.6 Biodiversity Officer - No objection subject to conditions.
- 6.7 Gloucestershire County Council Community Infrastructure - Library contribution has been requested.
- 6.8 ERS Contamination officer - No objection subject to conditions.
- 6.9 Gloucestershire County Council Archaeologist - No objection subject to condition.
- 6.10 Gloucestershire County Council Minerals and Waste - No objections, however, further clarity on waste reduction and net-zero contributions should be sought.
- 6.11 GCC Archaeologist - No objection subject to condition.
- 6.12 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.
- 6.13 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:

"Tetbury Upton PC support this application but are still concerned that the number of parking spaces are not be adequate for staff and patients."

7.2 Tetbury Town Council:

"Letter of Support

I am writing on behalf of Tetbury Town Council to give full support to the above planning application following a resolution passed at the Full Council meeting, held on Monday 25th September 2023.

The inclusion of a purpose-built health care facility will help to address the growing and changing healthcare requirements Tetbury residents and patients face today. The urgency is not solely driven by the duration of the current lease but by the outdated and restrictive layout of the present building. The need for a new doctors' surgery in the town has been a long-standing priority but this application the closest we have come to a resolution. Expansion or relocation of Romney House Surgery, Tetbury, is a key strategic infrastructure requirement identified in the Local Plan, Policy SA1. Infrastructure for medical provision is also an objective in the Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030. How much longer can the people of Tetbury be expected to wait? During the intervening period two of the possible three potential sites identified have been granted planning permission for housing. This has

placed an even greater demand on these essential services. I am referring to the Highfield cottage and Northfield garage sites. There are no other viable alternative proposals where a real and tangible commitment has been made to providing a new surgery for Tetbury.

In addition, the development would bring much needed affordable houses to the town. This will boost the mix of local housing on offer. It will help to maintain social networks so that families can live near each other and provide support, such as childcare. It would help to maintain the viability of services and amenities, such as local schools and businesses in Tetbury. This is in accordance with the priorities set out in the refreshed Cotswold District Corporate Plan and the objectives of our Neighbourhood Plan.

As set out in the comments submitted by the Trustees of the Greening Tetbury environmental charity (a group of 44 members, comprising a mix of environmental specialists and concerned citizens), planning conditions can and should be applied and enforced to protect the local environment and wildlife. These can be applied to both the build and occupy stages. Without them, there will be no more development in Tetbury because the whole of the town sits in the Area of Outstanding Natural Beauty. This development has the potential to make a positive difference to the lives of everyone in Tetbury and the surrounding Parishes.

We respectfully request that careful consideration is given to whether the potential harm of this development really does outweigh the obvious benefit that a new, purpose-built healthcare facility and 11 affordable units would bring to Tetbury, the second largest settlement in the District.

Yours sincerely

Cllr Liz Farnham - Mayor of Tetbury and Chair of Tetbury Town Council"

8. Other Representations:

8.1 Seventy-two Third Party representations have been received Objecting on the grounds of:

- i. Loss of picturesque greenfield site;
- ii. The site is located outside of the development boundary;
- iii. Opportunities at brownfield sites;
- iv. Loss of wildflower meadow;
- v. Conflict with outcome of SHELAA
- vi. Development would make land to the south susceptible to development;
- vii. Influence of press release on the level of support;
- viii. Alternative options for funding for a different site;
- ix. The original reasons for refusal have not been addressed;
- x. The design of the building is not high quality;
- xi. The site is inaccessible and a risk to safety of pedestrians;
- xii. Inadequate parking provision at the healthcare centre;
- xiii. Lack of transparency;
- xiv. Loss of the rural gateway into the town;
- xv. The development of the surrounding land was contextually different;
- xvi. Impact on highways safety;
- xvii. There is no need for additional housing in the town;
- xviii. Loss of biodiversity;

- xix. The benefits do not outweigh the harm of the proposal;
- xx. The development does not guarantee the quick delivery of the surgery;
- xxi. Increase in on-street parking around the surgery;
- xxii. Development could set a precedent for the development of further greenfield land;
- xxiii. Impact on the source of the river Avon;
- xxiv. Loss of trees and natural habitats;
- xxv. Potential for further housing when the lease expires;
- xxvi. Impact on the water table;
- xxvii. Lack of highways infrastructure to facilitate the addition traffic;
- xxviii. Inaccurate use of the Biodiversity Net Gain Metric;
- xxix. Impact on Great Crested Newts;
- xxx. Impact on bats from lighting;
- xxxi. Contrary to CDC Green to the Core policies;
- xxxii. Impact on the Conservation Area;
- xxxiii. Use of materials for the proposed surgery are inappropriate;
- xxxiv. Re-location of the public footpath would have a detrimental impact;
- xxxv. Lack of public consultation;
- xxxvi. Increase in overlooking and loss of privacy;
- xxxvii. There is no agree sewage offtake for the site

8.2 Two-Hundred and Eighty Seven third party representation have been received offering support on the grounds of:

- i. There is an urgent need for a new medical centre;
- ii. The previous refusal reasons have been addressed;
- iii. Risk to health of losing the surgery;
- iv. The current surgery is not fit for purpose;
- v. Improvement on the surrounding development;
- vi. Suitable landscape planting and screening is proposed;
- vii. There is no right to a view;
- viii. There are no other viable options for a healthcare facility;
- ix. The design is acceptable;
- x. Refusal on grounds of Policy INF2 cannot be defended;
- xi. The healthcare group could discuss additional bus services to the site;
- xii. The development would improve street lighting;
- xiii. Financial details would be other material considerations that outweigh the harm;
- xiv. Improvements in affordable housing offered;
- xv. The AONB impact would be mitigated;
- xvi. The design of the residential relates to the wider area;
- xvii. The existing field is not publically accessible;

8.3 Four general comments have also been received on the grounds of:

- i. There is a need for a medical facility;
- ii. Further details on how run-off would be prevented is required;
- iii. Consultation is required with Wessex Water;
- iv. The development should deliver 10% BNG;
- v. Investment in improved bus serviced is required;
- vi. Further details are required relating to the efficiency of renewable energy features;

- vii. The Cirencester Road speed limit should be reduced;
- viii. A cycle lane should be added along Cirencester Road;
- ix. Further improvements are required to the footpath;
- x. A pedestrian crossing is required.

9. Applicant's Supporting Information:

Proposed and Existing Plans; Affordable Housing Statement; Archaeological Evaluation Report; Phase I Desk Study and Phase 2A Preliminary Ground Investigation; 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; Energy Strategy Statement; Landscape & Ecology Management Plan; Archaeological Evaluation; Highways Technical Note; Walking, Cycling and Horse-Riding Assessment Review; Design Compliance Statement; Statement of Community Engagement; tree Survey Schedule; Viewpoint Information; Artist Interpretation.

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.

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 Planning permission was previously applied for in 2022 for a similar scheme of the same scale as that currently proposed. Permission was subsequently refused at planning committee on 14th June 2023. Permission was refused for three reasons:

"1. The application site lies within an area of open countryside outside of the defined settlement development boundary for Tetbury with inadequate provision of public transport. The development, consisting of a residential aspect and healthcare centre, would therefore be contrary to Local Plan Policies DS4 and INF2. It is acknowledged that public benefits would arise from the development, most notably the provision of healthcare infrastructure, affordable housing, and high energy performance design, but notwithstanding this, the harm as identified, is considered, in the balance, to outweigh the public benefits of the scheme. The proposed development is contrary to Local Plan Policies DS4 and INF2"

"2. 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. The development would 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 and would be contrary to Local Plan Policies EN4 and EN5, and Section 15 of the NPPF."

"3. The proposed development, consisting of a residential aspect and healthcare centre, would result in a scheme that lacks a contextually sympathetic layout and clear architectural distinction. The development would neither achieve a high quality contemporary design, nor a more traditional vernacular appearance and would lack characterful variety of scale, form and massing. The design of the development would therefore be of a poor quality, out of keeping with the local townscape and inconsistent with the requirements of the Cotswold Design Code. The development would therefore be contrary to Cotswold District Local Plan Policies EN1, EN2 and the Cotswold Design Code; Policy 2 of the Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030; and Section 12 of the National Planning Policy Framework."

10.7 The current application proposes a revised scheme, which seeks to address the reasons for refusal. The proposed 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.

10.8 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 contemporary interpretation of the vernacular. 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 Farmington Cotswold Stone and Reconstituted Stone and cream 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 current proposal is therefore in conflict with the Council's development strategy with regard to the location of new open market housing. The District is on course to deliver approximately 9,671 dwellings over the plan period through the existing development strategy without a need to grant planning permissions for further dwellings in locations that are contrary to the strategy. The figure of 9,671 dwellings is in excess of the objectively assessed need for 8,400 dwellings agreed by the Local Plan Inspector. The strategy is therefore delivering a level of housing in excess of the needs set out in the Local Plan.

10.17 It is noted that the Government wishes to boost significantly the supply of homes. However, it is also of note that paragraph 60 of the NPPF states that *'it is important that a sufficient amount and variety of land can come forward where it is needed'*. The Council's Development Strategy seeks to both boost significantly the supply of homes in the Local Plan period and to direct new homes to locations where they are needed in accordance with the aspirations of Paragraph 60. Evidence to demonstrate that the Council is significantly boosting the supply of homes in the District is available in the Council's housing land supply figures which stand at 6.9 years and the Government's Housing Delivery Test: 2020 Measurement which gives Cotswold District a figure of 127%, which is well in excess of the 95% pass score. The weight that can be given to the erection of new housing in this location, when the Council's land supply position is significantly in credit, is considered to be very limited.

10.18 The current development boundary around Tetbury was drawn in order to ensure that future development would be proportionate to the level of services on offer in the settlement during the Local Plan period. The development boundary ensures that development in the Local Plan period will be at a level appropriate for the services and facilities on offer. The release of land for residential development in an ad hoc manner around the town would potentially threaten the balance of the settlement, and the long term strategy for the town which has been deemed to be acceptable through the Local Plan examination process. Moreover, provision has been made for the delivery new housing adjacent to the settlement through housing allocation sites (T_31B - 43 dwellings net at Land adjacent to Blind Lane and T_51 - 18 dwellings net at Northfield Garage) in order to meet the needs of both the town and the District as a whole.

10.19 The applicant contends 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. The therefore contend that the development satisfies the requirements of Local Plan Policy DS4. It is of note that the amount of proposed housing has not been promoted by the applicant as solely enabling development.

10.20 As has been noted, 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:

- a. Where associated with another development, provision is synchronised with the scale, timing/phasing and needs of the associated development;*
- b. account has been taken of existing facilities and services in the area, including the quantity and quality of provision;*
- c. 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."*

10.21 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).

10.22 Of material relevance is the refusal of planning application 22/03495/FUL which directly referenced the provision of both the healthcare facility and residential development within refusal reason 1. The reason for refusal outlined that *"the application site lies within an area of open countryside outside of the defined settlement development boundary for Tetbury with inadequate provision of public transport. The development, consisting of a residential aspect and healthcare centre, would therefore be contrary to Local Plan Policies DS4 and INF2."* The refusal reason concluded that *"the proposed development is contrary to Local Plan Policies DS4 and INF2."* This previous decision is a material planning consideration of the current application.

10.23 The previous refusal reason directly references the sites location outside of the settlement development boundary of the town and the inadequacy of the public transport provision serving the site. Local Plan Policy INF2 criterion d is therefore applicable, which requires *"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."* In response to this criterion, the developers have set out that the supporting text to Cotswold

District Local Plan Policy S9 outlines that Tetbury benefits from "a good public transport service." The developers also note that the scheme has received no objection from the Local Highways Authority, and that the scheme would improve bus stop infrastructure and local footpaths, as was the case with the original submission.

10.24 The level of public transport provision has remained unchanged from the original submission, and the development continues to propose the relocation of two bus stops closer to the development site along with improved street lighting, as was previously proposed. The committee decision raised concern with the accessibility of the location by public transport in relation to the requirements of Local Plan Policy INF2 c. Whilst it is acknowledged that the supporting text to Policy S9 acknowledges that Tetbury contains a good public transport service, this is in relation to the town as a whole in the context of the district, and is also not to say that every part of the town benefits from the same level of service. This is especially pertinent to a site lying outside of the settlement development limits. Owing to the location, and the limited public transport provision accessing the site, most notably along Cirencester Road, the site is not considered to be well-linked and accessible to the local community by foot, bicycle or public transport. The development would therefore be contrary to Local Plan Policy INF2 c.

10.25 Notwithstanding the conflict with Policies DS4 and INF2, it is acknowledged that the development does seek to address an identified need for a healthcare facility within the town. It is clear that there is an established need for a new healthcare facility within the town, as identified by Policy SA1, which acknowledges that the expansion or relocation of the existing surgery in Tetbury is a strategic infrastructure requirement for the South Cotswolds Sub-Area. This need 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.*" The current application site adjoining Worwell Farm offers viable and deliverable healthcare infrastructure that would meet the identified needs of the town and should be afforded some weight when applying the planning balance.

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 is complied with, through the provision of the healthcare facility.

10.27 Concerns were raised with the original submission, that a sequential test of potential alternative sites has not been undertaken correctly. In support of the current application, the Phoenix Health Group have stated that "*It is a sad fact that Town centre locations had to be discounted by virtue of their residential value. The sequential site analysis concluded that there were no alternative sites within the existing settlement limits of Tetbury that are suitable, available or achievable, so the area of search was widened.*" They went on to state that "*sites outside of defined development limits that might be allocated in the future under the Cotswold District Local Plan Review were also discounted as there was no mechanism to secure their immediate delivery and the allocations remain uncertain until the Development Plan is adopted. Even if another site were to be allocated, there is absolutely no certainty of delivery, or confirmation that the developer would fund*

the project costs, and indeed most would wish to sell us the land, which is something that we cannot afford." The statement outlines that "The result is that there is only one site that remains available, achievable within the tight timescales and financially viable"

10.28 As was raised as a concern with the previous application, full details of the sequential test undertaken has not been submitted in support of the application and a site by site appraisal of the alternative locations considered is not therefore available. 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.

10.29 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. 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 and alternative temporary arrangements may be available should the current facility close.

10.30 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.

10.31 Overall, it is considered that the proposed development would be contrary to Local Plan Policies DS4 and INF2, and would result in an inaccessible form of development within an area outside of a Principal or Non-Principal settlement. Public benefits would arise from the development, most notably the provision of healthcare infrastructure, affordable housing, and high energy performance design, but notwithstanding this, the harm as identified, is considered, in the balance, to outweigh the public benefits of the scheme. Moreover, the revised scheme has not overcome refusal reason 1 of the previously determined scheme. The principle of the proposed development is therefore considered to be unacceptable.

(b) Housing Mix and Affordable Housing

10.32 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."

10.33 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."

10.34 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."

10.35 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 1, 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.

10.36 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"

10.37 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).

10.38 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.

10.39 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.

10.40 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

10.41 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.

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

10.43 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.

10.44 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."

10.45 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.

10.46 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.'

10.47 The design of the proposed development has evolved from an initial pre-application submitted in late 2020. A number of revisions to the scheme were made during the course of the previously refused application. The current scheme has made further revisions to the building designs, looking to incorporate further vernacular design elements, in a scheme that would now be described as a contemporary interpretation of the vernacular, as opposed to being a more overt contemporary approach as was originally proposed.

10.48 Refusal reason 3 of the previous decision acknowledged that "*The development would neither achieve a high quality contemporary design, nor a more traditional vernacular appearance and would lack characterful variety of scale, form and massing. The design of the development would therefore be of a poor quality, out of keeping with the local townscape and inconsistent with the requirements of the Cotswold Design Code.*"

10.49 The developers have stated, in relation to design, that "*In terms of the house type designs, these have been modified and now adopt a more traditional approach to the outward appearance. Whilst the design has been amended the quality materials have been maintained. Detailed design elements on the house types have been altered to ensure that whilst there is cohesion in terms of the overall design ethos, there is individuality in the form and massing of the units. The scale of the housing follows the topography of the land.*" A design compliance statement has also been submitted with the application submission.

10.50 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).

10.51 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.

10.52 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 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 a modern housing estate, which has 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 could have been incorporated, owing to the wider site context, and the practical limitations, the proposed layout is considered to be acceptable.

10.53 With regard to the design approach of the housing element of the scheme, this has been amended to incorporate more vernacular elements. The submitted Design Compliance Statements sets out that *"The proposed architectural style has been amended to reflect a more traditional approach but maintains a contemporary influence."* The proposed design would fit within its context, offering a more contemporary interpretation of the modern housing to the north and west of the site. A number of the housing types proposed have achieved characteristically narrow gable forms and steep roof pitches which respond to the character of the area. Whilst some elements of the scheme are less characteristic in their form and plan depth, these would be limited to only certain larger housing types, and would nevertheless maintain a more consistent frontage to these dwellings.

10.54 In terms of design detailing, the scheme proposes relatively simple facades with a number of the housing types incorporating characteristic fenestration hierarchies and simple canopy porches. Similar to the built form there are examples of house types that divert from this design approach, notably the larger dwellings to the southern part of the site. Here, the

facades are presented as more cluttered with a variety of window forms, wide porch canopies and integral garages, which do contradict the aspirations of the Cotswold Design Code.

10.55 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 palette is not unreasonable, and would respond to the locality, subject to conditions securing final proposals and finishes.

10.56 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-panels, 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.

10.57 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.

10.58 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."* 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 and incorporates design elements to minimise its overall impact on the character of the area. 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.

10.59 Overall, it is considered that the design of the proposed development is acceptable, on balance.

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

10.60 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.

10.61 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.

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

10.63 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.

10.64 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.

10.65 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.

10.66 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."

10.67 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.

10.68 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.

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

10.69 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.

10.70 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.

10.71 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.

10.72 Refusal reason 2 of the previous application related to the impact on the AONB, and stated that *"The development would 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"*

10.73 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."*

10.74 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."

10.75 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 Phoenix Health Group 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.

10.76 Notwithstanding this, it is necessary to consider the impacts of the proposed development on the landscape character more generally. The site is situated within Landscape Character Type (LCT) 'IIA 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.

10.77 The application site consists of an open and undeveloped green space, set over a gently sloping hill which leads to the open countryside and valleys beyond. Cirencester Road currently forms a 'hard' boundary to the town, with only Old Ilsom Farm Road protruding beyond this. The Ilsom Farm development sits more comfortably at the top of the slope, and maintains a clear boundary with the open field to the south. It is also of note, that this development took place on a previously developed farmyard, which already created a transitional character to the wider open countryside.

10.78 The proposed development of the site, with the large healthcare building and twenty-seven dwellings, along with additional traffic movements, domestic curtilage and paraphernalia, lighting, noise and general disturbance would erode the open and transitional character of the field, and would disrupt the edge-of-settlement qualities of this part of the town. This would lead to harm to the special qualities of the Cotswold Area of Outstanding Natural Beauty, contrary to the requirements of Local Plan Policies EN4 and EN5 and Section 15 of the NPPF.

(e) Impact on Residential Amenity

10.79 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.

10.80 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.

10.81 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.

10.82 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.

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

(f) Biodiversity and Geodiversity

10.84 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.

10.85 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.

10.86 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.

10.87 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.

10.88 Concerns have been raised that the 3.0 BNG Metric has been used as oppose to the more up to date 4.0 metric. Despite this, it is felt a net loss will be avoided; the scheme will retain the majority of boundary habitat features. In addition, the scheme will provide new habitat features including tree planting and a comprehensive landscape and ecological management plan has been submitted demonstrating measures to be implemented to secure long-term benefits for biodiversity. The requirement for biodiversity net gain is currently underpinned by the National Planning Policy Framework and Local Plan. The NPPF is a material consideration in determining planning applications, paragraphs 174, 179 and 180 of the revised NPPF require planning decisions to provide for and secure measurable biodiversity net gain. However, the NPPF does not set out how much biodiversity net gain is sufficient or

how it should be measured. There is currently no statutory requirement for a 10% net gain to be demonstrated through the use of the biodiversity metric 4.0 tool. Therefore, net gains, such as those proposed as part of this development are considered sufficient to satisfy the current requirements.

10.89 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.

(g) Highways Safety

10.90 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.

10.91 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.

10.92 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.

10.93 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.

10.94 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.

10.95 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.

10.96 The development would result in a new access being created onto Cirencester Road. An Automatic Traffic Count has been submitted and it has been demonstrated that the required emerging visibility splays can be achieved within land in the applicant's control and the public highway, in accordance with the requirements of Manual for Streets 2 calculations methodology. Pedestrian access would be made via the south-eastern corner of the application site from Cirencester Road and internally a 2-metre wide footway is proposed from the pedestrian access, routing to the west of medical centre. The pedestrian access to the site would be enhanced through the lighting improvements to the nearby footpaths along Cirencester Road. Subject to conditions and securing the appropriate financial contributions, it is considered that a safe and suitable pedestrian access can be achieved.

10.97 The application has also been submitted with a TRICS assessment which demonstrates that the proposal is not perceived to result in a severe impact on the operation and safety of the adjacent local road network.

(h) Flood Risk

10.98 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)'.

10.99 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.'

10.100 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.

10.101 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.

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

Other Matters

10.103 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.

10.104 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 proposed development would result in the residential development of a parcel of land outside of a Principal or Non-Principal settlement. The new residential development would not be in accordance with any other policies within the Local Plan which expressly deal with such proposals, and as such, the development would be contrary to Local Plan Policy DS4. The scheme would also propose community infrastructure in the form of a healthcare facility, which by virtue of its location, and the limited public transport provision accessing the site, would not be considered to be well-linked and accessible to the local community by foot, bicycle or public transport and would therefore be contrary to Local Plan Policy INF2 c. The proposed development would offer public benefits in the form of a healthcare facility, which would address a local need, as well as affordable housing, a development of a high energy performance design and footpath improvements. These benefits would not, however; overcome the conflict with the development strategy or the unsustainability of the location.

11.2 Moreover, the development would consist of a large healthcare building and twenty-seven dwellings, along with additional traffic movements, domestic curtilage and paraphernalia, lighting, noise and general disturbance, which would erode the open and transitional character of the field, and would disrupt the edge-of-settlement qualities of this part of the town. The development would therefore harm the special qualities of the Cotswold Area of Outstanding Natural Beauty, contrary to Local Plan Policies EN4 and EN5 and Section 15 of the NPPF and the requirements of). Section 85 of the Countryside and Rights of Way (CROW) Act 2000.

11.3 The proposed revised development has failed to overcome the first and second reasons for refusal given on the previous application for the development of the site.

11.4 The application is therefore recommended for refusal

12. Refusal Reasons:

1. The application site lies within an area of open countryside outside of the defined settlement development boundary for Tetbury with inadequate provision of public transport.

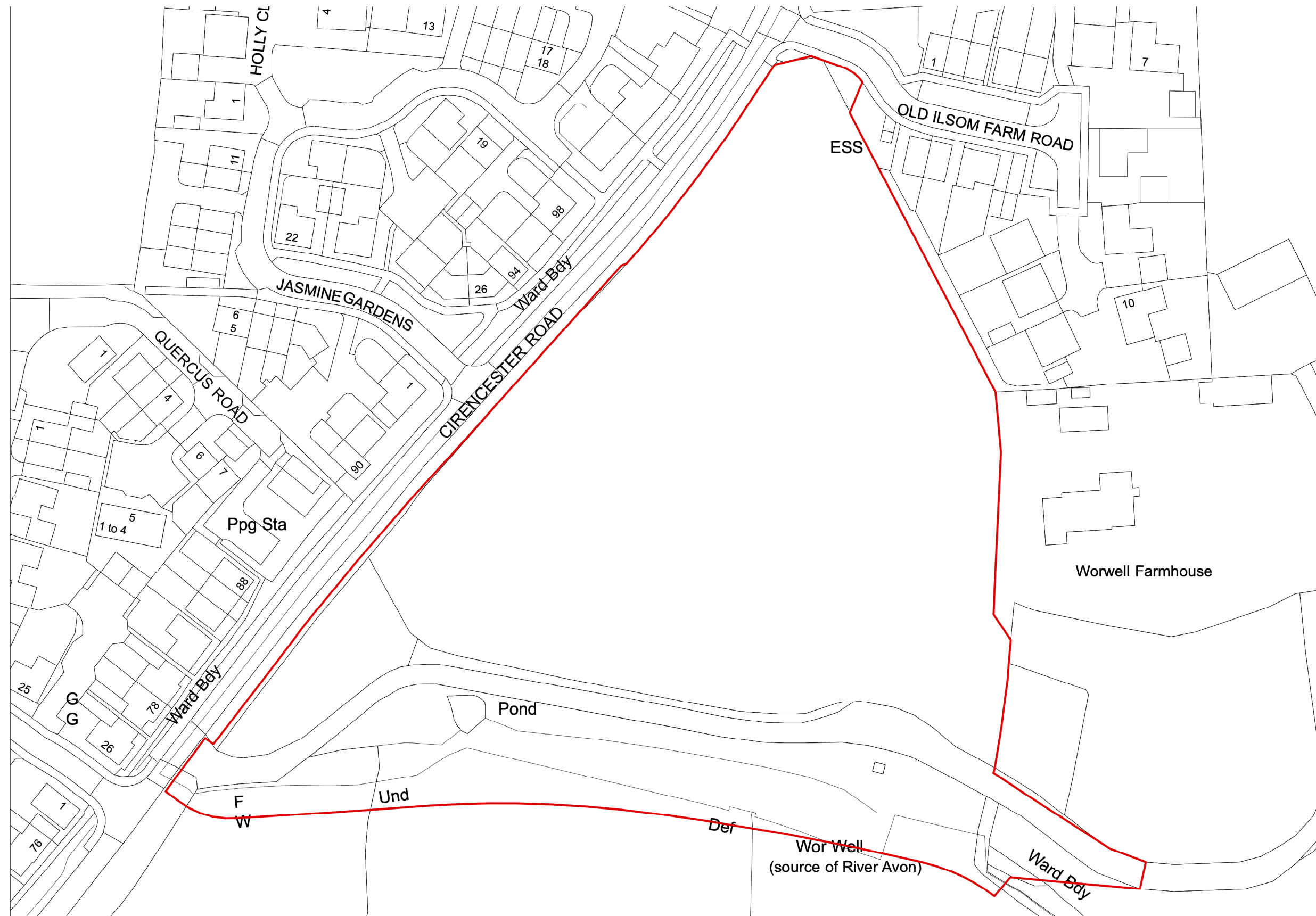
The development, consisting of a residential aspect and healthcare centre, would therefore be contrary to Local Plan Policies DS4 and INF2. It is acknowledged that public benefits would arise from the development, most notably the provision of healthcare infrastructure, affordable housing, and high energy performance design, but notwithstanding this, the harm as identified, is considered, in the balance, to outweigh the public benefits of the scheme. The proposed development is contrary to Local Plan Policies DS4 and INF2.

2. 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. The development would 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 and would be contrary to Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

Informative:

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

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SCALE BAR



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.
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REV:	BY/CHECKED:	DATE:	COMMENT:

Volumes/Server Data/Jobs/APG ARCHITECTURE/1046 Land off Cirencester Road,
 FILE NAME: Tetbury/E-Production_Information/E1-WIP/WX/Current/Redline.vwx



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

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PROJECT:
1046 - LAND AT WORWELL FARM,
 SHEET TITLE: **TETBURY**
REDLINE PLAN

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

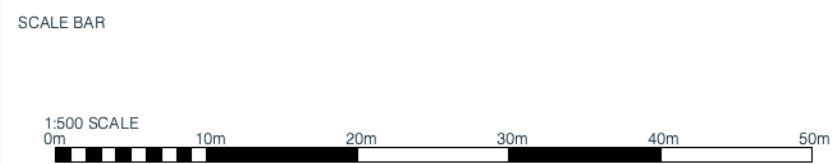
SHEET SCALE: **1:1000 @ A3** STATUS: **S0**
 STATUS DESCRIPTION:
PLANNING
 SHEET NO: **001** / REVISION NO: **/**

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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 - [HABITAT CHAMBER AND ENTRANCE SLOT RECESSED INTO WALL DIRECTLY BENEATH EAVES

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



GENERAL NOTES:
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FILE NAME: N:\Volumes\Server Data\Jobs\APG ARCHITECTURE\1046 Land of Cirencester Road, Tetbury\Production_Information\E-1\WP\W2023 Resubmission scheme\1046 PH Site Layout.vrx

REVISION LOG:			
C	RS/IR	24/08/2023	
REV	BY/CHECKED:	DATE:	COMMENT:



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

SHEET SCALE: 1:500 @ A1
 STATUS: S0
 STATUS DESCRIPTION: PLANNING
 SHEET NO: PR01 / C
 REVISION NO:

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Demolition of existing reconstituted stone dormer bungalow and replacement with new build dwelling and associated works at Gardners Cottage Back Lane Upper Oddington Moreton-In-Marsh Gloucestershire GL56 0XL

Full Application 23/02283/FUL	
Applicant:	Talbot Square 2 Ltd
Agent:	The DMD Group
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor David Cunningham
Committee Date:	8th November 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Design and Impact on the setting of Oddington Conservation Area
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Biodiversity and Geodiversity

2. Reasons for Referral:

2.1 Seven letters of objection have been received, as well as a letter of objection from the Parish Council.

3. Site Description:

3.1 The application site contains Gardeners Cottage, also known as 'The Cottage', a mid 20th-century detached bungalow located along Back Lane within Upper Oddington. Oddington constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031. The property is set back from the highway with off road parking to the front and garden space to the rear. The wider area contains a mix of historic and modern dwellings, often set directly adjacent to the highway.

3.2 The site lies within the Oddington Conservation Area and within the vicinity of a number of listed buildings, including 'Cottage Attached to Top Cottage' to the north, which is Grade II listed.

3.3 The site is also located within the Cotswolds Area of Outstanding Natural Beauty.

4. Relevant Planning History:

N/A

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- DS1 Development Strategy
- DS3 Small-scale Res Dev non-Principal Settle
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety

6. Observations of Consultees:

- 6.1 CDC Conservation officer - No objection.
- 6.2 CDC Drainage Officer - No objection subject to conditions.
- 6.3 CDC Tree Officer - No objection subject to conditions.

7. View of Town/Parish Council:

- 7.1 Comments submitted 15/09/2023:

"The Parish Council objects to this application. The site is located within Oddington 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 locality. The proposed development, by virtue of its modern design is not in keeping its surroundings and is detrimental to the character and appearance of the conservation area. As such it is contrary to Local Plan Policies EN2, EN10 and EN11 and guidance contained in Sections 12 and 16 of the National Planning Policy Framework"

- 7.2 Comments received 29/09/2023:

"The changes are minor and do not respond to the concerns already raised by the Parish Council. The Council therefore continues to object to the application on the grounds that it is detrimental to the conservation area."

8. Other Representations:

- 8.1 Seven letters of objection have been received raising concerns of:
 - i. Increase in scale and volume;

- ii. Misleading plans;
- iii. Poor and inconsistent design;
- iv. Out of keeping in design and materials with wider area;
- v. Use of green roof;
- vi. Removal of healthy maple tree;

9. Applicant's Supporting Information:

Proposed and existing plans; 3D perspective plans; Design and Access Statement; Drainage Strategy; Arboricultural Survey and Impact Assessment.

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.

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

Background and Proposed Development

10.4 The application proposes the replacement of an existing detached bungalow with a replacement dwelling of a contemporary design approach. The building would comprise two ranges, a two storey gable, flanked by a single storey flat roof. The building would span a width of 13.4m, and a depth of 11.9m. The two-storey gable element would have a ridge height of 7.45m, with eaves of 3.2m set above the single storey element. The gable would span a width of 5.9m, and would be adjoined by a 2.6m tall glazed link, connecting to a 2.9m tall single storey range. The dwelling would be finished in a mix of Cotswold stone, Flemish antique brickwork, Natural blue slate and a green roof.

(a) Principle of Development

10.5 Upper Oddington has been identified as a Non-Principal Settlement within former planning applications within the village, notably through an appeal in 2019. The village contains some limited services including two public houses, a playground and a village hall. The site also lies within reasonable proximity to the nearby Principal Settlement of Stow-on-the-Wold, with access via the A436. The village therefore contains a range of services that would create a 'sense of community' and has reasonable access to services within neighbouring principal settlements. Oddington is therefore considered to constitute a non-principle settlement.

10.6 In light of this, residential development on the site is covered by the following Local Plan policy:

Policy DS3 Small Scale Residential Development in Non-Principal Settlements

1. In Non-Principal Settlements, small-scale residential development will be permitted provided it:

- (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.*
- (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;*
- (c) complements the form and character of the settlement;*
- (d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period*

10.7 The erection of a replacement dwelling would not result in any net increase in residential units and as such, would be considered to be small scale. The proposal to replace the existing modestly sized bungalow with a two storey, three bedroomed dwelling would not result in an increase in residential units. The proposal would provide a dwelling suitable for a family, which has the potential to enhance the vitality of the village and support facilities in the wider local area including neighbouring settlements. The development is there considered proportionate in scale to the site and would support the objectives of Local Plan Policy DS3.

10.8 The principle of the proposed development is therefore considered to be acceptable.

(b) Design and Oddington Conservation Area and the Setting of a Listed Building

10.9 The site lies within the Oddington 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.

10.10 The application site is also located within 20m of 'Cottage Attached To Top Cottage' a Grade II listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

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

10.12 Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.13 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.

10.14 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.

10.15 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.'

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

10.17 The existing dwelling is of a modern construction and is not of any historic interest. The existing building is considered to be a negative feature within the street scene and conservation area, mitigated only by its modest size, visual recessiveness, and reference to the vernacular. Consequently, the principle of the demolition of the building is reasonable.

10.18 The application proposes a building of a contemporary design. To the front, the building would read as a two-storey gable, flanked by a flat roofed, single storey wing. The rear elevation introduces a lower ground floor, resulting in a three storey gable, beside a two storey flat roof. The proposed building therefore forms two main elements; a gabled, stone-clad range to the west, and a green-roofed, brick-clad range to the east. The building would in part rise higher than the existing bungalow, but would be between the heights of the flanking Inglenook and Sedgely Cottages.

10.19 The contemporary design approach is generally considered acceptable, making subtle references to the vernacular, through the gable treatment and use of traditional materials. The use of a green roof and landscape planting would soften the overall appearance of the building. The stone range would be at a right-angle to the road, however, as it would be set further back than the adjacent parallel buildings. The range is intended to be a contemporary interpretation of the vernacular; the gables are vertically split, and the front gable is simply fenestrated, echoing more an outbuilding than a dwelling, with detailing in the stone to add texture. The use of natural blue slate is considered appropriate, with this further reflecting the traditional appearance of the area and allowing for the discrete incorporation of photovoltaics in the side elevation.

10.20 The brick range will flank the gable to the north-east, maintaining a low level in order to retain a sense of the important gap. The design would incorporate a green roof, designed to have greenery overhang the eaves to front and rear, and would soften this part of the building, blurring the distinction between built form & landscaping. The proposed material palette would continue to make reference to local precedent.

10.21 The rear elevation, which would not be readily visible from the public realm, is heavily-glazed at lower ground floor level, but with less fenestration above. Nonetheless, the overall hierarchy of forms and materials of the front elevation are here repeated.

10.22 Overall, it is considered that the proposed development presents a contemporary response to the constraints of this site, replacing an existing building that it a detracting, negative feature. The design is considered to preserve the character of the conservation area, and the significance of the listed building. The development would therefore be in accordance with Local Plan Policies EN1, EN2, EN10 and EN11 and Sections 12 and 16 of the NPPF.

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

10.23 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.

10.24 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.

10.25 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.

10.26 The application site lies within the built centre of Upper Oddington and is therefore within a built up, all be it rural, setting. The proposed replacement dwelling would not result in any encroachment of urban built form into the open countryside. External lighting would be proportionate to the residential use of the building, and would not therefore result in excessive light spill, beyond that of the existing site context.

10.27 Overall, it is considered that the proposed development would not result in a detrimental impact on the special qualities of the AONB, in accordance with Local Plan Policies EN4, EN5 and Section 15 of the NPPF.

(d) Impact on Residential Amenity

10.28 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.

10.29 Local Plan Policy EN15 stated that development will be permitted where there will be no unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses. This includes impacts from pollution, noise and light as well as other disturbances such as spillage and smell.

10.30 The proposed dwelling lies at least 11m from the exterior of any adjoining neighbour. Owing to the level of separation, the development would not result in any loss of light to the neighbouring properties. The dwelling would abut neighbouring garages to the south, and the parking area and 'courtyard' of another neighbour to the south. A gap would therefore be retained between the neighbouring dwellings and proposed building, and the primary garden spaces. It is therefore considered that there would be no overbearing impact, or overshadowing of neighbouring dwellings.

10.31 The proposal would contain two upper floor windows to the rear, however, would overlook the host dwellings garden and the rear courtyard of the neighbour to the east. There would be substantial screening along the eastern boundary and would not therefore result in any overlooking. There are no upper floor window openings on either side elevation, and as such the development would not result in any facing windows.

10.32 Overall, it is therefore considered that the proposed development would preserve the amenity of neighbouring properties, and is therefore acceptable in this regard.

(e) Biodiversity and Geodiversity

10.33 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.

10.34 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.

10.35 The application site comprises a previously developed site, with a relatively modern dwelling existing within the plot. Subsequently, the site is unlikely to be of high biodiversity value and the development is unlikely to result in any detrimental impacts upon ecology. The site offers opportunities for biodiversity enhancements, and in accordance with Policy EN8, this will be secured through condition.

10.36 An Arboricultural Survey, Impact Assessment and Protection Plan confirming that no trees shall be removed as a result of the development. The Council's Tree Officer has advised that they are "*satisfied that no important, veteran or ancient trees will be lost as a result of the proposal. The tree protection outlined is adequate and should be conditioned.*" As such, a condition would be included with any recommendation of permission securing the tree protection measured.

10.37 Overall, it is considered that the proposed development would be in accordance with Local Plan Policies EN8 and EN9.

Other Matters

10.38 The proposed development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

11. Conclusion:

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

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: Proposed Site Plan (Drawing No. AI-17-04 REV 00); Proposed Basement Floor Plan (Drawing No. AI-17-05 REV 01); Proposed Ground Floor Plan (Drawing No. AI-17-06 REV 01); Proposed Top Floor Plan (Drawing No. AI-17-07 REV 02); Proposed Roof Plan (Drawing No. AI-17-08 REV 02); Existing and Proposed Front Streetscene (Drawing No. AI-17-09 REV 01); Proposed Front Elevation (Drawing No. AI-17-10 REV 00); Existing and Proposed Rear Elevations (Drawing No. AI-17-11 REV 00); Proposed Rear Elevation (Drawing No. AI-17-12 REV 01); Proposed East Elevation (Drawing No. AI-17-13 REV 01); Proposed

West Elevation (Drawing No. AI-17-14 REV 00); Proposed Section AA (Drawing No. AI-17-15 REV 00); Proposed Roof Details (Drawing No. AI-17-16 REV 00).

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

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

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

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

Reason: To ensure that in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. No external woodwork shall be installed in the development hereby approved, until a sample of the external woodwork finished in the proposed colour has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first 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 Policies EN2 and EN11. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

6. 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 Policies EN2 and EN11.

7. No external doors or windows, proposed solar panels shall be installed/inserted/constructed in the development hereby approved, until their design and details, including final colour/finish, 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 Policies EN2 and EN11.

8. The external brick walls of the development hereby permitted shall be constructed in Flemish bond with slightly burnt headers.

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.

9. Notwithstanding the approved drawings, prior to the erection of an external wall of the development hereby approved, details of the green roof, including details of the eaves (designed for vegetation to overhang on north, south, and east elevation), shall be first submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained as such at all times.

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

10. 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. The scheme should be implemented and maintained in accordance with the approved details.

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.

11. 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.

12. Prior to the first use/occupation of the development hereby approved, at least 2 No. bat boxes and 2 No. bird boxes shall be installed within the application site and they shall be retained as such thereafter.

Reason: To ensure that bird and bat species are protected and their habitat enhanced. (Nesting birds are protected under the Wildlife and Countryside Act 1981 as amended. All species of bats are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010).

13. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in MHP Arboricultural Impact Statement and Tree Protection Plan Drawing number 22309.502 before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. 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. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority.

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

14. 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. 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 to ensure flooding is not exacerbated in the locality (The West Oxfordshire 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.

15. Notwithstanding the provisions of Schedule 2 Part 1 Class A, Class C and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions shall be erected or constructed within the application site or new windows, doors or other openings inserted in the application building other than those permitted by this Decision Notice.

Reason: To preserve the character and appearance of the dwelling hereby approved, in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN6.

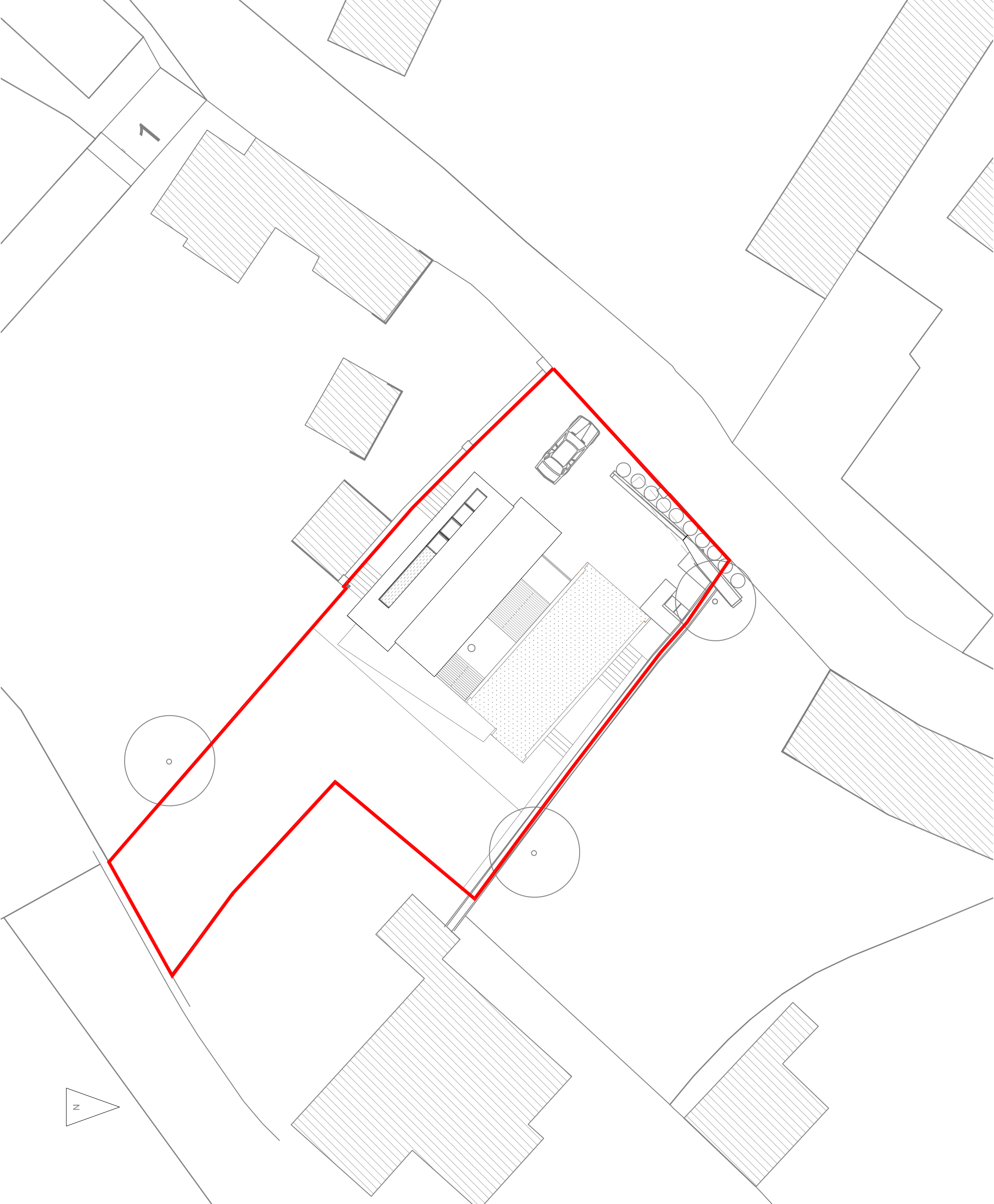
16. Prior to the erection of any external walls of the development hereby permitted, details of the energy efficiency measures to be introduced into the dwelling shall be submitted to, and approved in writing by the Local Planning Authority. The energy efficiency measures shall, at a minimum, accord with the recommendations set out in Section 3 'Sustainable Design Features' of the document titled Design Statement dated July 2023. The approved measures shall be installed in the dwelling fully in accordance with the approved details prior to the occupation of the development.

Reason: In order to ensure the creation of an energy efficient development that addresses the impact of climate change.

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. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.



DR	20/11/22	DM	Issued to CAC for comment	DM
REV	DATE	TYPE	DESCRIPTION	CHK

PROJECT
 Replacement Dwelling at Gardener's Cottage
 Upper Oddington

CLIENT
 Colin Portford

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

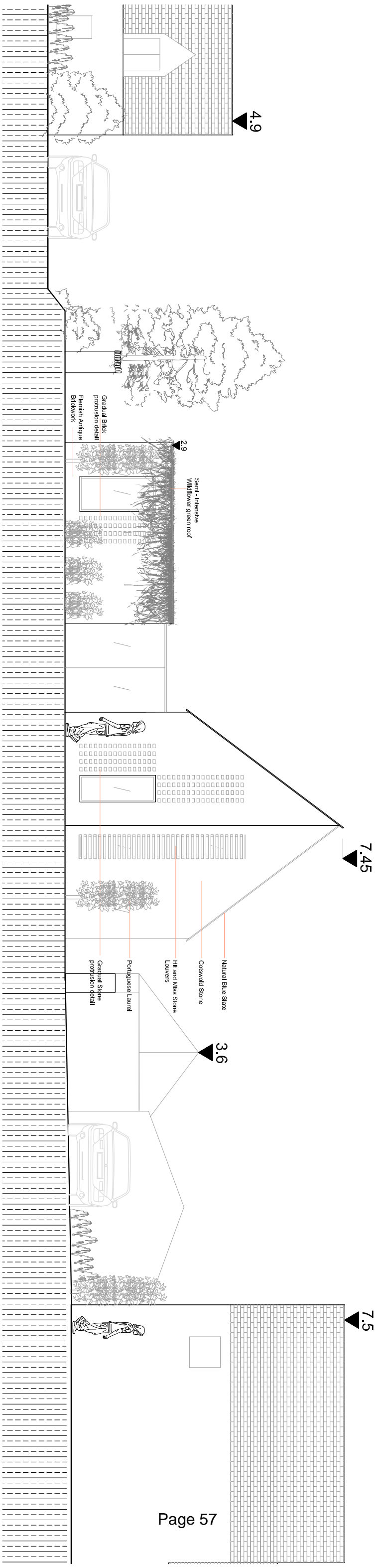
- IN ADDITION TO NORMAL RISKS ASSOCIATED WITH BUILDING CONSTRUCTION:**
1. Temporary firm utility using sections.
 2. Working at height.
 3. Delivery and reception of materials being and heavy rainwater.
 4. Manual handling.
 5. Slips, trips and falls.
 6. Site working.
 7. Access through construction site by general public.
- It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.

The DMD Group
CONSULTING ARCHITECTS, URBAN DESIGNERS & PROPERTY INVESTORS
 7-14 (01461) 825 055 X4-14 (01753)10384
 152 Market Street, Ipswich, Suffolk, IP1 3AB

DRAWING TITLE
 Proposed Site Layout

JOB NO	017	DRAWN DATE		SCALE	
DRAWING STATUS	Planning	ISSUE DATE	27/10/22	CHECKED BY	DM
DESIGNER/DRAWN	DM	ISSUE DATE	27/10/22	CHECKED BY	DM
COMPANY CODE	00	BUILDING FLOOR LEVEL	NC	DRAWING REVISION	00
DMD		ZONE	A1-17-04		00

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Proposed Front Elevation

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO NORMAL RISKS ASSOCIATED WITH BUILDING CONSTRUCTION:

1. Temporary frame stability during erection.
2. Working at height.
3. Delivery and installation of unusually long and heavy materials.
4. Manual handling.
5. Site welfare.
6. Site welfare.
7. Access through construction site by general public.

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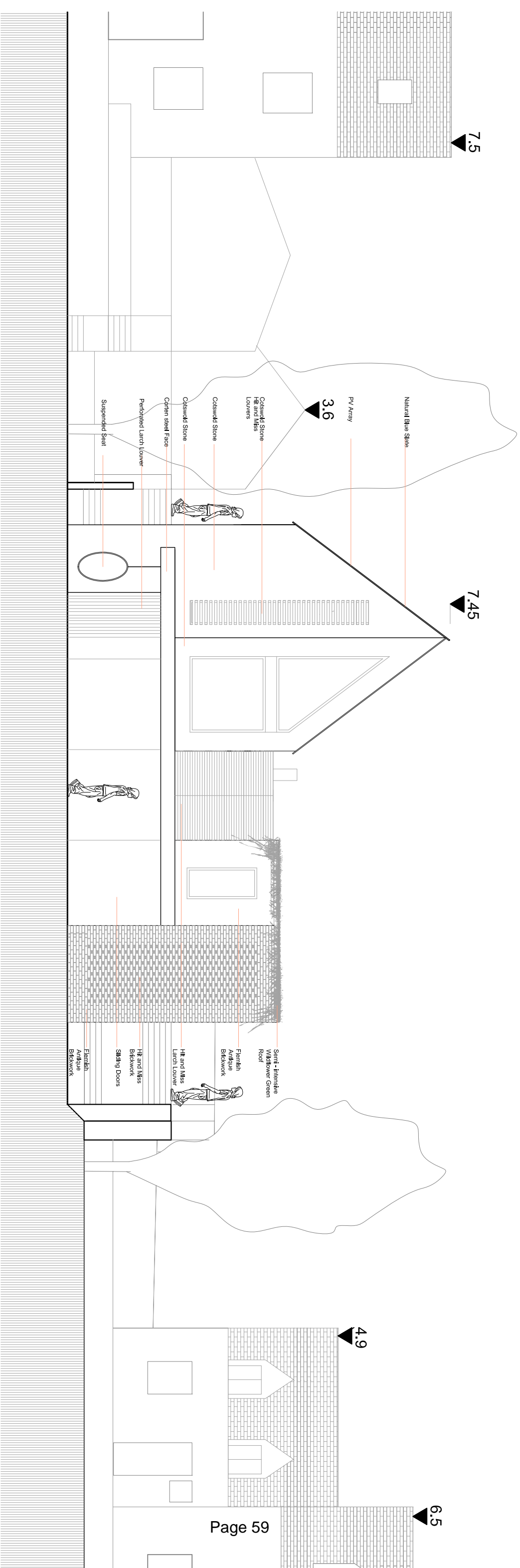
REV	DATE	INTL	DESCRIPTION	CHK
01	22/05/23	DM	Issued to CDDC for comment	DM
00	20/11/22	DM	Issued to CDDC for comment	DM
REV	DATE	INTL	DESCRIPTION	CHK

PROJECT: Replacement Dwelling at Gardener's Cottage
 Upper Oddington

CLIENT: Colin Pomford

DRAWING TITLE		DRAWING DATE		SCALE	
Proposed Front Elevation		11/07/23		1/10 @ A3	
DRAWING STATUS	DESIGNED/DRAWN	ISSUE DATE	CHECKED BY		
DM	DM	22/05/23	DM		
COMPANY CODE	BUILDING/ZONE	FLOOR LEVEL	CATEGORY/ELEMENT	DRAWING NO	REVISION
DMD				00	A1-17-10 00

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Proposed Rear Elevation

1. Temporary site safety fencing.
2. Working at height.
3. Control and protection of nearby trees and any structures.
4. Control of noise and vibration to neighbours.
5. Material handling.
6. Site welfare.
7. Access to site.
8. Site security.
9. Site clean up.
10. Site restoration.

DMD

The DMD Group
 CONSULTING ARCHITECTS, PLANNING
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 T: +61 (0)81 852 0585, F: +61 (0)753310888
 WWW.DMDGROUP.COM

01	17/07/23	DM	Issued to CDC for comment	DM
00	04/11/22	DM	Issued to CDC for comment	DM
		INT	DESCRIPTION	CHK

PROJECT

Replacement Dwelling at Gardener's Cottage
 Upper Oddington

CLIENT

Colin Pomford

DRAWING TITLE		Proposed Rear Elevation	
JOB NO.	DRAWN DATE	SCALE	CHECKED BY
017	17/07/23	1/100 @ A3	DM
DRAWING STATUS	ISSUE DATE		
Planning	23/05/23		
DESIGNED/DRAWN			
DM			
COMPANY	BUILDING / FLOOR / CATEGORY / DRAWING NO.		REVISION
DMD	ZONE / LEVEL / ELEMENT		NO
			AI-17-12
			01

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NO.	17/07/23	DM1	Issued to COPC for agreement	DM1
REV				
DATE				
BY				
DESCRIPTION				
CHK				
PROJECT				
Replacement Dwelling at Gardener's Cottage				
Upper Oddington				
CLIENT				
Colin Pomford				

The DMD Group
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DRAWING TITLE				
3D Perspectives				
JOB NO.	917	ISSUE DATE	17/07/23	SCALE
TORRONS STATUS	Planning	ISSUE DATE	27/10/22	CHANGED BY
DESIGNER/ISSUER	DM			DM
COMPANY	BUILDING	FLOOR	CATEGORY	DRAWING
ZONE	LEVEL	PLAN	NO.	REVISION
DMD		00	A1-12-17	00

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Agenda Item 12



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING & LICENSING COMMITTEE – 8th NOVEMBER 2023
Subject	Confirmation of an Article 4 Direction at Land Parcel West Of St. Lawrence’s Church, Church Street, Weston Subedge.
Wards affected	Campden Vale
Accountable member	Cllr. Juliet Layton - Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	David Morren - Interim Development Manager Email: david.morren@cotswold.gov.uk
Report author	Daniel Lewis – Enforcement Consultant Email: daniel.lewis@cotswold.gov.uk
Summary/Purpose	For the Committee to confirm the proposed Article 4 Direction.
Annexes	Annex 1 – Notice of the Making of an Immediate Direction Annex 2 – Immediate Direction Made Under Article 4(1)
Recommendation(s)	That Planning and Licensing Committee resolves to confirm the Article 4 Direction.
Corporate priorities	Make our local plan green to the core
Key Decision	NO
Exempt	NO
Consultees/ Consultation	



1. EXECUTIVE SUMMARY

1.1 An Article 4 direction has been issued and it is now before committee to confirm it. Confirmation of the Article 4 direction is the recommended course of action.

2. BACKGROUND

2.1 The concern relates to the sale and potential subdivision of agricultural land, causing clutter of fencing and potential unauthorised uses, which may cause harm to the Scheduled Ancient Monument (SAM) and its setting.

2.2 The parcel of land in question is located within the rural village of Weston Subedge. Although located south of the Weston Subedge Conservation Area, it is within the Cotswold AONB and has a Scheduled Ancient Monument (Moated Site SAM No 385) sited within it. There are also 4 Public Rights of Way footpaths cutting across the land; Footpaths 14, 16, 17 and 18.

2.3 A decision was taken by the Interim Development Manager, as the Senior Officer, to issue an Article 4 direction on this land, as it was considered expedient to do so.

3. MAIN POINTS

3.1 The Council considers that the lawful use of the land to be agricultural. As such, provided the land is used for the purposes of agriculture, there would be no material change of use of the land and no breach of planning control. Planning Case Law has previously concluded that, plants and vegetables can be grown for consumption and that their production would fall within the definition of an agricultural use. As such, the planting of fruit trees and creation of beds would not be considered to be a material change of use of the land.

3.2 Concerns have also been raised over the possible use of the land for camping. The Council can advise that Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the use of any land for any purpose for not more than 28 days in total in any calendar year. As such, provided the camping use does not occur for more than 28 days in a year then no breach of planning control would be occurring. Please note the permitted development rights detailed under Part 4 do not extend to the use of the land as a caravan site; this relates to the land being used for camping only. Further details can be found - <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/4/crossheading/class-b-temporary-use-of-land>.



3.3 With respect to fences, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure up to 2m, or 1m if adjacent to a highway, without the need for planning permission. As such, the erection of fencing and the subdividing of the land, provided it stays as an agricultural use, is not considered to be a breach of planning control. Should fencing be erected within the Scheduled Ancient Monument then Scheduled Monument Consent may be required, however, this is dealt with by Historic England rather than the Local Planning Authority and so the Council has no control over this element.

3.4 There are currently no open enforcement cases relating to changes of use at Land Parcel West of St Lawrence's Church, Church Street, Weston Sub Edge, however, there is an ongoing investigation in relation to the caravan currently stationed on the land under reference 22/00159/OTHER.

3.5 The Council is aware that the owner of the land has previously tried to sell off parcels of land, with the intention to subdivide the land into circa 14 plots around the site of the SAM. It should be noted that the site is in an edge of village location, outside of any Development Boundary or Principal Settlement, and its location is such that it would be unlikely that residential development would be supported due to the constraints of the site.

4. ALTERNATIVE OPTIONS

4.1 The article 4 direction is not confirmed & the landowner(s) retain permitted development rights granted by National legislation which could cause potential harm to the Scheduled Ancient Monument and its surroundings.

5. FINANCIAL IMPLICATIONS

5.1 It should be noted that officers do not have the expertise to be able to calculate what the risk would be to the Council. It is the informal view of officers that the capital value difference would not be significant, as the current land-owner could continue to sell the land in parcels. They could even, after the confirmation of an Article 4, separate the parcels using temporary electric fencing or horse tape or hedging (with associated tree protection etc.), and as such any "loss" would be considered minimal.

6. LEGAL IMPLICATIONS

6.1 No legal implications beyond those identified elsewhere in the report.



7. RISK ASSESSMENT

7.1 The risk in confirming this Article 4 direction is that a number of planning applications could be submitted, which will need to be processed and considered by case officers and consultees or works could be undertaken without first obtaining planning permission, which would then require enforcement officer resource.

7.2 The risk in not confirming this Article 4 direction is works are undertaken that do not require planning permission from the Local Planning Authority which could harm the Scheduled Ancient Monument.

8. EQUALITIES IMPACT

8.1 It is not considered that the recommendation of this report has an impact.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 It is considered that the confirmation of this Article 4 direction will likely have a positive impact on wildlife and habitats using this land by controlling human impact in terms of undertaking development works.

(END)



NOTICE

COTSWOLD DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

**Town and Country Planning (General Permitted Development) (England) Order
2015 (as amended) (“the Order”)**

**Notice of the making of an Immediate Direction made under Article 4(1) relating to
Land Parcel West of St Lawrence’s Church, Church Street, Weston Subedge,
Gloucestershire**

Cotswold District Council (“the Council”) made an immediate Direction on the 11th May 2023, under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The Direction relates to development comprising:

- The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure referred to in paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class;
- The formation, laying out and construction of a means of access to a highway which is not a trunk road or classified road, where that access is required in connection with development permitted by any Class in Schedule 2 (other than by Class A of Part 2), being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class;
- Temporary use of land comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class

in relation to the Land Parcel West of St Lawrence’s Church, Church Street, Weston Subedge, Gloucestershire as outlined in red on the attached plan and removes the permitted development rights for this type of development from the date of this Notice.

Planning Permission will therefore be required for the works and use listed above.

The reason for serving the Direction is to ensure that full consideration can be given to the impacts on the local area of any such works before they are undertaken; thereby protecting the historic, architectural and community value of the site and its role in the community, the character and appearance of the Conservation Area and the wider landscape.

A copy of the Direction, including a map defining the area covered, can be viewed between the hours of 09:00am and 5:00pm Monday to Friday (Bank Holidays excepted) at the Council's offices at Trinity Road, Cirencester, Gloucestershire GL7 1PX or on the Council's website at www.cotswold.gov.uk.

Representations may be made concerning the Article 4 Direction not later than 8th June 2023. If you wish to make representations you may do so by email to Planning.mail@cotswold.gov.uk or by post to Planning Enforcement, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire GL7 1PX.
Any representations must be made by 5pm on 8th June 2023.

The Direction shall remain in force for six months or until such time as it is confirmed by Cotswold District Council.

Dated: 11th May 2023

Signed:



David Morren

Interim Development Manager
(Council's authorised officer)
On behalf of Cotswold District Council
Trinity Road
CIRENCESTER
Gloucestershire
GL7 1PX



TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

IMMEDIATE DIRECTION MADE UNDER ARTICLE 4(1)

WHEREAS Cotswold District Council (“the Council”) being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015, is satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land known as “Land Parcel West Of St Lawrence’s Church, Church Street, Weston Subedge”, shown edged red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990, as amended. The land is within the Cotswold AONB, contains 4 Public Rights of Way and is the site of a Scheduled Monument (GC 385).

AND WHEREAS the Council consider that the development of the said descriptions would be prejudicial to the proper planning of the area and would constitute a threat to the amenities of their area and would cause very significant harm to this very sensitive rural landscape and the Scheduled Monument.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

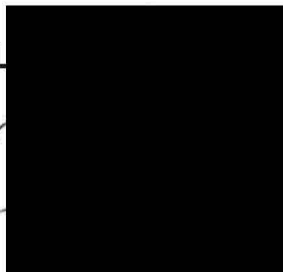
SCHEDULE

1. The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure referred to in paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.
2. The formation, laying out and construction of a means of access to a highway which is not a trunk road or classified road, where that access is required in connection with development permitted by any Class in Schedule 2 (other than by Class A of Part 2), being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.
3. Temporary use of land comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with Schedule 3, article 2(6), shall remain in force until 10th November 2023 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with paragraphs (9) and (10) of Schedule 3, article 1 before the end of the six month period.

Made this 11th day of MAY 2023

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



.....
Authorised Signatory
ROB LEAVER
CHIEF EXECUTIVE

Confirmed thisday of.....2023

.....
Authorised Signatory

**Land West of St Lawrence's Church, Church Street,
Weston Subedge, Gloucestershire.**

Article 4 Direction
Date Made: 11th May 2023



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