



30 June 2025

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 9 July 2025 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Dilys Neill, Ian Watson, Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Andrew Maclean, Michael Vann and Tristan Wilkinson)

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**

To receive any apologies for absence. The quorum for the Planning and Licensing Committee is 3 members.

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 relating to items to be considered at the meeting.

4. **Minutes** (Pages 7 - 20)

To confirm the minutes of the meeting of the Committee held on 11 June 2025

5. **Chair's Announcements**

To receive any announcements from the Chair of the Planning and Licensing Committee.

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 one minute. 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 in which they were received but 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. **24/03501/OUT - Land North of The Wern, Lechlade** (Pages 23 - 86)

Proposal

Residential development of up to 54 residential dwellings.

Case Officer

Martin Perks

Ward Member

Councillors Helene Mansilla and Tristan Wilkinson

Recommendation

REFUSE

9. **25/00650/FUL - Land at Nos. 26 To 48 Austin Road Cirencester** (Pages 87 - 132)

Proposal

Demolition of existing 12 no. flats and construction of 14 no. new houses and flats.

Case Officer

Martin Perks

Ward Member

Councillor Claire Bloomer

Recommendations

PERMIT subject to no objection from Gloucestershire County Council Archaeology, as well as completion of a S106 legal agreement covering Biodiversity Net Gain, financial contributions towards Cotswold Beechwoods Special Area of Conservation and the North Meadow and Clattinger Farm Special Area of Conservation, and the provision of affordable housing.

10. **24/03111/FUL - The Saddlery, Kineton, Guiting Power** (Pages 133 - 170)

Proposal

Removal of stables, erection of a dwelling.

Case Officer

Helen Cooper

Ward Member

Councillor Len Wilkins

Recommendation

PERMIT

11. **25/01020/FUL - Duchy Home Farm, Tetbury** (Pages 171 - 194)

Proposal

Demolition of existing agricultural shed and redundant silage pits. Replacement calf shed with solar panels.

Case Officer

Martin Perks

Ward Member

Councillor Laura Hill-Wilson

Recommendation

PERMIT

12. **25/01049/FUL - Compton Farm, Compton Abdale** (Pages 195 - 226)

Proposal

Demolition of existing building and erection of replacement building for the storage of logs.

Case Officer

Graham Smith

Ward Member

Councillor Paul Hodgkinson

Recommendation

PERMIT

13. **National Scheme of Delegation** (Pages 227 - 260)

Purpose

The purpose of this report is to set out the Council's responses to the questions posed within the Reform of planning committees: technical consultation, published by The Ministry of Housing, Communities & Local Government (MHCLG) in May 2025.

Lead Officer

Harrison Bowley – Head of Planning

14. **Sites Inspection Briefing**

Members for 6 August 2025 (if required)

Councillors Dilys Neill, Nick Bridges, Patrick Coleman, David Fowles, Michael Vann.

15. **Licensing Sub-Committee**

Members for 24 July 2025 - To be confirmed.

(END)

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Planning and Licensing Committee
11/June2025



COTSWOLD
District Council

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 June 2025

Members present:

Dilys Neill (Chair)	Ian Watson (Vice-Chair)	Michael Vann
Ray Brassington	David Fowles	Len Wilkins
Nick Bridges	Andrew Maclean	Patrick Coleman
Patrick Coleman	Michael Vann	

Officers present:

Geraldine LeCointe, Assistant Director - Planning Services	Helen Cooper, Senior Planning Case Officer
Harrison Bowley, Head of Planning Services	Martin Perks, Principal Planning Officer
Julia Gibson, Democratic Services Officer	Helen Martin, Director of Communities and Place
Kira Thompson, Election and Democratic Services Support Assistant	Marie Barnes, Lawyer
Angela Claridge, Director of Governance and Development (Monitoring Officer)	Rachael White, Communications Officer

Observers:

Councillor Juliet Layton

137 Apologies

Apologies were received from Councillors Julia Judd and Daryl Corps.

138 Substitute Members

Councillor Len Wilkins substituted for Councillor Daryl Corps.

139 Declarations of Interest

Councillor Fowles noted, in relation to the first item on the agenda, that the supporter, Mr Harris was the former Council leader and was known to Members of the Committee and that the Agent for the third application previously worked at the Council planning department. He declared that these were working relationships and he had no pecuniary interests.

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Councillor Neill noted a past acquaintance with the applicant for item three, including a prior visit for building advice and past donations made by the applicant to a village fête. The member confirmed no pecuniary interest and no recent contact.

Councillor Patrick Coleman declared that he had been a member of the Cirencester Town Council Planning Committee that had submitted a view on the first planning Application.

140 Minutes

The Minutes of the meeting held on 14 May 2025 were discussed.

Councillor David Fowles proposed accepting the minutes and Councillor Andrew Maclean seconded the proposal which was put to the vote and agreed by the Committee.

RESOLVED: To APPROVE the minutes of the meeting held on 14 May 2025.

Minutes (Resolution)		
For	Ray Brassington, Patrick Coleman, David Fowles, Andrew Maclean, Dilys Neill and Ian Watson	6
Against	None	0
Conflict Of Interests	None	0
Abstain	Nick Bridges, Michael Vann and Len Wilkins	3
Carried		

141 Chair's Announcements

There were no Chair's Announcements.

142 Public questions

There were no public questions.

143 Member questions

There were no member questions.

144 24/02854/OUT - Land West of Kingshill Lane, Cirencester.

Proposal

Residential development for up to 280 dwellings.

Case Officer

Martin Perks

Ward Member

Councillor Mike Evemy

Recommendation

PERMIT subject to no objection from Gloucestershire County Council Highways and completion of S106 legal agreement covering provision of affordable housing, self-build/custom build plots, highway improvements works (if required), Public Open Space management and maintenance, Biodiversity Net Gain, financial contributions to libraries and North Meadow and Clattinger Farm Special Area of Conservation.

The Chair invited the Case Officer to introduce the application.

The Case Officer introduced the application:

- The additional pages published on 6 June contained an objection from a resident that was later withdrawn which was explained in the Additional pages on 10 June. Further objections were included in the additional pages on 10 June along with the response from Gloucestershire Highways consultation with no objection to the application.
- A further objection was received, stating that the proposal would significantly alter the character of Preston village. Key concerns included the risk of urban sprawl, increased traffic at the Swindon Road junction, flooding issues, insufficient provision for pedestrian and cycle access, and inadequate local infrastructure.
- Various location maps, aerial photographs, site master plan, footpath plan, and the 3 options for linking to the local schools were shared.

Public Speakers:

Public Speaker 1

Preston Parish Council - Mrs Julie Tomblin

- The Chair of Preston Parish Council outlined concerns about the proposed development's impact on the village's rural character and identity.
- The site separated Cirencester and Preston, raising fears of urban sprawl.
- The Parish Council requested that the development include a green buffer along Kingshill Lane.
- Support was expressed for Active Travel England's recommendation to refuse the application without adequate walking and cycling infrastructure.
- Suggestions included:
 - Extending pedestrian and cycle routes
 - Creating a footpath to link with schools
 - Implementing safe crossing at Preston Toll Bar
- The Parish Council requested that the application comply with the Preston Neighbourhood Development Plan, regarding sustainable transport and protection of village character.

Public Speaker 2

Supporter – Mr Joe Harris

- Reference was made to current housing waiting lists: Cirencester (794), Siddington (262), and Preston (15).

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- The scheme would deliver 280 homes, including 112 affordable units (40%) across social rent, shared ownership, and First Homes.
- The site was described as well-located, with a layout sensitive to surroundings and commitments to biodiversity and active travel improvements.
- It was noted that following changes to national policy in December 2023, the Council now had a 1.8-year housing land supply, triggering the presumption in favour of sustainable development.

Ward Member

Councillor Mike Every

- Acknowledged objectors' and parish council concerns regarding:
 - Loss of farmland
 - Impact on Preston's historic character
 - Effect on the setting of the listed Forty Farm
 - Loss of key views into Cirencester (as in a 2023 refusal)
- Noted that the site is not allocated in the local plan and was previously refused, but national policy changes and a 1.8-year housing land supply now shift the balance to committee decision.
- Recognised benefits including 112 affordable homes.
- Supported the proposed foot/cycle path behind the football club for safer school access.
- Raised safety concerns over Kingshill Road and the need for improved crossing at Preston Toll Bar

Member questions

A member requested a site visit, noting the significance of the proposed development and its impact on Cirencester. They raised concerns about morning traffic congestion, the existing green buffer between settlements, and stressed the importance of seeing the site first-hand, particularly in relation to the scale of development and conditions at the A417 junction.

A member sought officer guidance on whether the application could be considered premature, given the ongoing local plan review process.

A member asked for clarification on the weight that should be given to neighbourhood development plans, specifically in relation to the Preston plan

An officer clarified that, under paragraph 11 of the National Planning Policy Framework (NPPF), the Council's local plan development strategy (DS) policies were currently considered out of date. As such, applications must be assessed under the "tilted balance" approach, weighing benefits against harms. The application was not considered premature, as the local plan review was still some way from submission or examination.

It was confirmed that the Preston Neighbourhood Plan held equal weight to the local plan and, while not prohibiting development, set expectations to preserve rural character and village identity, to be addressed through future planning conditions and a strategic masterplan.

A member expressed concern that proposed cycling infrastructure along the main road may be unsuitable. They emphasised the importance of prioritising strong walking and cycling links from the development to the town centre and amenities.

The Case Officer clarified that matters relating to internal connectivity, including pedestrian and cycle routes, would be addressed at the Reserved Matters stage. The aim would be to ensure routes would be suitable for use by non-car modes of transport.

The Highways Officer advised that installing a signal-controlled pedestrian crossing on the main road may not be feasible due to existing traffic delays but confirmed it would be explored as part of further discussions. Priority was given to routes serving the primary and secondary schools, as these had the greatest usage by vulnerable road users. Options for route placement, either alongside the carriageway or behind the hedge, were being considered relating to safety, lighting, and landscaping.

A member questioned the placement of green space along the southern edge of the site, suggesting that a central location, within the development could better serve the community.

The Case Officer explained that the latest scheme included more green space along the central hedgerow to avoid a harsh, urban feel. While the southern edge would be used for green space to buffer the village and listed building and to accommodate drainage needs, efforts had also been made to introduce greenery within the heart of the development.

A member questioned the feasibility of extending the bus route to include this part of town. They also inquired whether there was any guidance on the minimum bus contribution required within a sustainable transport plan.

The Case Officer advised that there was no specific guidance on a minimum bus contribution in this case. Contributions to public transport were usually guided by Gloucestershire County Highways. The footpath to the south improves connectivity to nearby bus stops within walking distance. Further details on sustainable transport measures would be addressed in the required travel plan.

A member expressed concerns regarding flooding, noting that although the site lies within Flood Zone 1, runoff drains into Flood Zones 2 and 3. Recent incidents included main road flooding due to river surcharging and sewer surcharging from excessive water inflow.

They referenced a condition requiring all foul water network upgrades to be completed before accommodating additional flows but questioned the enforceability of this condition, citing past delays by Thames Water in lining sewers and implementing mitigation works.

The Case Officer explained that the condition regarding foul water upgrades was recommended by Thames Water, the statutory undertaker responsible for connecting developments to the water system under the Water Industry Act. Thames Water must ensure that infrastructure can support new developments and would assess submitted details accordingly.

Regarding surface water, Gloucestershire County Council as the lead local flood authority, had reviewed drainage reports and was satisfied, subject to conditions requiring onsite infiltration basins and sustainable drainage systems.

A Member sought clarification from the Case Officer regarding Active Travel England's recommendation to refuse the application on the grounds that it did not comply with paragraphs 109, 115, 117, and 118 of the National Planning Policy Framework.

The Case Officer noted that, given local constraints such as flood risk, landscape designations, and existing permissions, viable sites in Cirencester were extremely limited. The proposed development was considered to be in a sustainable location, with further improvements planned to pedestrian and cycle routes. Officers highlighted the importance of balancing sustainable transport concerns with the district's significant housing delivery requirements.

A member queried whether any highway improvements were planned.

The Case Officer explained that Junction 7 (Preston Toll Bar) was already over capacity, but the additional impact from the development was not considered "severe" under national policy, so it could not be considered grounds for refusal. Traffic queuing was limited to short morning peak periods.

A question was raised about the urgency of this new application given that the nearby Steadings site already had permission for 2,350 homes, including affordable units. Concern was expressed about slow delivery on that site and how it related to current housing pressure and the local housing waiting list.

The Case Officer explained that the current local plan (2018) only supported delivery of around 100 affordable homes per year, well below the identified need of 150. Maximising affordable housing from all available sites remained crucial.

A query was raised about whether dialogue had taken place with local schools and doctor surgeries to ensure they could support an increase in pupil numbers and pressure on local infrastructure.

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Gloucestershire County Council had confirmed that local primary and secondary schools had sufficient capacity and had not requested funding. No response was received from the NHS regarding GP provision.

Member comments

Members discussed the proposal of an all Member Site Inspection Briefing due to the proposed number of houses and various points of concern raised by Committee Members and the Preston Parish Council.

Councillor David Fowles proposed an all Member Site Inspection Briefing and Councillor Patrick Coleman seconded the proposal.

RESOLVED: to REFUSE a Site Inspection Briefing.

Site Inspection briefing (Resolution)		
For	Nick Bridges, Patrick Coleman, David Fowles and Len Wilkins	4
Against	Ray Brassington, Andrew Maclean, Dilys Neill, Michael Vann and Ian Watson	5
Conflict Of Interests	None	0
Abstain	None	0
Rejected		

Members requested that a Construction Management Plan be implemented to limit noise and dust effects to existing properties.

Councillor Andrew Maclean proposed accepting the Officer recommendations and Councillor Ian Watson seconded the proposal.

RESOLVED: To PERMIT subject completion of S106 legal agreement covering provision of affordable housing, self-build/custom build plots, highway improvements works (if required), Public Open Space management and maintenance, Biodiversity Net Gain, financial contributions to libraries and North Meadow and Clattinger Farm Special Area of Conservation and a condition requiring the submission of this construction management plan to be agreed.

Delegated authority for minor amendments to Section 106 conditions.

24/02854/OUT - Land West of Kingshill Lane. To Permit (Resolution)		
For	Ray Brassington, Andrew Maclean, Dilys Neill, Michael Vann, Ian Watson and Len Wilkins	6
Against	Nick Bridges, Patrick Coleman and David Fowles	3
Conflict Of Interests	None	0
Abstain	None	0
Carried		

Proposal

Removal of stables, erection of a dwelling.

Case Officer

Helen Cooper

Ward Member

Councillor Len Wilkins

Recommendation

PERMIT

The Chair invited the Case Officer to introduce the application.

The Case Officer introduced the application:

- An error in the report, paragraph 10.45 should have read 'Greenbank Cottage' rather than 'Wayside'
- There was a typing error in paragraph 10.60. It should have read 'a new site access is proposed and the access arrangements have been reviewed by highways who have raised no objection.'
- Additional pages were submitted containing public comments.
- A site location plan, ariel photo, original proposal and amendment layout plans, site photographs, road view and access were shared.

Public Speakers

Public Speaker1

The Temple Guiting Parish Council Member, Councillor Liza Hanks, made the following points:

- The proposed building (6.6m high) was considered too tall and overpowering for the plot.
- It was out of keeping with local character; conflicted with Cotswold Design Code.
- Driveway access was steep, narrow, and unsafe for vehicle manoeuvring.
- There was no public benefit; not affordable housing.
- There would be a 57% biodiversity loss.
- The application failed to meet five Cotswold Local Plan policies:
 - DS3 – Not proportionate or supportive of local character.
 - EN2 – Disregards area's distinctiveness.
 - EN4 – Conflicts with historic landscape character.
 - EN10 – No public benefit to outweigh heritage harm.
 - EN5 – Does not conserve or enhance the AONB.
- They requested refusal or, alternatively, a committee site visit.

Public Speaker 2

Mr James Emtage, Objector, made the following points:

- The site was situated outside the established village envelope and the application was contrary to Local Plan Policy DS3.
- The proposed dwelling was tall and elevated, making it visually intrusive in the rural landscape and harmful to the character of the Cotswolds National Landscape.
- The scheme included no affordable housing. A covenant for local occupancy and a scaled-down, single-storey design were suggested to make it more suitable for local families.

Public Speaker 3

The agent, Mark Pettit, made the following points:

- The proposal aligned with Local Plan policy allowing small-scale housing in non-principal settlements and contributed to housing supply.
- The scheme was revised following officer feedback and was supported by the Conservation Officer. The barn-style design was considered appropriate for the village edge and used local materials.
- The proposed dwelling was modest in height and well-positioned to minimise visual impact.
- The proposal supported village vitality and aligned with NPPF aims to sustain rural services.
- No objections were raised by highways, ecology, the tree officer, or rights of way.

Councillor Len Wilkins, Ward Member, made the following points:

- The proposed dwelling was significantly larger and taller than the existing stables, visually dominant, and out of keeping with the surrounding village and nearby listed buildings.
- The current stables provided value to the wider community, including disadvantaged children.
- The proposal conflicted with Local Plan policies (DS3, EN1, EN2, EN10) by failing to protect local character, landscape, and heritage assets.
- High biodiversity loss and relocation of the pond may harm local wildlife and disrupt existing natural corridors.

Having addressed the Committee objecting to the application as the Ward Member, Councillor Wilkins left the Committee Room at 15:41 and did not take part in the determination of the application.

Members questions

A Member questioned why this new-build "barn-style" dwelling was treated differently from a similar nearby application in Temple Guiting, which was refused for being inappropriate to the Cotswold landscape.

The Case Officer explained that the proposed barn-style design reflected the rural setting and existing built form, including a stable block and nearby agricultural buildings. Following consultation, no objections had been raised by the Conservation and Design Officer.

The Head of Planning explained that the application depended on the success of the design, which was considered to be of a quality that appropriately reflected and fitted within the context of this part of the village.

A Member asked that given the current status of policy, which was becoming outdated, whether this application aligned with the recent policy changes.

The Case Officer explained that the site was still considered a sustainable location, as the plan prioritised development in principal and non-principal settlements while directing it away from open countryside. This aligned with policy DS3. Although the policy was somewhat out of date, no direct conflict was identified with the local plan or the National Planning Policy Framework (paragraph 11).

Members questioned the scale of the design and whether it complemented the existing settlement, as required by policy DS3. Questions were posed about the current policy status and how the design fitted within the largely historic character of the area. The Case Officer explained that an earlier design raised concerns, but after collaboration with the applicant, the revised proposal now meets the design code.

Members asked what the existing and proposed building heights were. The proposed height was approximately 8 meters with a single storey building being 3-4 meters.

A Member asked if there were any material planning considerations why should this application should not be permitted. The Case Officer explained that the recommendation was that the application be permitted.

A Member explained that some objections raised concerns about light pollution due to the large glazed barn doors. It was asked whether there were measures to control light emissions from these glazed areas?

The Case Officer explained that there was a recommended condition controlling external lighting. However, internal lighting could not be controlled by this condition.

Member Comments

Members made the following comments:

- Concerns were raised over the building height.
- A Proposal was received for a Site Inspection Briefing to judge the location concerns.

Reason – to judge the height of proposed building against status quo. To have a ‘feel’ for architectural context for the non-principal settlement.

Councillor Patrick Coleman proposed a Site Inspection Briefing and Councillor David Fowles Seconded the proposal.

RESOLVED: To APPROVE a Site Inspection Briefing.

16:03 Councillor Len Wilkins returned to the Chamber

Site Inspection Briefing (Resolution)		
For	Ray Brassington, Nick Bridges, Patrick Coleman, David Fowles, Dilys Neill, Michael Vann and Ian Watson	7
Against	None	0
Conflict Of Interests	Len Wilkins	1
Abstain	Andrew Maclean	1
Carried		

146 25/00045/FUL - Land North East of Braecroft, Upper Oddington.

Proposal

Erection of a new self-build dwelling.

Case Officer

Helen Cooper

Ward Member

Councillor David Cunningham

Recommendation

PERMISSION subject to the completion of a unilateral undertaking.

Councillor Dilys Neill left the Chamber at 16:04

The Vice-Chair invited the Case Officer to introduce the application.

The Case Officer introduced the application:

- A site location plan, aerial photo, planting plan, site photographs highlighting the development of building over the last 30 years were shared

Public Speakers

Deborah Smith, Agent, made the following points:

- The proposal was acceptable in principle under Policy DS3, as the site was within the village envelope and allowed for small-scale open market housing.
- The site fell within an existing garden where domestic features were expected.
- A nearly identical annex was approved on the same footprint and scale.
- Minor layout changes which were not considered overdevelopment.
- There were no objections from the Highways Officer with regards to access and safety.
- The scheme met sustainability policy requirements, and the necessary legal undertaking was in progress.

Councillor David Cunningham, Ward Member, made the following points:

- The current application contradicted the rationale for the earlier permission, which restricted the use to ancillary purposes.
- Concerns were raised about suburbanisation of a rural ridge-line site through domestic features (e.g. sheds, garden furniture) and more intensive residential use.
- The site was highly visible from public footpaths; the proposed dwelling would increase visual intrusion and light pollution, undermining landscape character (contrary to EN4, EN5, and NPPF paragraph 189).
- The addition of one dwelling was not considered to outweigh the harm caused to the landscape and setting.
- At approximately 25m from the host property, the dwelling raised concerns about compliance with EN2.

Feedback from Site Inspection Briefing.

Members noted the site's prominent position and viewed it from multiple vantage points, including the access road and nearby public rights of way. It was observed that visibility of the proposed building from the road would be limited due to land levels. Members acknowledged the need to assess the material difference between the current proposal and the extant permission already granted.

Member Questions

A member questioned whether there were any valid planning grounds to refuse the application, given its location within an existing garden.

The Case Officer recommend approval, finding the proposal policy compliant with acceptable access.

Members asked whether the Case Officer was satisfied there was no unacceptable impact in terms of light pollution.

Councillor Andrew Maclean proposed accepting the officer recommendation to permit the application, and Councillor David Fowles seconded the proposal.

Resolved: To PERMIT the application subject to the completion of a unilateral undertaking.

25/00045/FUL - Land North East of Braecroft, Upper Oddington. To Permit (Resolution)

For	Ray Brassington, Nick Bridges, Patrick Coleman, David Fowles, Andrew Maclean, Michael Vann, Ian Watson and Len Wilkins	8
Against	None	0
Conflict Of Interests	Dilys Neill	1
Abstain	None	0
Carried		

147 21/01892/FUL - Outbuilding to the East of Poplars Barn, Evenlode, Moreton-In-Marsh.

Proposal

Demolition of existing outbuilding and erection of a new dwelling.

Case Officer

Charlotte Van De Wydeven

Ward Member

Councillor David Cunningham

Recommendation

PERMIT

Due to the Ecological Appraisal having expired, the Head of Planning Services proposed that the planning application be deferred to a later meeting.

The recommendation was changed to DEFER consideration of the case of planning application 21/01892/FUL due to the Ecological Appraisal having expired.

Proposed by Councillor Ray Brassington and seconded by Councillor David Fowles.

RESOLVED: To DEFER the application

21/01892/FUL - Outbuilding to the East of Poplars Barn, Evenlode, Moreton-in-Marsh. To Defer (Resolution)

For	Ray Brassington, Nick Bridges, Patrick Coleman, David Fowles, Andrew Maclean, Dilys Neill, Michael Vann, Ian Watson and Len Wilkins	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

148 Sites Inspection Briefing

The following Members were advised that a Site Inspection Briefing would be required for the 2 July 2025:

Councillors Dilys Neill, Ian Watson, Daryl Corps, Andrew Maclean and Ray Brassington.

149 Licensing Sub-Committee

There were no licensing sub-committees planned.

The Meeting commenced at 2.00 pm and closed at 4.43 pm

Chair

(END)

PLANNING AND LICENSING COMMITTEE 9 July 2025

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.

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Tetbury Upton	Duchy Home Farm Tetbury Gloucestershire GL8 8SE 25/01020/FUL Full Application	4
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Residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; and associated landscaping, earthworks, parking, engineering works and infrastructure. All matters reserved except for the access junction from The Wern at Land North of The Wern Lechlade Gloucestershire

Outline Application 24/03501/OUT	
Applicant:	Hallam Land
Agent:	Mrs Rukaiya Umaru
Case Officer:	Martin Perks
Ward Member(s):	Councillor Helene Mansilla and Cllr Tristian Wilkinson
Committee Date:	9 July 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Affordable Housing, Self-Build/Custom Build Housing and Housing Mix
- (c) Impact on the Character and Appearance of the Area
- (d) Impact on the setting of Listed Building and Lechlade Conservation Area
- (e) Archaeology and the Impact on the Setting of a Scheduled Ancient Monument
- (f) Access and Highway Safety
- (g) Flooding and Drainage
- (h) Biodiversity

2. Reasons for Referral:

- 2.1 This application has been referred to Planning and Licensing Committee as it is classed as a major development application.

3. Site Description:

- 3.1 This application relates to 2 parcels of land which measure approximately 2.68 hectares in total and which are located adjacent to the western edge of the Principal Settlement of Lechlade-on-Thames (Lechlade). The principal part of the application site measures approximately 2.38 hectares in area and occupies an area of land consisting of grass, scrub and a metalled access road that extends through the western and northern parts of the site. It is bordered by agricultural land to its north and west and by a residential estate road (The Wern) to its south. To the south of The Wern is an area of grassland. The eastern boundary of this part of the application site lies adjacent to the grounds of a

Grade II listed dwelling (Butler's Court House). Post war residential development is located to the south and east of the Butler's Court House site. A group of vacant farm buildings lie to the north of the aforementioned property.

- 3.2 The A417 is located approximately 100m to the south of the principal part of the application site. A garden centre is located approximately 240m to its west.
- 3.3 In addition to the above, a separate parcel of land measuring approximately 0.3 hectares in size also forms part of the application site. It occupies part of an agricultural land lying approximately 100m to the south-west of the principal part of the site. the southern boundary of this part of the site lies adjacent to the A417.
- 3.4 The application site is located outside, but adjacent to, Lechlade Development Boundary. The aforementioned development boundary extends along the southern side of The Wern where it runs alongside the southern boundary of the application site. The development boundary also adjoins part of the north-eastern boundary of the application site.
- 3.5 The northern boundary of the application site is located approximately 170m from the 'Multi-period settlement, cemetery, and ceremonial complex W of Lechlade' Scheduled Ancient Monument (SAM).
- 3.6 A pair of Grade II listed buildings (Butlers Court & Stable immediately behind Butlers Court) lie approximately 40m to the east of the application site.
- 3.7 The site is located outside Lechlade Conservation Area. The boundary of the conservation area is located approximately 50m to the south-east of the application site at its closest point.
- 3.8 A Public Right of Way (BLE6) extends in a roughly north-west to south-east direction approximately 390m to the north-east of the application site. A further Public Right of Way (BLE11) is located approximately 230m to the south-east of the main body of the application site.
- 3.9 The northern boundary of the principal part of the application site is the subject of a number of Tree Preservation Orders (TPOs). A total of 8 individual TPOs and a woodland TPO cover trees located on or adjacent to the northern boundary of the site.
- 3.10 The main body of the application site is located within Flood Zone 1. However, land to the west/south-west of the application site falls within Flood Zones 2 and 3. The 0.3 hectare of the site lying to the south-west of the principal part of the application site is predominantly located within Flood Zone 2, although a section of its eastern extent falls within Flood Zone 3.

4. Relevant Planning History:

- 4.1 06/01042/FUL Conversion of agricultural buildings and new employment (B1) development, Butler's Court. Permitted 2007
- 4.2 23/00023/OUT Residential development of up to 100 dwellings (Class C3 uses), up to 70- bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route to Lechlade, cemetery extension, flood alleviation scheme and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. All matters reserved except for the principal access junction from The Wern. Withdrawn March 2023
- 4.3 23/02916/OUT Residential development of up to 54 residential dwellings (Class C3 use); up to 70-bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route, cemetery extension and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. Outline application with all matters reserved except for the principal access junction from The Wern. Refused 2024
- 4.4 23/02917/OUT Residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works and infrastructure. Outline application with all matters reserved except for the access junction from The Wern. Refused 2024

5. Planning Policies:

- DS2 Dev within Development Boundaries
- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF2 Social & Community Infrastructure
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

- S7 S7 – Lechlade

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions.
- 6.3 Gloucestershire County Council Community Infrastructure: Requests financial contribution of £10,584 towards library services. No contribution towards education requested.
- 6.4 Gloucestershire County Council Archaeology: No objection subject to condition.
- 6.5 Historic England: On the basis of the amended information, '*we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*'
- 6.6 Environment Agency: No objection subject to condition.
- 6.7 Conservation Officer: Objection - comments incorporated in report.
- 6.8 Biodiversity Officer: Insufficient information currently provided. Comments incorporated into report.
- 6.9 Tree Officer: No objection subject to conditions
- 6.10 Environmental and Regulatory Services Contamination: No objection subject to condition
- 6.11 Thames Water: Requests conditions ensuring that no occupation of the development will occur until it has been demonstrated that foul water capacity exists to serve the development, or a development and infrastructure plan has been agreed, or that foul water network upgrades required to accommodate additional flows from the development have been completed. Similar conditions are also recommended in relation to surface water capacity and water supply infrastructure.

7. View of Town Council:

7.1 Response received on 15 January 2025:

*'RESPONSE BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION
24/03501/OUT*

1. *Planning Application 24/03501/OUT closely resembles the proposals set out in Planning Application 23/02917/OUT (refused) in proposing the development 54 dwellings on a site to the north of the Wern Roundabout to the west of Lechlade, to the north of allocation sites, outside the settlement boundary. The proposals include a pedestrian footpath along the northern edge of development in the western part of part of Lechlade to connect the site directly to the centre of the town.*
2. *Because of the similarity of the proposals to the previous application, Lechlade Town Council maintains earlier comments regarding specific aspects of the proposals inherent to the site location (relating to sustainability, landscape and gateway matters) and recommends that the planning application is refused.*
3. *The Town Council also maintains some technical comments previously raised in response to 23/02917/OUT, as omissions or lack of impact considerations, as these remain valid in the light of the updated proposals supported by technical assessments, and technical consultee responses which raise the same matters.*
4. *For completeness, Lechlade Town Council's responses to 23/02917 are attached to this response. Given the similarity of the current proposals to the previous application, the Town Council asks for full consideration of the previous responses where appropriate.*
5. *This letter highlights the key matters previously raised and updates the position in the context of current proposals.*
6. *Development Strategy - The Development Plan for the area consists of Cotswold District Local Plan 2011-2031 and the Lechlade-on-Thames Neighbourhood Plan 2011-2031. Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements says that 'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations'.*
7. *Policy DS2 of the Local Plan seeks to direct residential development to sites within Development Boundaries. The application site is located outside the Principal Settlement in open countryside. In such locations, significant development of market housing schemes is not supported in principle.*
8. *Based on the CDC Housing Land Supply Report for 2023 and through appeal decisions (6 September 2024), Cotswold District is assessed to possess a housing land supply of 7.2 years. Housing Delivery Test performance (based on October 2023 method) is understood to be 95% over the last three years. In*

this context, no interventions are required and decisions can be taken in accordance with the development plan.

9. It was demonstrated in response to 23/02917/OUT that Lechlade has met its requirements in terms of housing delivery under the Cotswold Local Plan and so a need to develop outside the settlement boundary was not established.

10. Following publication of the National Planning Policy Framework (December 2024), transitional arrangements apply until 12 March 2025. Lechlade Town Council has no understanding about whether the emerging Cotswold Local Plan Update will be submitted for Regulation 19 Consultation by then or whether it will address updated housing land supply requirements (to meet 80% of the updated requirement using the updated standard method set out in Planning Practice Guidance).

11. Consideration of specific location adjacent to the development boundary - The Lechlade Neighbourhood Plan Policy H2 says that 'Proposals for housing development on previously developed land within or immediately adjacent to the development boundary as defined in the Cotswold District Local Plan 2001-2011 (saved policies) or its successor will be supported provided that these are in accord with other policies in this Plan'. The application site is agricultural land and as such is not considered to be previously developed land.

12. It is contended (as in previous responses) that the specific impacts arising from development in the proposed location in relation to landscape and gateway impacts (to the surrounding countryside, heritage assets and the scheduled monument) meant that Policy H2 would not support the principle of significant development to the north of the western edge of the settlement. Alternative sites are available in the form of housing allocation site in the same ownership within the settlement boundary.

13. Policy D1 of the Lechlade Neighbourhood Plan made clear that development should take account of the Local Character Assessment. Character Area 4 addresses the western approaches to Lechlade and its relationship with the surrounding rural landscape. This highlights the importance of gateway development on the western entrance to Lechlade. Housing site allocation at the Wern Roundabout was supported by the Town Council to provide a sensitively designed gateway development. There are clear sensitivities with this location in relation to the Scheduled Monument to the north, heritage assets around Butler's Court and the adjacent countryside setting. The application site position has not changed from previous applications and so the inherent sensitivities and propensities for landscape and heritage setting impacts remain.

14. The Neighbourhood Plan argues for a sensitive and graduated transition from town to country and so if any development on this site in the countryside

were to be entertained, this would require a lower density development than that which is proposed. In maintaining higher density proposals to achieve the efficient use of land, this creates a landscape impact. Whilst landscape proposals are reserved, the mitigation response can be to create heavy landscaping screens, which can in themselves create landscape and setting impacts.

15. *Landscape Officer response to the previous application recommended refusal for similar reasons, emphasising the importance of the fields and farm complex at the edge of Lechlade in providing an important rural setting and context. The loss of these elements erodes field character and erodes the rural context, exacerbated by the scale of the proposed development introducing significant urban form into this location. The landscape officer response to the current proposals is awaited.*

16. *Affordable housing - Proposals to provide 40% affordable housing are welcomed as compliant with adopted local plan requirement for 40% provision of affordable housing. Policy H2 of the Lechlade Neighbourhood Plan is based on 70% rent (with 45% social rent) to 30% ownership.*

17. *Lechlade Neighbourhood Plan Policy H1 requires priority to be given to people in housing need who can demonstrate a local connection to the Parish on first and subsequent occupation, normally to be secured through legal obligations. Should the application be consented, this should be required by condition.*

18. *Ecology and Biodiversity Net Gain - The Town Council notes with some concern the lack of information submitted to support the assessment of baseline ecology at the site and hopes that this will be rectified through prompt submission of survey reports already completed. There is a residual concern that the proposed development will potentially not be able to demonstrate a 10% bio-diversity net gain which currently relies on biodiversity gain arising from what are likely to be well-used grass strips and verges alongside pedestrian pathways, and also from the bio-diversity gain arising from swales and flood mitigation features (though it is acknowledged that such gains can occur if the conditions and design are appropriate).*

19. *Flood Risk and Drainage - Lechlade Town Council has previously raised concerns over the lack of site-specific information which has informed outline drainage strategy for the proposed development. The Town Council has made clear that site conditions are different to that presented and that there is a strong concern that development may have unintended consequences in the form of onsite and off-site surface water flooding. The Town Council is pleased that the Lead Local Flood Authority (LLFA) has recognised the validity of community concerns and acted on photo-documentary evidence provided to*

require updated information to be used in the flood risk assessment and drainage strategy.

20. Other points previously raised by the Town Council relating to the lack of understanding of surface geology conditions at the site and the internal site topography are also recognised by the LLFA and this is welcomed.

21. Previous matters raised in comments from the Town Council in relation to the interaction of the application site with the wider drainage network remain of concern. These referred to flooding in Downington and by the Garden Centre close to the application site resulting from floodwater originating in the Lemhill ditch and surrounding catchment area. The area adjacent to and forming the proposed development has a complex drainage system where interventions over time have disrupted the natural drainage patterns of the area.

22. The FRA supporting the planning application must consider the wider drainage network with which the site interacts and its modelling should be calibrated against actual flood events. By doing this the results of the assessment will properly reflect the behaviour of the various channels in significant flood events and the out-of-channel flows into Downington.

23. The Town Council requests that a thorough investigation of the whole of the catchment is undertaken prior to issuing any Drainage Consent under the Land Drainage Act. A point discharge of up to 4.7 l/s (greenfield run-off rate) is not acceptable and likely to increase flood risk. A full understanding is needed of how the drainage system works during and after intense rainfall events. 24. There is an existing significant flood risk to properties and the highway because high flows diverted to the Downington ditches cause them to overflow. Following the 2007 flood event, CDC had built a diversion channel to the west of Green Farm to join the ditch in Welford Road to relieve flows in Downington. This does not appear to operate.

25. A detailed assessment of the flood risk should be carried out by the developer, considering the drainage of the wider catchment area.

26. The Town Council would support a joint study of the catchment with the LLFA, CDC and the Town Council, looking particularly at the area immediately upstream of Downington, to understand the flood risk in the area and provide risk reduction measures. A mitigation strategy should incorporate consideration of natural flood risk reduction solutions.

SUSTAINABLE LOCATION CONSIDERATIONS

27. The NPPF requires positive consideration of development where it is proposed in sustainable locations. By definition, Lechlade is considered to be a

Sustainable Location because is it a Principal Settlement in the adopted development plan.

28. Of course, the reality of sustainability can be somewhat different. There are larger settlements in the Cotswolds which are not Principal Settlements. There are smaller settlements which are more sustainable in terms of their balance of development, services and employment.

Previous responses to the proposals on this site have raised the following points, which remain valid:

29. The capacity of the Town Centre and Wider Traffic Environment - The Adopted Local Plan set a limited development strategy for Lechlade reflecting the residential development which has already occurred in recent times and the capacity of the town to accommodate further development. Supporting text in paragraphs 7.8.1 to 7.8.6 recognised this as a function of the town's lack of local employment which creates daily outflows of traffic, the limited range of services that should be in place to support growth, and the impact of increased development on key road routes which pass through the centre of the settlement and impacts significantly on environmental quality there. The Neighbourhood Plan highlights the capacity constraints to receive car-based traffic in the town centre.

30. Policy S7 of the Adopted Local Plan at (b) and (f) allocated a site for a small car park to serve the town centre (LEC3) and proposed improvements to the public realm at the entrances to Lechlade and the town centre. Nothing has changed to alter these constraints since the adoption of the Local Plan.

31. Employment density and out-commuting - As a result of the proposed development, with more housing than planned and no employment development on allocated sites yet delivered, employment density in Lechlade will reduce further per head of population and out-commuting by car will grow in absolute terms.

32. Walk trips into Lechlade Town Centre - The widely accepted threshold for a regular walkable trip is around 0.8km, or around 15 minutes. Facilities in the town centre and the primary school are further than this from the application site. It is unlikely that most people living at the site will walk into Lechlade Town Centre if their trip involves more than one destination (such as a school drop-off and then work) or includes food shopping.

33. It is highly likely that in the context of daily commuter outflows, some trips will be linked and so car-based. Pressure on routes and car parking in the town centre will likely increase after the proposed development. The requirement for infrastructure improvements to the town centre is 'essential'

and pre-existing i.e. they should be in place prior to the occupation of new development that would add to pressures.

34. Bus Services and car trips - There are bus services serving the application site. These are geared towards early morning trips to local schools with mid-afternoon return trips. The services stop at villages along their routes, lengthening journey times - for example, a journey taking 20 minutes by car along the A417 to Cirencester would take over 50 minutes on the bus. Services are too infrequent for most people to allow reliance on them for work trips. People who commute out of Lechlade (which will be most people who travel to work) will mostly drive. The Town Council does not believe that road conditions along the A417 will encourage cycling to school and other facilities in Fairford.

35. The environment for pedestrians - Lechlade is at the crossroads of two major through-routes - the A417 east-west route and the north south A361 route. Both are major highways connecting large settlements and both pass right through the middle of the town centre. It is ill-equipped to handle current traffic and remain an attractive town centre environment. The volume and speed of cars and lorries moving along it impacts on the quality of life if people in Lechlade along these routes and in the town centre.

36. Whilst the speed survey provided (undertaken in March 2022) in support of the application documents 85th percentile speeds at 27-28mph on The Wern, below speed limits for the roads, some account should be taken of the width of roads and narrowness of pavements, and the nature of some of the HGV traffic, which combine to make an unfriendly pedestrian environment in key sections of the highway.

37. There is a need to manage traffic to reduce its impact on local residents. This is about reducing speeds, changing the priority of public spaces away from traffic, and making highways safer. Lechlade Town Council made this a key priority of its Made Neighbourhood Plan and a development of the scale proposed, if consented, should make a contribution to its delivery.

38. Community infrastructure - Policy H8 of the Lechlade Neighbourhood Plan requires that development proposals for new residential development will need to demonstrate that sufficient infrastructure (including community infrastructure) exists or can be provided to support new development.

39. The current proposals make no specific contribution to community infrastructure in Lechlade. The response from Gloucestershire County Council (GCC) in relation to a nil requirement for financial contributions to primary and secondary school places is noted.

The requirement to provide an assessment of school transport requirements to schools in the catchment (not Farmors in Fairford, which is full) is welcomed.

However, contrary to the GCC Community Infrastructure Team response, the Town Council understands that there remains insufficient capacity at Lechlade Primary School to accommodate the additional requirements arising from the proposed development. This should be clarified.

40. Lechlade Town Council's response to planning application 23/02917/OUT highlighted significant concerns over the capacity of local health services to accommodate additional population (estimated to be around 130 people) requiring access to GP and community health services. The Town Council understands that the GP practice remains overcapacity in terms of available appointments for the local population using its services.'

7.2 Response dated 28 January 2025:

'ADDITIONAL RESPONSE (28 JANUARY) BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION 24/03501/OUT

1. This submission on behalf of Lechlade Town Council is made with reference to amended parameter plans submitted by Hallam Land with regard to planning application 24/03501/OUT. Reference should be made to Lechlade Town Council's objection, already submitted to this current application, and the comments made therein should be noted and still remain.

2. Lechlade Town Council notes that the amended parameter plans now submitted exclude the pedestrian route previously proposed from the application into the centre of Lechlade. The revised application boundary and parameter plan are shown on Site Boundary Plan - HLM033-039 Revision F 21/01/2025 and Parameter Plan HLM033-043 Revision J 21/01/2025.

3. At the time of writing, the applicant's Planning Statement is not shown as having been updated to take account of the changes to the proposed scheme.

4. As written, the Health Impact Assessment included at Appendix 6 of the Planning Statement says that the proposal includes design-led opportunities to encourage high levels of walking which are delivered through improved footpath connections to Lechlade Town Centre to encourage sustainable travel. Paragraph 8.14 of the Planning Statement refers to the inclusion of the proposed pedestrian link as a key benefit of the scheme (as presented, apart from the housing itself, it was the only direct benefit presented). An updated assessment of the benefits arising from the proposals should be provided given the removal of key proposals.

5. Paragraph 5.7.1 of the Transport Assessment submitted in support of the planning application says that Pedestrian and Cycle Facilities and Routes:

Pedestrian and cycle access to the development site will be significantly improved by the extension of the existing shared pedestrian / cycle route along the western section of The Wern and will be extended to provide access to the application site. Little consideration is given with the Transport Assessment of the use of the A417 as a pedestrian and cycle route.

6. *Given the removal of the proposed dedicated route, the use of the main road may now be more likely. The impacts on the pedestrian and cycle movement from the proposed development site need to be assessed further in the light of the removal of the proposed route. The Town Council has previously highlighted issues relating to the quality of pedestrian routes into Lechlade Town Centre along the A417. The Town Council reports its concern over the narrowness of the pavement along much of its length, and the encroachment of verges and street furniture onto the pavement, which creates difficulties for mobility scooter users of these routes.*

7. *The Town Council previously commented on proposals for the pedestrian route to highlight the potential for impacts arising from its development. In essence, whilst a shorter and more direct route into Lechlade from the west of the settlement would clearly be welcome, there has been concern throughout that its form (necessary to ensure it is a safe and usable route) would itself create impacts on the adjacent landscape and Scheduled Monument. Comments from Historic England, Landscape Officer and Conservation Officers have identified such potential impacts.*

8. *Given previous proposals on a larger scale, the Town Council is concerned that the suburbanisation of the edge of the town in this way would potentially lead to further proposals for development at odds with development plan policies for Lechlade.*

9. *Following the withdrawal of the proposed pedestrian route, the overall view of Lechlade Town Council is reinforced that the proposed development should be refused. However, if Cotswold District Council intends to consider the proposals further, then Lechlade Town Council recommends that current technical assessments are updated to take into account the revised proposals so that potential changes in impacts and benefits can be considered. Particular attention should be given to the walking and cycling journeys from the site to key facilities in Lechlade to address distance and quality of routes. '*

7.3 Response received on 22 May 2025:

' ADDITIONAL RESPONSE (22 MAY 2025) BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION 24/03501/OUT

1. *Lechlade Town Council confirms its sustained objection to the development of 54 dwellings on land to the north of Wern Roundabout proposed by Hallam Land in planning application 24/03501/OUT.*
2. *The Town Council believes that a clear principle was established by three previous decisions to refuse planning applications for similar development in this location. The Town Council's view remains that the proposed development is contrary to Local Plan Policy DS4 and Lechlade NDP Policies H2 and D1. Detailed arguments in support of this position have been set out in previous submissions (attached to this letter).*
3. *Despite the publication by Lechlade Town Council of significant comments and concerns on the planning application, the Town Council is disappointed by the lack of direct engagement from the applicant to discuss and potentially address the points raised, although work undertaken to address issues with the A417 pedestrian route is acknowledged.*
4. *The applicant has provided an updated planning statement which includes arguments about the validity of the Local Plan, Local Housing Need, and the current state of housing land supply and housing delivery in the District. Lechlade Town Council is not in a position to comment on the housing land supply position, which is a strategic matter for Cotswold District Council to address.*
5. *However, the Town Council does understand that if a tilted balance is applied to the consideration of the application proposals, then there remains a need to consider the significance of other impacts that would affect the delivery sustainable development - it is not a blank cheque. The Town Council believes that the potential for landscape, ecology and surface water flood risk impacts remain significant and of sufficient concern to warrant refusal of the planning application.*
6. *As previously noted, there remains an allocated site within the Lechlade Development Boundary by the Wern Roundabout and this has not come forward. It is understood that the allocation site L_19 Land south of Butler's Court (9 dwellings net) allocated in Local Plan Policy S7 Lechlade-on-Thames, remains deliverable and so it is not clear to the Town Council why land outside the development boundary is being promoted at this time.*
7. *The technical concerns (raised by statutory historic conservation, landscape and ecology stakeholders) within the application (and previous applications) have led to a step-by-step removal of community infrastructure benefits (the pedestrian route from this application). The result is that the application in its current form retains few community benefits for Lechlade.*

8. *Conversely, concerns raised previously by the Town Council about community infrastructure provision and capacity in Lechlade have not been addressed. The designation of Lechlade as a Principal Settlement and allocation of land for development within it in the Local Plan was predicated on the premise that development should go hand-in-hand with the provision of community infrastructure including new parking provision to serve the town centre. None of this has been delivered, but increased population through development has occurred.*

9. *As mentioned above, the application now proposes to widen a section of pedestrian footpath on the A417 and this does respond to an earlier comment from the Town Council about the increased reliance on the A417 for pedestrian routes into Lechlade and concerns over the quality of this route which is very narrow in places. If Cotswold District Council is minded to grant planning permission for the development, then the Town Council requests that commitment is secured to path widening where necessary to ensure it is useable by people in wheelchairs and people with pushchairs/prams from to the Town Centre to the Wern Roundabout.*

10. *In securing a commitment to provide a safer pedestrian route along the A417, improvements should be designed to accommodate the potential pedestrian traffic using it. This will include people coming from Lechlade to the site and to Lechlade from the site, crossing each other. There will be a range of users with a variety of space requirements. Typical wheelchair widths vary but can be up to 70cm. It is likely that pushchairs/prams will be within this width. Given the proximity of ditches to the existing footpath along stretches of the route, and close proximity to traffic in some places, it will not be considered safe to rely on footpath users having to pass each other via grass banks falling away from the path or which require them to step into the road or be otherwise too close to traffic.*

11. *Gloucestershire County Council should specify necessary standards/requirements for footpath improvements along the A417 from the site to Lechlade town centre. In view of space constraints. the Town Council's view is that footpaths should have a minimum width of 1.5m to provide a safe pedestrian environment along the A417 route into Lechlade.*

12. *The Town Council further recommends that, if Cotswold District Council is minded to grant permission, then Cotswold District Council/Gloucestershire County Council should secure appropriate/reasonable developer commitments and contributions towards the required works prior to grant of planning permission. They should require (via condition) submission and approval of a design for the works and a programme for completion prior to commencement*

of development. Further, they should require confirmation of completion of agreed works prior to occupation of the development."

13. A concern remains about the potential for flood risk on adjacent sites to be exacerbated by development of the application and a continuing concern about the relationship of modelled impacts to real-life flooding events.

14. There also remains a concern that the density and scale of proposed development in this location will generate significant landscape impacts to the west of Lechlade.

15. In summary, the Town Council finds that its concerns, expressed through several responses to this application and also earlier applications remain that the proposed development gives rise to potentially significant impacts on Lechlade which are negative and at-odds with the development strategy for the west of the settlement as expressed through the Local Plan and the Neighbourhood Plan. The development would increase burdens on community infrastructure which is lacking and would cause flood risk, ecological and landscape impacts which are difficult to mitigate. The Town Council requests that the planning application 24/03501/OUT is refused for these reasons. '

8. Other Representations:

8.1 98 objections and 1 support received.

8.2 Main grounds of objection are:

- i) Before any further new property building work is considered the current infrastructure needs to be looked at . The roads are in a permanent state of disrepair. All 4 bridges in and out of Lechlade have been damaged in the past 18 months . The roads are not fit for the number/size the of vehicles using them. The constant road closures continue to affect local business and the wider community.
- ii) Adverse flooding and drainage impact.
- iii) Inadequate infrastructure.
- iv) Lechlade and its local network will not and cannot support a development of this size. The amenities are barely adequate as they are, the infrastructure is also barely adequate and under too much strain already. Traffic is already overwhelming in the town with inadequate parking.

- v) The extension of development from the Wern as planned will only worsen flood impacts in the future. The aftermath of the recent Storm Bert and the flooding that came with it was detrimental to road access and people's homes, and it isn't going to improve with increased development because where is the excess water meant to go?
- vi) Accessing the settlement is always tricky on weekends when it's busy with tourists or during the summer when everyone parks wherever there's a gap, despite blocking access or the road itself. The development will only add to and worsen the current access issues, especially during another flood event when nearly all roads out of Lechlade are unsafe to drive through. Parking spaces are a rarity in the settlement as it stands, and increasing the number of people without having expanded parking areas will cause more road disruption, with people likely parking on double yellow lines or blocking roads. In addition, the increased road traffic also impacts the environment by likely causing more traffic at a standstill and the excess emissions from standstill cars.
- vii) The residents took the time and effort to build the Neighbourhood Plan, and this application does not conform to it. If this were to be allowed, what would be the point of all the time and effort that we put into that if it was simply overridden?
- viii) Lechlade simply can't cope with the traffic and pressure on amenities that will be caused by these new properties.
- ix) Due to inadequate maintenance of drainage ditches the main road frequently floods c.f. Storm Bert at the end of Nov 2024 - due to water streaming across the road from the area of the Wern, the road was impassable for some time, and houses on the north side near the roundabout endangered. Since any scheme depends upon the adequate maintenance of drainage facilities, this plan at best does not improve the flooding and at worst makes the problem more severe.
- x) Arguing that the provision of a path and cycle path mitigates against an increase in traffic is illusory: where is the evidence that any such scheme achieves that purpose?
- xi) The area of the application site located outside Lechlade Development Boundary does not constitute previously developed land and its development for housing would be contrary to the aspirations of Neighbourhood Plan.

- xii) The proposed development will result in the significant encroachment of residential development into the open countryside to the detriment of the rural character, appearance and setting of the town. The proposal will have an urbanising impact on the locality and undermine the relationship of the town with the adjacent landscape.
- xiii) It is the boundary between open countryside and the start of Lechlade. Building on this site would significantly change the character and appearance of the area.
- xiv) Expanding Lechlade's settlement edge would encroach and impact on the natural open landscape as well as impinging on the historic setting of the Grade 2 listed buildings at Butlers Court. This is not some old disused industrial area or brownfield site, it's the Cotswold's, an Area of Outstanding Natural Beauty and a Conservation Area; it needs to be protected.
- xv) Lechlade may be designated a Principal Settlement in the local area, but it has a very limited range of services. There is no secondary school, hospital, leisure centre or main foodstore and few employment opportunities. Any development of this size would upset the equilibrium of the town by adding pressure to the local infrastructure such as primary school and doctor's surgery. The proposal also suggests that people would walk or cycle to use the town's facilities and to employment. The reality is that people would drive, and as there are few employment opportunities in Lechlade, they will commute to neighbouring towns, adding to the already congested traffic conditions.
- xvi) Lechlade amenities are already over run due to an increased population. This includes schools, medical centre, dentists. Additional housing will put increased pressure on already over burdened services. Road congestion is increasing and adding more residential/business properties will only add to traffic congestion, and pollution. The main road in/out of Lechlade by the Wern is already prone to serious flooding, and building in this location will only worsen the issue. Finally, more houses, more traffic, more people will only increase pollution and impact on the environment. There is significant wildlife in the area.
- xvii) Why is there a need for more houses in a village that has virtually no employment opportunities? Presuming a majority of householders will be of working age, this will mean that it will be necessary for people to

commute. This is counter to Government diktats - to reduce the carbon footprint.

- xviii) It is widely agreed that climate change is generating more extreme weather; especially rainfall. The study in support of the submission appears to focus on whether the development will be affected by potential flooding. The concern of many in Downington is that interfering with the land in the area north of the Wern could disturb the flood plain to their detriment. It is noted that works to mitigate any flooding will be reliant on regular maintenance. Who will do this? It will be noted that the recent Storm Bert resulted in the A417 here being flooded. This has happened on several occasions in the past 30 years.
- xix) The developer makes the point that a new (paved?) path would help relieve car movement. This is unlikely. The drawing shows this path hugging the edge of the 'dog-walking' field. This path would directly impinge on a number of houses that back on to this field. An increase in noise and loss of privacy would be detrimental to many householders. It is worth noting that motorbikes occasionally are used in this field. A paved path could well act as a magnet to some 'riders'.
- xx) The water and sewage network struggles with current demands, potential sewage overflows into the Thames, especially in times of flood / heavy rainfall.
- xxi) The water table in this area remains very high year-round causing retention ponds to be ineffective, despite the size of those put in place at the time.
- xxii) Impact on conservation area and listed building.
- xxiii) The claim that these areas have a 1 in 100 year flood event is clearly incorrect. In each of the last eleven years we have lived in the area, the road has been completely flooded and impassable to traffic. The recent Storm Bert was the worst we have seen, but experts seem to think storms of this type are likely to be more frequent than less.
- xxiv) Discharging additional Storm water into the existing drainage ditches will, inevitably, increase the flooding in these areas and completely cut-off access to Lechlade from the Fairford direction. It is likely that access to The Wern and the proposed development will be similarly restricted.

- xxv) Prior to 2007, the water would flood up to our house and then drain into the field behind. The water never hung around for long. Three weeks ago, the water was around the house for 3 days.
- xxvi) How ironic and cynical it is that the developer, in their latest amended site design, has removed the footpath/cycle path from the plan. That was the only thing in the whole project that was worth having. So it's clear, the developer does not care about pedestrian, or cyclists safety, or promoting environmentally friendly travel.
- xxvii) The local economy and employment opportunities remain limited, with few major employers or industries in the area. The influx of new residents will likely exacerbate this issue, as many individuals will need to travel to neighbouring towns and villages for work. This will increase traffic volumes, further clogging already busy roads, and putting additional strain on nearby villages that may not have the capacity to absorb such pressure.
- xxviii) It has been repeatedly reported that Thames Water has been discharging sewage into the upper stretches of the River Thames in the last 12-18 months. With additional houses and their utilities to accommodate, this poses further stress on the associated processes/infrastructure and increases the risk of further pollution and more disruption to the local ecosystems.
- xxix) The immediate area to the East, Downington, already suffers from a high risk of flooding- having flooded numerous time this past autumn/winter of 24/25. Further hardstanding/developed land in this drainage basin will put additional stress on this area's capabilities to handle storms.

8.3 **Main grounds of support are:**

- i) Much needed housing for the area. Very difficult for anyone born in the area to buy housing due to lack of supply

8.4 **Kempsford Parish Council**

8.4.1 'Lechlade forms one of the two principal settlements in the area that is regularly used by the residents of Kempsford for local services and community activities.'

8.4.2 *The application was considered by Kempford Parish Council at its meeting on the 16th December 2024 at which the similarity with the previously refused applications, 23/02917/OUT was noted. Whilst similar, it was recognised that there were some small but potentially important differences, including (e.g.) a reduction in the number of estimated primary school places required of 4.6 places and a lack of any specific consideration of the cumulative yield from permitted development within the PPA.*

Statement of Objection

8.4.3 *Kempford Parish Council (KPC) objects to this planning application. The main reasons are:*

- Lechlade has a made Neighbourhood Development Plan (NDP) that does not include this scale of development in this location.*
- Lechlade is classified as a principal settlement it has a clearly defined development boundary. Under Local Plan Policies, this proposed development lies outside of this development boundary and should not be needed for the District to meet any target for housing that might form part of those policies. KPC does not believe that there is any evidence of exceptional circumstances, such as evidence of local Housing Need within Lechlade, to argue that this development is in any way needed.*
- Critical local infrastructure as well as wider community services to the surrounding area will be impacted negatively. There is little or no scope for further expansion of critical infrastructure in Lechlade, such as the school and GP services, outside of proposals already incorporated within the Lechlade NDP, with any further pressure impacting negatively on the level of service provided to Kempford residents by Lechlade as one of its two local principal settlements.'*

8.5 **Fairford Town Council**

'Fairford Town Council objects to this application on the following grounds:

8.5.1 *Likely generation of traffic through Fairford centre (not assessed in the applicant's Transport Statement) in addition to that arising from our Neighbourhood Plan will have a negative impact on our historic town centre (ref CDLP policy INF3 c and NPPF chapter 9) and is likely to add to congestion at peak times, particularly if there is increased commuting to Cheltenham/Gloucester as a result of the 'Missing Link'.*

8.5.2 Market housing outside the Development Boundary is contrary to CDLP policy DS4 and is not needed. A number of the areas included in the proposed development were found to be unsuitable and discounted in the latest SHELAA for the district.

8.5.3 The development seems to be in a location where geology means there is a groundwater/surface water issue and it is unclear how the off-site drainage infrastructure would deal with this. The potential impact on flooding which occurs on the A417 in the immediate vicinity needs to be addressed with a proper assessment before any consent is given.

8.5.4 Water supply infrastructure capacity - The development may create a potential additional impact on water supply capacity to Fairford, which is already constrained (see Thames Water consultee response). This needs to be clarified before any consent is given.

8.5.5 There is likely to be a call on surgery and schools capacity which is needed for development already allocated in Fairford.

8.5.6 Inadequacy of public transport links on this side of Lechlade (ref CDLP policy H4 c.).'

9. Applicant's Supporting Information:

- Covering Letter
- Planning Statement
- Design and Access Statement
- Air Quality Assessment
- Landscape and Visual Appraisal
- Arboricultural Assessment
- Archaeological Desk Based Assessment
- Archaeological Evaluation
- Heritage Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Technical Note Rv1: Flooding study of the Wern
- Geo-Environmental Phase One Study
- Transport Assessment
- Residential Travel Plan
- Waste Minimisation Strategy
- Affordable Housing Statement
- Biodiversity Self-Assessment Form
- Mineral Resource Assessment
- Framework Travel Plan
- Biodiversity Net Gain Statement

- Non-Motorised User Audit

10. Officer's Assessment:

Background and Proposed Development

- 10.1 This application seeks Outline permission for a residential development of 54 dwellings as well as other associated works. The applicant's Planning Statement states the following:

This Outline Planning Application reserves all matters for future determination, except for the principal access junction from The Wern. The development proposals consists of:

- *up to 54 dwellings, including 40% affordable homes (Class C3);*
- *open space;*
- *access roads and*
- *associated landscaping, earthworks, parking, engineering works and infrastructure.*

- 10.2 This application seeks to establish that the proposed development is acceptable in principle. Detailed matters relating to Appearance, Scale, Layout, Landscaping and Access (other than the site's principal access) have been reserved for later approval should Outline permission be granted. The indicative plans submitted with this application show housing spread across the main body of the application site.
- 10.3 This application initially included a proposal to create a new pedestrian/cycle route from the north-eastern corner of the principal part of the site through the southern side of fields lying to the east of the application site and connecting with existing footpaths linking to the town centre. Following concerns raised by Historic England about the proposed construction of the route and its potential impact on the nearby SAM, as well as potential light pollution issues impacting on wildlife, this element of the scheme has been withdrawn from the current application.
- 10.4 This application is the fourth application for the residential development of this site that has been submitted since 2023. In January 2023 an application for 100 dwellings, a 70 bed care home, employment development, highway and flood alleviation works was submitted for this site as well as land to its east, south-west, north-east and east (23/00023/OUT). The application was withdrawn in March 2023. Officers raised concerns about a number of matters including the erection of residential development outside a Development Boundary; the adverse impact of the scheme on a Scheduled Ancient Monument, landscape and heritage assets, loss of employment land, a lack of demonstrated need for

a care home and insufficient information to demonstrate that the proposal would not have an adverse impact on highway safety. The site area of the withdrawn application measured approximately 10.95 hectares.

- 10.5 In September 2023, 2 further applications were submitted for the development of this site. Application 23/02916/OUT sought permission for residential development of up to 54 residential dwellings (Class C3 use); up to 70-bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. The site measured approximately 4.99 hectares and included land to the north-east, east and south-west of the application site. The details submitted at the time indicated that the current application site would accommodate a care home with new residential development being located adjacent to the allocated employment land to the north-east of the current site. The application was refused in January 2024 for similar reasons to those raised in connection with application 23/00023/OUT.
- 10.6 Application 23/02917/OUT sought permission for residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works and infrastructure. The application site measured 3.21 hectares in size and included the same site as the current application as well as a proposed pedestrian link extending from the east of the site towards the town centre. The application was refused in January 2024 on a number of grounds including a conflict with Local Plan Policy DS4 Neighbourhood Plan Policy H2, harm to the setting of Lechlade Conservation Area and the listed buildings at Butler's Court and the lack of a S106 legal agreement to secure the provision of affordable housing, self-build/custom build plots and financial contributions to library and health services.

(a) Residential Development Outside a Principal or Non-Principal Settlement

- 10.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this application is therefore the current development plan for the District which, in this instance, consists of the Cotswold District Local Plan 2011-2031 and the Lechlade-on-Thames Neighbourhood Plan 2011-2031.
- 10.8 With regard to the Local Plan, the land proposed for residential development is located outside Lechlade Development Boundary. The following policy is considered applicable to this proposal:

10.9 Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements

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.

10.10 In respect of Local Plan Policy DS4, the supporting text to the policy states:

6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.

6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.

10.11 The current scheme would result in the erection of open market dwellings on the application site and is therefore contrary to the above policy.

10.12 With regard to the Neighbourhood Plan, the following policies are considered relevant to this proposal:

10.13 Neighbourhood Plan Policy H2

Proposals for housing development on previously developed land within or immediately adjacent to the development boundary as defined in the Cotswold District Local Plan 2001-2011 (saved policies) or its successor will be supported provided that these are in accord with other policies in this Plan.

10.14 Neighbourhood Plan Policy H8

Proposals for new residential development will need to demonstrate that sufficient infrastructure (including community infrastructure) exists or can be provided to support the development.

10.15 It is also noted that 2 other sites within the town's development boundary have been allocated for residential development in the Local Plan - L_18B Land west of Orchard Close, Downington (9 dwellings net) and L_19 Land south of Butler's Court (9 dwellings net). The Local Plan has therefore made provision for new development within the settlement to reasonably address the housing needs of the town in a sustainable manner during the course of the current Local Plan period.

- 10.16 With regard to Neighbourhood Plan Policies H2 and H8, it is evident that the proposed residential development is not located on previously developed land. The current proposal does not therefore accord with the requirements of the Neighbourhood Plan in this respect. The application is considered to conflict with Policy H2. With regard to Policy H8, Gloucestershire County Council (GCC) has not raised an objection in relation to primary and secondary school capacity. Gloucestershire NHS has been made aware of this application but has not submitted a formal response requesting a financial contribution to health services in the settlement. GCC Highways has not raised an objection to the proposal with regard to highway infrastructure. It is considered that it would not be possible to sustain an objection to the application on the grounds of a conflict with Policy H8.
- 10.17 Notwithstanding the conflict with Local Plan Policy DS4 and Neighbourhood Plan Policy H2, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes it is noted that the Council is now only able to demonstrate a 1.8 year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

10.18 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS4 and Neighbourhood Plan Policy H2 are out-of-date at the present time and that paragraph 11 is engaged.

10.19 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that designated heritage assets, such as conservation areas and listed buildings, are assets of particular importance. Harm to such assets could therefore provide a strong reason to refuse an application for housing even if a 5 year supply of housing land cannot be demonstrated. With regard to criterion d ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal, such as its landscape and visual impact, and/or its impact on heritage assets. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

(b) Affordable Housing, Self-Build/Custom Build Housing and Housing Mix

10.20 With regard to affordable housing, self-build/custom build housing and housing mix, the proposed development is subject to the following Local Plan policies:

10.21 Policy H1 Housing Mix and Tenure to Meet Local Needs

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

10.22 Policy H2 Affordable Housing

1. *All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.*
2. *In settlements in rural areas, as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.*
3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*
 - i. *Up to 30% of new dwellings gross on brownfield sites; and*
 - ii. *Up to 40% of new dwellings gross on all other sites.*
4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will*

also be required for each partial number of affordable units calculated to be provided on site.

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

6. *Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.*

10.23 In addition, the following Neighbourhood Plan policy is also considered relevant:

10.24 Policy H1

Where affordable housing is delivered, priority will be given to people in housing need who can demonstrate a local connection on first and subsequent occupation. Normally this will be secured through legal obligations.

10.25 The proposed housing development would be located on greenfield land and would therefore be subject to 40% affordable housing provision. The applicant states that 22 of the 54 dwellings would be provided on-site as affordable units. The applicant's supporting information states that *'Indicatively it is anticipated that the affordable housing tenure split will be 70% rented and 30% affordable home ownership. The proportion of affordable home ownership shall comprise 25% First Homes, with the remainder (i.e. 5%) being other affordable home ownership products such as shared ownership. The proportion of affordable rented products shall include up to 45% for social rent, with the remaining being for affordable rent. This detail will be determined through the s106.'* The Housing Officer has indicated that this approach is acceptable and is recommending 7 affordable rent, 9 social rent, 5 First Homes and 1 shared ownership units. The number and mix of units is the same as that considered to be acceptable as part of application 23/02917/OUT and is considered to accord with Local Plan Policy H2 in this respect. A S106 legal agreement would establish a local connection occupancy clause which would address the requirements of Neighbourhood Plan Policy H1.

10.26 With regard to the provision of self-build and custom build housing, criterion 3 of Local Plan Policy H1: Housing Mix and Tenure to Meet Local Needs states that *'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.' The current proposal is required to provide 3 serviced self-build or custom build plots. The Council has a duty to ensure that it delivers a sufficient supply of such plots. The Council continues to receive requests to join the Self-build register and, as such, there is an ongoing need/demand for such plots. Local Plan Policy H1 is the principal means of ensuring the delivery of self-build/custom building plots. It is considered that the requirements of Policy H1 are applicable in this instance and that a total of 3 serviced plots should be secured by way of a S106 legal agreement should Outline permission be granted for the current application.

- 10.27 With regard to the mix of open market dwellings, it is considered necessary to ensure that a mechanism is put in place to secure an appropriate mix of market dwellings, as required by Local Plan Policy H1. It would not be possible to control the mix of the open market housing at the reserved matters stage, which is limited to matters relating to scale, layout, appearance, access and landscaping. The provision of larger, more expensive dwellings for open market sale can increase average house prices across the District, which can then increase the Council's housing needs and its housing affordability issues, both in the affordable and open market sectors. A higher average house price can mean that more persons fall into housing need. In contrast, the provision of smaller 1, 2 and 3 bed open market dwellings can more reasonably address such an issue. Figures from the Office for National Statistics indicate that the ratio between median house prices and median gross annual earnings in Cotswold District in 2024 (based on a 5 year average) was 14.64 times. In comparison, the difference was 5.63 times in 1997. The provision of a high percentage of 4 and 5 bed dwellings simply adds to the price differential and does little to address the Council's issues relating to house price affordability. The Council's Local Plan Partial Update Issues and Options Consultation document states that *'Building more and more houses to reduce house prices (or "Build, Build, Build", as Boris Johnson puts it) does not work, particularly in Cotswold District. There is much evidence to support this. Cotswold District has delivered significantly more housing than has been required in recent years, yet housing affordability has continued to worsen.'* With regard to potential future Local Plan policy, it goes on to state that *'smaller homes are generally more affordable, so a policy requirement could be introduced for a higher proportion of 1, 2 and 3 bedroom market houses, and fewer 4 and 5 bedroom houses.'* It is noted that Table A2.19 of the Gloucestershire Strategic Housing Market Assessment Update Final March 2014 states that 80% of new market accommodation required in Cotswold District in the period up to 2031 would be 1, 2 and 3 bed units, with just 20% being 4 bed dwellings and above.

- 10.28 The applicant has not set out a mix for the open market element of this scheme. In the event that planning permission were to be granted for this proposal, it is recommended that a condition or S106 clause is attached to a grant of Outline permission that would ensure that no more than 20% of the completed dwellings would have 4 bedrooms or more, and that the remaining dwellings would be 1, 2 and 3 bed units. In the absence of such a mechanism it could not be guaranteed that the size and mix of market dwellings on the site would accord with the requirements of Local Plan Policy H1.
- 10.29 At the present time, a S106 agreement is not in place to secure the provision of affordable/self-build/custom build plots within the development, or a suitable mix and range of housing in terms of size, type and tenure to reflect housing need and demand in both the market and affordable housing sectors. It is therefore considered that the proposal is in conflict with Local Plan Policies H1 and H2 and Neighbourhood Plan Policy H1.
- 10.30 If a suitable mechanism, such as a S106 agreement, could be agreed, it is considered that the provision of affordable housing/ self-build/custom build plots and appropriate mix of market housing would represent a benefit and would contribute in a positive manner to the Council's new requirement to provide additional dwellings in the District. It is considered that this would represent a significant material consideration that would weigh in favour of the proposed development.

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

- 10.31 The application site consists of agricultural field, which form part of a network of fields extending to the north and west of the settlement. The proposed development would extend beyond the clearly defined edge of the existing settlement into open countryside, which contributes to the rural setting of the town.
- 10.32 The following policies and guidance are considered applicable to this proposal:
- 10.33 Local Plan Policy EN1 Built, Natural and Historic Environment states:
- 'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*
- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
- b. Contributing to the provision of multi-functional green infrastructure;*

- c. *Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. *Seeking to improve air, soil and water quality where feasible; and*
- e. *Ensuring design standards that complement the character of the area and the sustainable use of the development.'*

10.34 Local Plan Policy EN2 Design of the Built and Natural Environment states:

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

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

- 1. *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*
- 2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*

10.36 The Neighbourhood Plan states:

10.37 Policy D1 Design Principles

Applications for new development will only be permitted where these:

- a) *Respect views into and out of the Town.*
- b) *Would not adversely affect the character of the town.*
- c) *Conform to the Cotswold Design Code or its successor document.*
- d) *Conform to the character of the local area as set out at Appendix 7.*

10.38 In terms of national guidance, paragraph 187 of the NPPF states that planning decisions should *'contribute to and enhance the natural and local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.'*

10.39 The application site forms part of a larger site area which has been assessed in the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA). The current application site occupies an area covered by SHELAA site references L31B and L31C. Land to the north-east of the application site is given reference Site L31A and is allocated in the Local Plan for

employment development. Site L31D lies to the north-east and south-east of the employment allocation and comprises agricultural fields. With regard to landscape, the SHELAA states:

' Evaluation: Medium and High/Medium

10.39.1 Justification: The landscape sensitivity given to the parcels as part of their inclusion within the 'Study of land surrounding Key Settlements in Cotswold District Update: Additional Sites 2015 (Cotswold District Council and White Consultants, November 2021) report varied between the parcels. L31B and L31C were assessed as Medium. While parcels L31A and L31D were assessed as High/Medium. The justification for this is reproduced below and is still considered to be an appropriate landscape assessment:

10.39.2 The sensitivity of the site varies. The two fields to the west extend the settlement but are relatively well screened from the east by a combination of trees and hedges on site as well as the nursery further east still, and the tree belt to the north. There is some visibility from the north which raises sensitivity. The most westerly field should form the final edge to the settlement in this direction. These enclosures are considered to be of medium sensitivity.

10.39.3 The pasture fields to the east are susceptible to change as they are open to view to the north from public footpaths and the scheduled monument. They would tend to enclose the open space on this side of the settlement being more apparent in views from the public footpaths. The farm complex and enclosure west of the farm are susceptible as housing would completely change the character of the farm complex and surround the listed buildings adjacent to the south. These elements of the site have high/medium sensitivity with the most sensitive being the farm complex and the northern pasture which is most exposed to view from the wider landscape, SAM and PROW.'

- 10.40 With regard to the employment site (L31A), the SHELAA states *'The Council is unaware of any marketing campaign for employment uses on this site since it was allocated in the Local Plan. Only if there is no reasonable prospect of the site being used for employment purposes will alternative uses be considered. The site should remain allocated for employment use.'*
- 10.41 With regard to sites L31B-D, the SHELAA states that *'these sites are currently unsuitable for development. Amongst other issues, their development would harm the setting of a Scheduled Ancient Monument, a Listed Building and the rural approach to Lechlade. The limited benefits of the proposed flood bund do no outweigh the harm that would be caused by building 120 dwellings across these sites.'*
- 10.42 It is evident that the SHELAA assessment has raised significant concerns about the introduction of residential development across the site area. It is considered

that the views expressed in the SHELAA are applicable to the current application site and the proposed development. The proposal will result in a significant encroachment of built development into the open countryside beyond the established built area of the settlement. New development would be readily visible from the A417 on the approach into the settlement from the west and from the Public Right of Way to the north.

- 10.43 The following response was received by the Landscape Officer in response to the previous application for 54 dwellings on this site (23/02917/OUT), which was very similar to that now proposed:

Impact upon Public Visual Amenity

10.43.1 Views of the site are achieved from the A417 and The Wern road to the south, the Lechlade settlement edge to the south and east and public footpaths in the local vicinity (Lechlade Footpaths 6 and 9).

Impact on the Character and Appearance of the Landscape

10.43.2 The site is located within Landscape Character Type (LCT): River Basin Lowland and Landscape Character Area (LCA) TV1C: Fairford and Lechlade of the Gloucestershire Landscape Character Assessment (January 2006). The site shares a number of the published key characteristics of this character assessment. These key landscape characteristics are reproduced below:

- Low lying, flat to very gently undulating floodplain landscape underlain by extensive deposits of alluvial clay and silt, and sand and gravel that mask the solid geology;*
- Isolated hillocks associated with exposures of the Oxford Clay form locally significant features;*
- Strong presence of water reflected in rivers, streams, ditches and extensive network of restored sand and gravel extraction sites;*
- Lush wet meadows and wide floodplain pastures, with watercourses often lined with riparian vegetation, including frequent lines of pollarded willows;*
- Mosaic of wetland and riparian habitats, together with water based recreational uses associated with lakes created through the restoration of gravel extraction sites;*
- Combination of pastoral land, often in smaller scale fields and closely associated with watercourses and larger scale fields under arable cultivation;*
- Pattern of nucleated and linear settlements dispersed throughout the landscape, including occasional small towns and large villages, hamlets and scattered farmsteads and dwellings, with vernacular buildings constructed in stone and brick;*

- *Modern waterside developments comprising holiday or second homes with distinctive architectural style and often located in association with restored lake areas;*
- *Scattered pattern of woodland copses in areas closely associated with rivers and standing areas of water, which in places results in a sense of enclosure and more intimate landscape; and*
- *Limited major roads and a wider network of minor roads providing access to the floodplain landscape.*

10.43.3 The proposal would have an impact upon a number of the above key characteristics. The field within the site is characteristic of the agricultural landscape that surrounds the Lechlade settlement. The introduction of development would be to the detriment of the field's character and would erode the rural context present around Lechlade due to the resulting urbanisation and encroachment.

10.43.4 Overall, the introduction of up to 54 dwellings alongside associated infrastructure would change the character of the site and the landscape context that this area is located within. This landscape change would be appreciated at a site and local scale. The proposal would remove the open field pattern and agricultural character of the area and introduce high density built development beyond the existing established settlement edge.

10.43.5 Perceptual impacts also need to be considered. There is a level of sound, activity and light spill associated with development. The encroachment of increased noise, activity and lighting into the rural landscape should be considered.

Summary

10.43.6 The site is susceptible to change through the proposed development due to its position within open countryside beyond the existing settlement edge. Development would represent encroachment into the characteristically rural landscape around the Lechlade settlement and would form a prominent addition to views. Development beyond the existing settlement will have an urbanising effect on the rural landscape.

10.43.7 It is noted that the neighbouring housing allocation (L19) is for 9 units. This would create a low density edge to Lechlade and ease the transition from the settlement to the rural countryside. The proposal by virtue of its density and location would form a prominent built addition to the undeveloped landscape and urbanise its rural surroundings.

10.43.8 It is recognised that of the three proposals submitted by the applicant this proposal would have the least landscape and visual impact. However for

the reasons outlined above the proposed development would still be to the detriment of the local landscape.'

10.44 It is considered that the concerns set out above remain pertinent to this current application.

10.45 The applicant has submitted a Landscape and Visual Appraisal (LVIA) with this application. With regard to landscape effects, the LVIA (paragraph 7.13) states:

'At the outset, and on the completion of the Proposed Development, it is judged that impact on the site's landscape and its immediate surroundings from the built development uses would result in a Moderate Adverse landscape effect. In the longer term (Year 15) the effects would reduce as the GI framework would be delivering a series of maturing habitats that would provide benefits for local landscape character in the form of woodland belts, additional tree planting and hedgerows that are characteristic of this settlement edge landscape. In conclusion, it is assessed that the level of adverse effects would diminish in the longer term such that they would reduce to Minor Adverse. These effects would be localised to the site and the immediate landscape. '

10.46 With regard to visual effects, the LVIA concludes that the effects from a number of visual receptors around the site would typically fall into the moderate adverse to moderate-minor adverse categories. It is evident that the applicant's own LVIA indicates that the proposal will still have an adverse impact of some kind even if suitable new landscaping is introduced and becomes established.

10.47 It is considered that the proposed development would have an adverse impact on the rural landscape setting of this part of the town. It would result in a significant extension of built development into the open countryside and that it would impact on the rural setting and character of the town. In terms of built development, the western edge of the existing settlement exhibits a relatively soft and informal appearance, with low density housing largely screened by existing trees and hedgerows. The current proposal, by virtue of the amount of development being proposed, would result in a far more discernible urban edge to the settlement. This is considered to have a negative impact on the character and appearance of the western part of the town and the manner in which it relates to the surrounding rural landscape. It is therefore considered that the current proposal would not bring about landscape benefits or enhancements to this part of the countryside lying adjacent to the settlement. Moreover, having regard to the size of the application site and the number of dwellings proposed, it is considered that the amount of development would provide limited opportunity to create significant green infrastructure or landscape buffers around the proposed housing. As a consequence, it is difficult to envisage how the proposed development could create a soft edge to the settlement, as is the present case, and not result in the creation of a harder more

urban development, that appears at odds with the existing character and appearance of the area.

10.48 It is noted that a parcel of land lying between the Wern and the A417 to the south of the application site is allocated for residential development in the Local Plan (Site L_19 Land to south of Butler's Court (9 dwellings net). It is also noted that the site allocation seeks to ensure that a low density development is secured in order to ensure that the open green character and appearance of the existing site is retained. The land in question is also located between existing residential development and a modern estate road. The development of the allocated site would therefore continue to provide a soft, green edge to the settlement. This is considered to be in contrast to the current proposal which, by virtue of the amount of development being proposed, would result in a harmful encroachment of development into the open countryside. The allocated site is therefore materially different in terms of its position and character to the current application site.

10.49 It is considered that the proposed development is contrary to Local Plan Policies EN1, EN2 and EN4, Neighbourhood Plan Policy D1 and guidance contained in paragraph 187 of the NPPF. It is considered that this harm weighs against the proposed development.

(d) Impact on the setting of Listed Building and Lechlade Conservation Area

10.50 Lechlade Conservation Area is located approximately 50m to the south-east of the main part of the application site. In addition, the eastern boundary of the main body of the application site adjoin the grounds of 2 Grade II listed buildings - Butlers Court & Stable immediately behind Butlers Court. With regard to the listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight must be given to the aforementioned legislation.

10.51 In addition to Local Plan Policies EN1, EN2 and EN4 mentioned previously, the following policies and guidance are also considered applicable to this proposal:

10.52 Local Plan Policy EN10 Designated Heritage Assets states:

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

2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:

- The importance of the asset;*
- The scale of harm; and*
- The nature and level of the public benefit of the proposal.'*

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

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

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;*
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*
- d. Have regard to the relevant Conservation Area appraisal (where available); and*
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.54 Paragraph 210 of the NPPF) states 'in determining planning applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) *The desirability of new development making a positive contribution to local character and distinctiveness.'*

10.55 Paragraph 212 states '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

10.56 Paragraph 213 states '*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.'*

10.57 Paragraph 215 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

10.58 The proposed development would result in the encroachment of built development into an undeveloped area that currently makes a positive contribution to the rural settings of both the nearby listed buildings and conservation area. In particular, it would enclose the western boundary of the Butler's Court site thereby severing its historic connection with the agricultural landscape to the west. The introduction of suburban residential development would therefore have significant implications for the setting of the adjacent listed buildings. It would also have an urbanising impact on the soft and informal western edge of the conservation area.

10.59 The Conservation Officer states:

Butler's Court.

Significance.

10.59.1 Butler's Court comprises a substantial and high-status farmhouse/modest country house, historically situated in open countryside to the north-west of Lechlade. The house faces east, but was historically approached from the south. To the north of the house was a range of agricultural buildings, including the now separately listed Stable immediately behind Butler's Court to north west. To the east and west, beyond the immediate curtilage, were open paddocks and fields. To the south the character was more domestic, with the garden of Butler's Court extending down possibly as far as the walled garden adjacent to the road (now the A417) with the surviving, now listed Gazebo; and the now listed Butler's Court Cottages with their domestic curtilages.

10.59.2 In the second half of the 20th century suburban development spread west from Lechlade and north from the A417, encroaching upon Butler's Court to the south and south-east; and permission was granted to convert the now-redundant agricultural buildings to the north to employment use in 2006. However, the house still faces open paddocks and fields to the west and to the north-east, retaining something of a relationship with the open countryside and some sense of being in a rural, but edge-of-settlement location. Furthermore, the current approach to the listed building, along The Wern, runs along the southern edge of the aforementioned paddock to the west, and whilst it is not the historic approach, it still retains a more rural character appropriate to the setting of a listed farmhouse/small country house.

10.59.3 Thus, the surviving relationship with the setting of open paddocks/fields to the north-east and west of the house, and along the modern but comparatively rural approach to the house, is appropriate to and reinforces the character of the listed house as an historic farmhouse/modest country house, thereby contributing positively to its significance as a designated heritage asset.

10.59.4 It is acknowledged that the site to the south of the west paddock, adjacent to the A417 is allocated for housing; however, this is at some distance to the listed building, and would not directly impact upon it or its immediate setting or interrelationship with the wider landscape. It would abut one site of the modern approach, but this would still leave this road with an 'edge-of-settlement' character.

Impact.

10.59.5 The current proposal would entail the development of the open paddock to the west of Butler's Court for residential use; the current approach, which still faces the open rural landscape to the north and west, would become a road through a house estate.

10.59.6 Consequently, the current proposal would fundamentally alter and suburbanise the character of the listed building's surrounding, very seriously eroding an aspect of the listed building's setting, that makes a strong contribution to its significance, which would also thereby be severely eroded. Consequently, the current proposal would fail to preserve the special interest, or to sustain the significance of the designated heritage asset. The harm would be to an important aspect of the building's significance as a former farmhouse, and whilst the harm would be less-than-substantial, it would still be considerable; the Barnwell decision reiterates the requirement to put great weight upon sustaining the setting and significance of heritage assets, clarifying that less-than-substantial harm does not equate to a less-than-substantial objection.

10.59.7 Additionally, there is also a concern over the implications and likely future changes that could result from the current proposal. The cumulative impact of the proposed development, in addition to the existing development to the south and south-east, transforming the approach to a road through a suburban housing estate, may in the longer term jeopardise the viability of Butler's Court as a single dwelling, its historic and optimum viable use, potentially leading to considerable further harm in the longer term.

Lechlade Conservation Area.

10.59.8 The A417 comprises the main, western approach to Lechlade, and thus forms an important part of the setting of the designated conservation area. The approach passes through an open agricultural landscape, with isolated, often (historically) farm-related development, and a garden centre. The character of this part of the approach remains strongly rural, thereby contributing positively to and reinforcing the significance of Lechlade as a modest, rural market town set within an agricultural landscape.

10.59.9 A slight change in character occurs at the modern roundabout, primarily because of the heavily-engineered character of the roundabout itself and the spur to the north. Beyond this point the character remains initially open and rural, before entering suddenly into the settlement and conservation area; an entry marked more by the sudden density of trees than of the buildings that nestle discretely amongst them.

10.59.10 The field that lies between the roundabout and its northern spur, and the settlement, despite being in and of itself rural, has been rather severed from the wider landscape by the roundabout and spur, which in and of themselves form a clear transition of space and character. Consequently, this field is now physically more closely related to the settlement to the east, than it is to the landscape to the west, and thus has been allocated for housing, bringing the edge of the settlement logically up to the existing roundabout (the Council consistently advising that the nature and density of development on this site should reflect and reinforce the 'edge-of-settlement' character). The roundabout would thus form a clear and appropriate transition from the agricultural landscape to the settlement, and a natural western termination for the settlement.

10.59.11 The current application site would effectively site behind the southern site; whilst there would be an increase in the urbanisation of the approach into the conservation area, subject to the appropriate treatment of the western edge, there would, on balance, probably be a comparatively modest impact.'

10.60 In response to additional Design and Access information submitted by the applicant, the Conservation Officer states:

' Principle.

10.60.1 The amended proposal incorporates some design changes, however the fundamental principle of development upon this site remains unchanged, & the impact of development 'in principle' on this site in heritage terms remains concerning in terms of all but marooning the former farmhouse within suburban development and severing its important historic connection to the wider rural landscape, and the assessment of the earlier Conservation comment remains valid, particularly with regard to the setting and significance of Butler's Court.

Design.

10.60.2 There has been no clear change to the proposed level of development (up to 54 dwellings). This would still result in a considerably higher density, and more suburban appearance than has been accepted on the site to the south. This would still create an uncharacteristic increase in density towards the edge of the open countryside, rather than the soft, decrease in scale and density that is characteristic of traditional settlements.

10.60.3 The revised layout does pull the development back from the southern edge of the site which would create a softer and less dense, if still fundamentally suburban approach to Butler's Court; the northern and eastern edges of the site (facing the countryside and Butler's Court respectively) would remain almost as dense as the earlier iteration, and greater density of build is suggested in the middle of the development. Whilst the earlier comment advised against disproportionate numbers of detached houses, and the incorporation of pairs or modest rows, the concentration of three terraces as the centre would give an overly dense core, which, given the modest size of this site, this greater central density would likely still be visible and legible between the still predominantly detached edge buildings from without the site, including from the south.

Summary.

10.60.4 Overall, the amended design does nothing to address the in-principle concerns, and little to address the secondary design concerns, and consequently, the previous recommendation still stands.'

10.61 It is considered that the proposed development would have a significant adverse impact on the rural, agricultural setting of the listed buildings to the east of the application site. The proposed development would also have an urbanising impact on the rural approach into the settlement to the detriment

of the setting of the conservation area. It is considered that the proposed development would cause less than substantial harm to the aforementioned heritage assets. In order for the development to be acceptable in heritage terms, it is necessary to demonstrate that public benefits outweigh the identified harm, in accordance with the requirements of paragraph 215 of the NPPF.

- 10.62 In this instance, it is considered that the creation of new housing, including affordable housing, represents a public benefit which weighs in favour of the proposal. However, considerable weight and importance has to be given to the protection of the designated heritage assets. In this instance, the level of harm arising from the creation of suburban housing development which separates the listed buildings from their historic relationship with the adjacent countryside is considered to carry significant weight. Moreover, the current proposal would also have an urbanising impact on the rural western edge of the conservation area to the detriment of its setting. It is considered that the level of harm arising from the proposal outweighs the public benefits arising from the proposed housing, as well other benefits such as its contribution to the local economy. The proposed development is therefore considered to be contrary to Local Plan Policies EN1, EN2, EN4, EN10 and EN11, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the NPPF. Furthermore, it is noted that paragraph 11 d i) of the NPPF advises that harm to a designated heritage asset can provide a strong reason for refusal which can outweigh the benefits arising from the delivery of new housing when a Council's policies relating to the delivery of housing are deemed to be out-of-date. It is considered that the conflict with paragraph 11 d i is sufficient to outweigh the other benefits arising from the proposal in this instance.

(e) Archaeology and the Impact on the Setting of a Scheduled Ancient Monument

- 10.63 The north-eastern boundary of the application site lies in close proximity to Multi-period settlement, cemetery, and ceremonial complex W of Lechlade' Scheduled Ancient Monument (SAM).

- 10.64 Historic England provided the following initial response to this application:

10.64.1 'The scheduled monument was identified from crop marks seen on aerial photographs in the 1960's. Later excavation of associated sites around the edge of the monument has provided information on the archaeological features seen as cropmarks.

10.64.2 The monument contains evidence of human activity from the Neolithic (6,000 years ago) to now. The activity includes ceremonial, burial, settlement and agriculture and helps tell the story of the origins of the modern town of Lechlade. The monument has been impacted on by developments to

the east and south, as Lechlade has expanded in the late 20th century. To the north and west there is still open farmland. This open rural space in our view contributes to the significance of the monument as it is similar to the original landscape at the time the monument was in use. The proposed development lies away from the monument and close to existing housing. This will not impact on the significance of the monument as there will be no loss of the open farmland that contributes to its significance.

10.64.3 The pedestrian link proposed from the development to the Cemetery entrance has the potential to impact on that significance by bringing more urban features into the southern edge of the open farmland around the monument.

10.64.4 On the Proposed Habitat plan a new hedge is proposed to be planted on the north side of the new pedestrian link. This will help screen it and any movement along it from the monument. The construction of the path and the planting of the new hedge will potentially impact on buried archaeology associated with the scheduled area. On the Geophysics results (Archaeological Assessment Appendix 2 Figure 08) there are a pair of ditches, crossing the route of the path, that may have formed a trackway to the settlement to the north within the scheduled area.....

10.64.5 Historic England has concerns regarding the application on heritage grounds.....

10.64.6 To minimise or remove the potential harm of the pedestrian link we recommend that:

Suitable archaeological mitigation is agreed prior to the construction of the path and planting of the hedge.

the new pedestrian link is designed to be in keeping with the rural character of the are.'

10.65 In light of the comments made by Historic England, the applicant has removed the proposed footpath route from the application. Historic England has subsequently confirmed that it has no further comments to make on the application.

10.66 In addition to the response from Historic England, Gloucestershire County Council Archaeology states:

10.66.1 In relation to a previous application, archaeological investigations consisting of desk-based research, geophysical survey and trial trench evaluation have been carried out and the Archaeological Desk Based Assessment by Orion Heritage (Oct 2024) submitted with the application provides further information on the results and an assessment of the likely

impact to archaeological remains. The archaeological investigations have established the potential for archaeological remains in the vicinity of the proposed development site, for instance, a Bronze Age burial mound and cremations burials, Iron Age settlement, Roman activity and an Anglo-Saxon cemetery have been recorded adjacent to the site. Archaeological evaluation has been limited in the areas which this application relates but undated ditches were recorded at the eastern end of the proposed new access track (trench 22) and the main area proposed for dwellings contained 0.9m depth of made ground deposits which likely relates to its previous use as spoil heaps for the adjacent development. Considering the extent of these deposits we agreed to undertaking further archaeological investigation and any necessary mitigation as a condition of planning permission.

10.66.2 In light of the above, we recommend the following condition wording to ensure programme of archaeological investigation and recording is carried out:-

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 218 of the National Planning Policy Framework (Dec 2024).

- 10.67 It is evident that neither Historic England nor Gloucestershire County Council Archaeology have raised an objection to this application, subject to the conditions requested by the latter body. Insofar as the setting of the SAM and features of archaeological interest are concerned, it is considered that the proposed development accords with Local Plan Policies EN1, EN4 and EN10, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the NPPF.

(g) Access and Highway Safety

- 10.68 The proposed development would utilise an existing estate road which extends alongside the western edge of the town's development boundary. The existing estate road joins onto the A417 to the south by way of a roundabout. The estate road also joins onto a residential road (The Wern) which serves residential

development to the east. The proposed development seeks to undertake works to the junction where The Wern and the estate road meet. The improvements would then facilitate the creation of a new estate road which would extend north-eastwards from the existing estate road. It is proposed that the new development would be served by the extended estate road.

- 10.69 This application is accompanied by a Transport Statement (TS), as well as a Non-Motorised Audit report which has assessed potential pedestrian and cycle routes from the application site to the town centre.
- 10.70 With regard to the highway improvement works proposed at the western end of The Wern, the applicant has provided information relating to traffic speeds, visibility and vehicle swept paths. The information has been assessed By Gloucestershire County Council (GCC) Highways which considers that the proposed access arrangements are acceptable.
- 10.71 With regard to traffic generation, the TS states that '*the proposed development is forecast to generate 27 vehicle trips during both weekday AM and PM peak hours based on a total of 54 dwellings assessed. This equates to around one additional vehicle movement every more than two minutes on the highway network in and out of the site during the busiest peak hours.*' The TS also indicates that the existing roundabout junction on the A417 to the south of the site has capacity to accommodate the stated increase in vehicular movements. GCC Highway Officers are satisfied that the proposal would not have an adverse impact on the operation of the existing junction or the wider highway network.
- 10.72 In terms of accessibility to services and facilities, the applicant has been requested to provide additional information demonstrating footpath and cycle connectivity to existing services and facilities in the town following the removal of the new footpath initially proposed to the east of the site. The applicant has submitted a Non-Motorised Audit report which has assessed 4 potential routes from the site to the town centre. The submitted report states that the nearest bus stop is 400m from the application site. A post office, supermarket, medical centre and other bus stops are located approximately 1.1km to 1.4km from the application site. A network of existing footpaths links the site to the town centre and various facilities. The various routes are relatively flat and are illuminated. It is considered that safe routes are available for pedestrians from the site to existing facilities. With regard to cyclists, it is noted that the principal route to the town centre would be along the A417. However, the route is relatively flat, illuminated and subject to a 30mph speed limit. Whilst the A417 is used by range of vehicles, including HGVs, it is considered that the option available does not represent an unsafe route for cyclists.
- 10.73 This application has been assessed by Gloucestershire County Council Highways. The Highway Officer states:

10.73.1 Various off site improvements have been offered that involve changes to the access road as well as widening and alterations to some sections of footway between the site and the town centre. These works will need to be secured through a S106 Agreement and will need to receive Technical Approval from GCC in order that they can be implemented but the basic principles of the proposed works are considered acceptable and are not considered to represent an unacceptable reduction in highway safety as required by the NPPF for the LHA to object to a development.

10.73.2 The assumptions about the likely traffic generation and distribution from the site are considered reasonable and the modelled impact of that traffic is considered acceptable and demonstrates that the proposed development will not have a severe impact on the capacity of the local highway network as required by NPPF in order for the LHA to object to a development proposal.

10.73.3 The Travel Plan is a reasonable start to what will be an ongoing process and there will be a requirement for a financial contribution to the ongoing monitoring of the Travel Plan secured through the S106 Agreement.

10.73.4 The Non-motorised User Audit assesses the various possible routes to the town centre and whilst the applicant's original offer of improvements to the PROW on the direct route to the town centre have had to be removed from the submission it is accepted that this was done as a result of environmental objections to the impact of the required works and not any unwillingness on the applicant's part. For that reason it is considered that it would be unreasonable to object to the application on the grounds that the works were no longer part of the application.'

10.74 It is evident that GCC Highways consider that the proposed development would not have an adverse impact on highway safety or the operation of the local highway network.

10.75 The relationship of the current application site with the allocated employment estate to the north is noted. Whilst an application has not been submitted to develop the employment allocation, it is necessary to ensure that this proposal would not prejudice the future delivery of the allocated site. For example, future employment related traffic would need to utilise the road serving the proposed residential development with the result that such vehicles would potentially pass in close proximity to new housing. Whilst this concern is noted, it is also recognised that this application is an Outline application. The final layout and position of dwellings has not therefore been established. Such details would be agreed at the reserved matters stage should Outline permission be granted. The final layout could therefore take into account vehicle movements associated with the employment site allocation. Moreover, the employment site is restricted to Use Class E(g) (former B1) type uses. Such uses are of a type which

can operate in close proximity to existing residential development and typically generate smaller types of vehicles when compared to general industrial (B8) or storage and distribution (B8) uses. In light of the Outline nature of this application and the type of uses that could operate from the allocated employment site, it is considered that it would not be possible to sustain an objection to the current application on the grounds of potential conflict with the allocated employment site.

- 10.76 The concerns of local residents and the town council regarding highway safety, traffic generation and accessibility are noted. In response, paragraph 116 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."* On the basis of the technical details that have been submitted and the no objection from GCC Highways, it is considered that it would not be possible to sustain an objection to current application on highway grounds.
- 10.77 It is considered that the proposed development accord with the requirements of Local Plan Policy INF4 and guidance in Section 9 of the NPPF.

(h) Flooding and Drainage

- 10.78 The area of the application site proposed for new residential is located within Flood Zone 1, which is the lowest designation of Flood Zone and one in which development of the type proposed can be acceptable in principle. Land lying adjacent to the western edge of the application site falls within Flood Zones 2 and 3. The separate part of the application site lying to the south-west of the main body of the site is primarily located within Flood Zone 2, with a section of its eastern part located within Flood Zone 3.
- 10.79 With regard to surface water drainage, the applicant is proposing to create an attenuation basin in the north-western corner of the application site. The attenuation basins would hold surface water run-off before releasing it at a controlled rate into the existing drainage network. The rate of release would take into account the effect of climate change.
- 10.80 Gloucestershire County Council (GCC) in its role as Lead Local Flood Authority has assessed the Flood Risk Assessment and drainage strategy submitted with this application. The LLFA provided initial comments in December 2024, which state:

'Flood Risk

10.80.1 The Flood Risk Assessment (Ref: 10899 FRA03 Rv8; Date: 24 October 2024) (FRA), shows that the majority of the site is in flood zone 1 with

an area in flood zone 3 on the western boundary of the northern parcel (Figure 6-1). The southern parcel is completely in flood zone 2 and its eastern corner is in flood zone 3.

10.80.2 The Risk of Flooding from Surface Water (RoFfSW) map shows that the site is at very low risk of flooding with small areas at low risk of flooding (associated with the 1 in 1000 year rainfall event) (Figure 6-2).

10.80.3 Several public comments report that The Wern was flooded in the recent storms in November of this year and the comments by Hincliffe from 16 December 2024 includes photos of this flooding. From the information available to the LLFA, the recent storm was more like a 1 in 6 or 1 in 10 year rainfall event so the photos showing this flooding do not reflect the RoFfSW map. Given this disparity and the proximity of the flooding to the site, further analysis of the risk of flooding of the site should be carried out to make sure the proposed houses will not be put at undue risk and the development will not have unforeseen impacts on flood risk elsewhere.

10.80.4 Furthermore, photos on google street view from shows what appears to be a culvert headwall on the south western corner of the northern parcel, taking water underneath The Wern to the watercourses to the west of road (The Wern - Google Maps). This doesn't appear to have been included in the model created by the applicant described in Section 7 of the FRA. This may be the cause of the differences between the modelling results and the flooding seen in the photos and should be explored further.'

10.81 In response to the above comments, and information and photographs provided by local residents concerning the December 2024 flood event, the applicant has undertaken further modelling and analysis which has been assessed by the LLFA. The submitted information has identified blockages in the existing drainage system including a blocked and silted highway drainage headwall The submitted information states:

10.81.1 'Most of the flood relief structures at the Wern are 600mm diameter culverts, therefore the growth of vegetation can reduce the conveyance of the structure. However, it is unlikely to have entirely blocked. But the syphon located at the east is only 225mm diameter, hence the likelihood of blockage is high with poor maintenance.

10.81.2 The blockage results show that the syphon structure works as flood relief transferring some of the volume to the east, therefore the obstruction at the structure produces increase in water levels and flood extent at the west Wern road. Also, reduction in flood at the eastern section of the Wern is observed.'

10.82 With regard to the blockage of a highway drainage headwall, the submitted drainage information states:

10.82.1 'As the outfall is blocked, then the gullies in this location would quickly overtop and begin to fill the road and junction from any extreme storm event. It is believed that this is exacerbated at the junction as it is naturally flat with all other areas that water would drain to already stressed from the other blockages and poor maintenance identified. The gullies were full of silt themselves on inspection done on 11 February, 2025, thus reducing the gullies capacity to hold water and increasing the likelihood of overtopping.'

10.82.2 It is therefore recommended that the swale on the proposed site and its eastern and western culverts to the wider network are cleaned and cleared. It is also recommended that the highway drainage and the headwall are also jetted cleaned and cleared to reestablish connections from the highway drainage back in to the surrounding ditch system.'

10.82.3 Modelling has shown that if the system is clear and working then even in a 1:100yr event with climate change, the access to the proposed site remains clear of flooding, as does the majority of the Wern.'

10.83 The LLFA has assessed the new modelling data and additional information and considers the information to be acceptable. It states:

10.83.1 'A new flood model has been developed to assess the risk of flooding to the site and is described in the Technical Note 04 Rv1: Flooding Study- Surface Water Modelling of the Wern (01 May 2025). The flood extents within this report show that surface water should mostly be contained in the channels and the area identified for the residential development will remain largely free from flooding, with the southern and western boundaries being impacted by surface water. Examples are given as to how the development could be designed so that dwellings are not put at risk of flooding.'

10.83.2 Having reviewed the Technical Note, the LLFA has no objections to the proposal, however, modelling accounting for the final layout of the site should be carried out and submitted for detailed review.'

10.84 In the event that planning permission is granted, the LLFA recommends the attachment of conditions relating to further modelling relating specifically to a detailed layout of the site submitted at the Reserved Matters stage, a sustainable drainage strategy and sustainable drainage management and maintenance for the lifetime of the development.

10.85 The Environment Agency raises no objection to this application.

10.86 The concerns of the Town Council and local residents are noted. However, the development of the site has been subject to flood modelling and it is evident

that GCC Lead Local Flood Authority considers that the proposals are acceptable in principle. It is therefore considered that it would not be possible to sustain an objection to the application on flooding or drainage grounds.

- 10.87 With regard to foul drainage, Thames Water has not objected to this application subject to a condition requiring confirmation that foul water capacity exists off site for the development or that an infrastructure phasing plan is agreed. Such a condition would ensure that the developed is not occupied until adequate foul drainage capacity is demonstrated and provided for. Thames Water has a statutory duty to connect development to its network. The means of connection would ultimately be a separate matter between the developer and Thames Water.
- 10.88 Overall, it is considered that the proposed development is in accordance with Local Plan Policy EN14 and guidance in Section 14 of the NPPF.

Biodiversity

- 10.89 The application site consists primarily of open grassland, although it is bordered by trees, hedgerows, water courses and agricultural buildings, which could serve a number of protected species. The applicant has submitted an Ecological Impact Assessment with this application. The submitted details also include Biodiversity Net Gain calculations.

- 10.90 The Council's Biodiversity Officer has assessed the application and states:

10.90.1 The EcIA report (dated 14th November 2024) referred to ongoing surveys during 2024 and 2025. An updated EcIA report has been submitted (dated 6th May 2025), this also refers to ongoing survey work during 2024 and 2025.

10.90.2 At present, most of the survey work submitted to the Local planning Authority was undertaken in 2022 and due to the age of these surveys, the surveys require updating in accordance with best practice guidance, as recommended by CIEEM. Consequently, the surveys undertaken in 2024 and those which are still ongoing in 2025 will need to be submitted to the Local Planning Authority prior to any permission granted in accordance with the Circular 06/2005 which states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

10.90.3 The Local Planning Authority is aware that the site is likely to support protected and priority species, including reptiles and ground-nesting birds. For example, nesting skylark were recorded in 2022, impacts to this species would

need to be mitigated through the delivery of off-site provisions in accordance with Local Plan policy EN8 which sets out development should not be permitted if there will be a detrimental impact on species of principal importance unless adequate provision can be made to ensure the conservation of the species, and paragraphs 192 and 193 of the National Planning Policy Framework which states planning applications should follow the mitigation hierarchy and promote the protection and recovery of priority species.

10.90.4 In addition, habitats on and in proximity to the site are suitable for European protected species, including dormice, roosting bats, great crested newts and otter. Therefore, up-to-date surveys are required to enable the Local Planning Authority to assess whether the development is likely to require a licence(s) from Natural England, consider the three derogation tests and discharge its statutory duty with regards to European protected species in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

10.90.5 If the above is not resolved, refusal is recommended for the following reasons:

10.90.6 Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts to biodiversity in accordance with Local Plan policy EN8 and Chapter 15 of the National Planning Policy Framework. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.'

- 10.91 With regard to Biodiversity Net Gain (BNG), the Biodiversity Officer advises that additional information is required in relation to biodiversity metric calculations and the classification of some habitats. There are also concerns about the ability of the development to meet target conditions such as in the case of neutral grassland. At present, the Biodiversity Officer raises the following objection:

10.91.1 'Insufficient information has been submitted to demonstrate the biodiversity gain objective can be met and the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).'

- 10.92 The applicant has been made aware of the above matters. At the time of writing this report, further information had not been received. If additional information is received prior to the meeting of the Planning and Licensing Committee meeting in July, Members will be provided with an update. However, at the

present time it is considered that the application fails to demonstrate that the proposal would not have an adverse impact on biodiversity and that it can reasonably demonstrate 10% Biodiversity Net Gain.

Other Matters

- 10.93 In terms of residential amenity, it is considered that the site has the potential to accommodate the level of development proposed without adversely impacting on the amenity of existing residents in the area. There is also scope to provide play areas within the development site. The adjacent allocated employment site would be limited to Use Class E(g) which consists of uses such as offices, research and development and industrial uses which can take place in close proximity to residential properties without causing unacceptable levels of noise, odour or general disturbance. It is considered that the proposed development is acceptable in terms of residential amenity and noise and disturbance.
- 10.94 The Council's Environmental and Regulatory Services Section raises no objection with regard to contamination subject to conditions. It is considered that the proposed development accords with Local Plan Policy EN15.
- 10.95 The Council's Tree Officer raises no objection to the application. The proposed development would not result in the loss of trees protected by Tree Preservation Orders and it is considered that the site could be developed in a manner that would not have an adverse impact on protected trees having regard to Local Plan Policy EN7.
- 10.96 With regard to financial contributions, GCC Community Infrastructure has requested payments of £10,584 towards library services. GCC is not requesting a contribution towards primary or secondary school provision. The contribution requested by GCC is considered to be reasonable, directly related to the development proposed and to meet the requirements of Paragraph 122 of the Community and Infrastructure Levy Regulations 2010.
- 10.97 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. Whilst the income generated from CIL would be benefit, it is considered not to be at level that would outweigh the significant adverse impacts arising from the proposed development.

11. Conclusion

- 11.1 It is considered that the proposed development is contrary to the Council's development strategy with regard to the location of new build open market dwellings. It would also conflict with Neighbourhood Plan Policy H2 concerning the location of new residential development. Notwithstanding this, following

the changes to the NPPF introduced in December 2024 this Council can no longer demonstrate a robust 5 year supply of deliverable housing land. As such, the development plan policies relating to the delivery of new housing are now considered to be out-of-date. It is therefore necessary to consider this proposal in the context of paragraph 11 of the NPPF. In this instance, the delivery of 54 dwellings, including 22 affordable dwellings, is considered to represent a significant benefit that weighs in favour of the application. However, it is also considered that this proposal would cause harm to the setting of designated heritage assets. Paragraph 11 d i of the NPPF identifies that such harm can provide a strong reason to refuse an application even when a 5 year supply of housing land cannot be demonstrated. The public benefits arising from the delivery of the new housing are considered not to outweigh the harm to the setting of the listed buildings and conservation area in this case. In addition, the proposed development would cause harm to the rural setting of the town by virtue of the encroachment of residential development into the open countryside. Furthermore, insufficient information is available to demonstrate that the proposal would not have an adverse impact on biodiversity or achieve the necessary Biodiversity Net Gain. Finally, a S106 agreement is not in place to secure the delivery of affordable housing, self-build/custom build plots, mix of housing, library contribution or Biodiversity Net Gain. The aforementioned factors all weigh against the current proposal. In the context of paragraph 11 dii of the NPPF, it is considered these impacts would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole, even if the location of the site next to a Principal Settlement and the delivery of affordable housing/new housing are taken fully into account. It is therefore recommended that the application is refused.

12. Reasons for Refusal:

1. The proposed development would result in the significant encroachment of residential development into the open countryside to the detriment of the rural character, appearance and setting of the town. The proposal would have an urbanising impact on the locality and undermine the relationship of the town with the adjacent landscape. The proposed development is considered to be contrary to Local Plan Policies EN1 and EN4, Neighbourhood Plan Policy D1 and guidance in Section 15 of the National Planning Policy Framework.

2. The application site lies within the setting of the Grade II listed Butler's Court & Stable immediately behind Butler's Court. Butler's Court is high-status farmhouse/modest country house of 17th century origin. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal would result in the encroachment of residential

development across the agricultural land lying to the west of the listed buildings, thereby severing their historic relationship with the adjacent agricultural landscape. The proposed development would have a significant adverse impact on aspects of the listed buildings' setting that contribute positively to their significance, thereby neither preserving their special architectural or historic interest, nor sustaining their significance as designated heritage assets. The harm would be less-than-substantial albeit considerable. The identified harm is not outweighed by any public benefits. The proposed development is considered to be contrary to Local Plan Policies EN1, EN4 and EN10, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the National Planning Policy Framework.

3. The application site lies within the setting of the designated Lechlade Conservation Area. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, it also states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The current proposal, by virtue of the encroachment of development into the open countryside along the still predominantly rural main western approach to the settlement, will harm aspects of the setting of the Lechlade Conservation Area that contribute positively to its significance as a designated heritage asset. The harm would be less-than-substantial. There are no public benefits that outweigh the identified harm. The proposed development is considered to be contrary to Local Plan Policies EN1, EN4, EN10 and EN11, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the National Planning Policy Framework.

4. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the scheme on biodiversity in accordance with Local Plan policy EN8 and Chapter 15 of the National Planning Policy Framework. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species

5. Insufficient information has been submitted to demonstrate the biodiversity gain objective can be met and the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

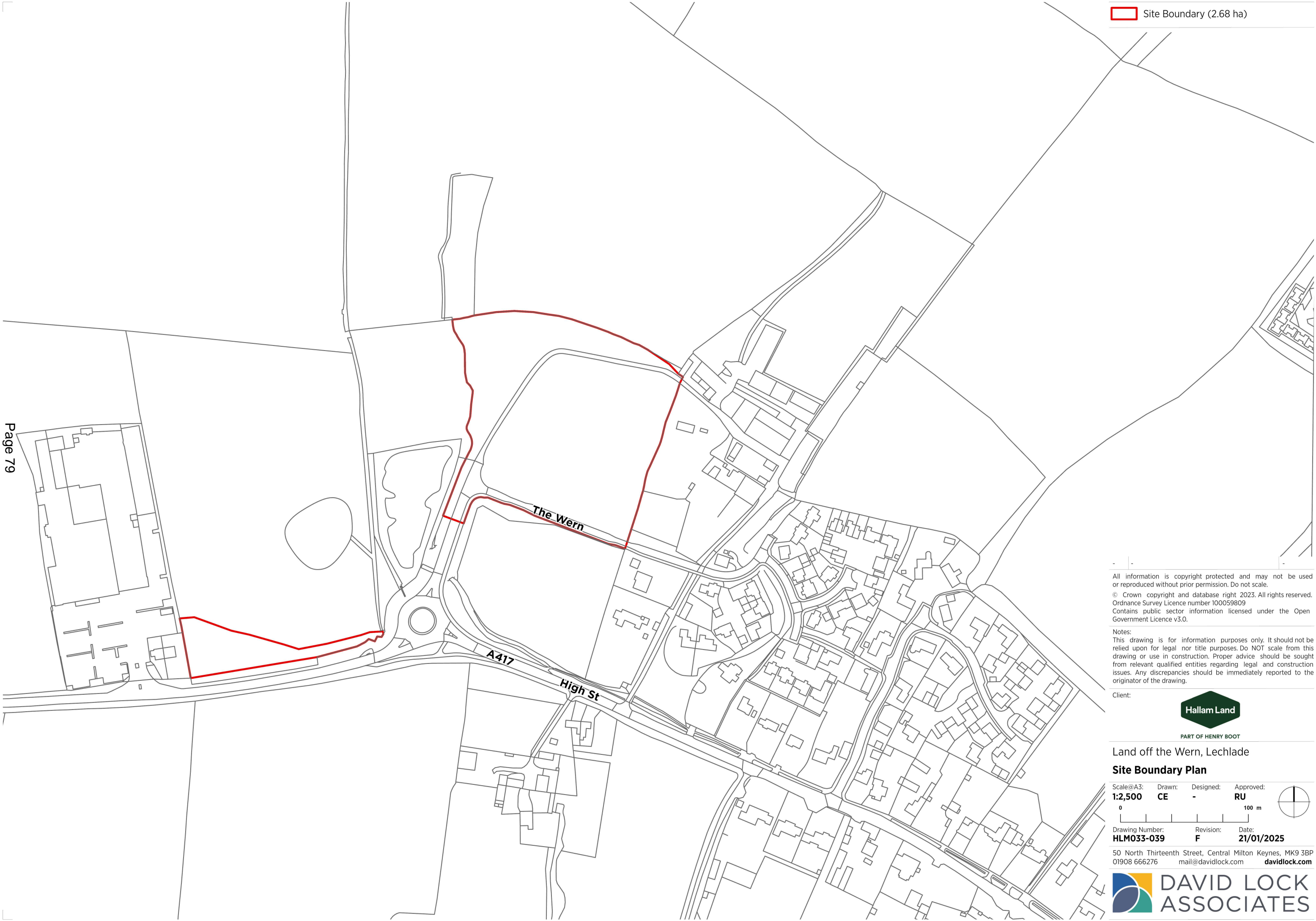
6. A S106 legal agreement has not been completed. As a consequence, there is no mechanism to secure the provision of affordable housing, self-build/custom build plots, the size and mix of open market dwellings, Biodiversity Net Gain and financial


contributions to library services as required by Local Plan Policies INF1, H1 and H2 and Neighbourhood Plan Policy H1.

Informatives:

1. This decision relates to the land outlined in red on drawing number HLM033-039 F and access drawing 009 P4.
2. 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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 Site Boundary (2.68 ha)

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Client:





Hallam Land

PART OF HENRY BOOT

Land off the Wern, Lechlade

Site Boundary Plan

Scale@A3:	Drawn:	Designed:	Approved:	
1:2,500	CE	-	RU	
0			100 m	
				
Drawing Number:		Revision:	Date:	
HLM033-039		F	21/01/2025	
50 North Thirteenth Street, Central Milton Keynes, MK9 3BP				
01908 666276		mail@davidlock.com		davidlock.com



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Site Boundary (2.68 ha)

Residential (C3 Use)

Green Infrastructure

Land for access to retained agricultural land

Housing Allocations L-19

Employment Allocation

Location of Scheme Sustainable Drainage Infrastructure

Vehicular Access

Existing Pedestrian Route

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Client:

Hallam Land

PART OF HENRY BOOT

Land off the Wern, Lechlade

Parameter Plan

Scale@A3:
1:2,500

Drawn:
CE

Designed:
JD

Approved:
RU

0

100 m

Drawing Number:
HLM033-043

Revision:
M

Date:
29/04/2025

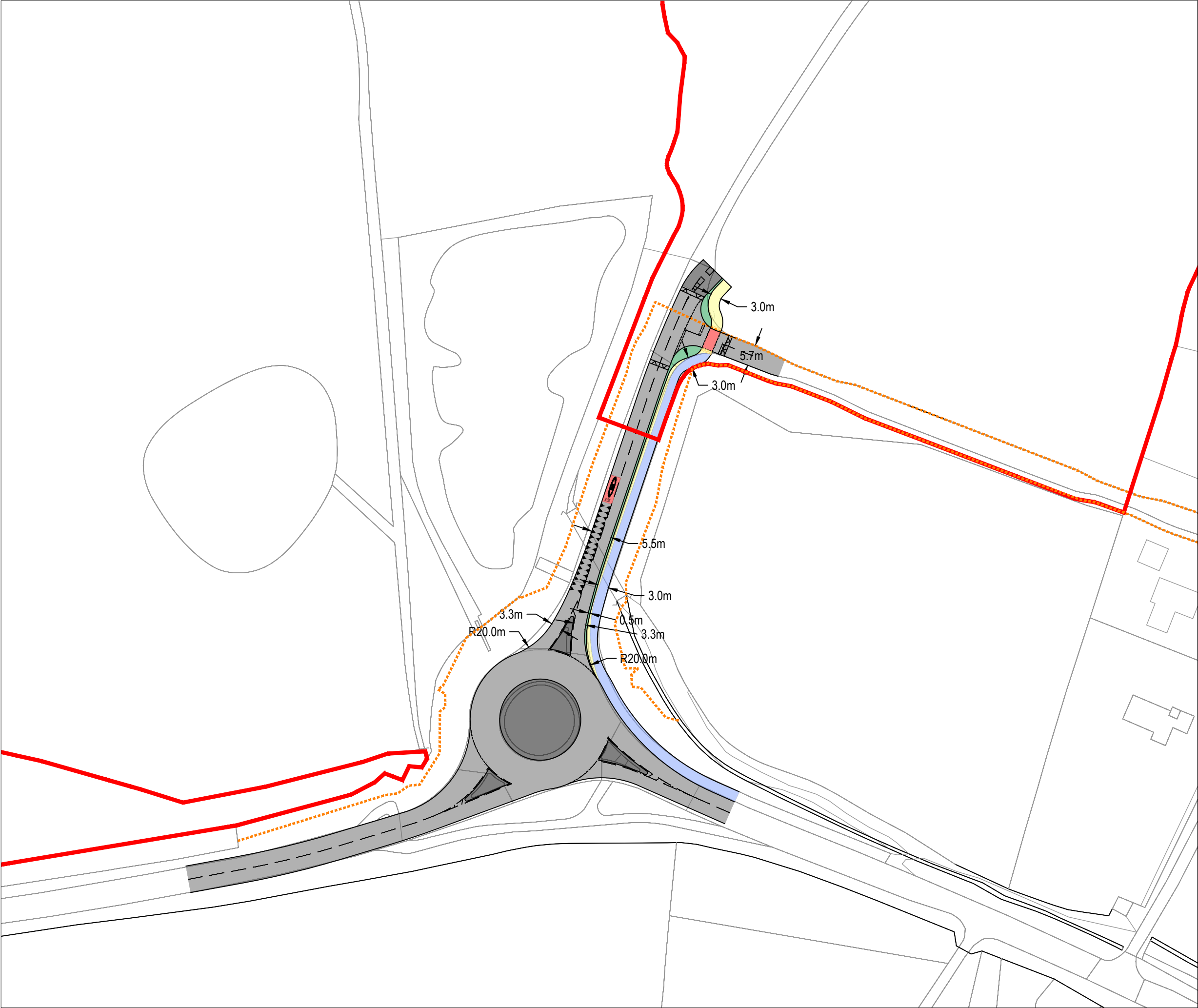
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DAVID LOCK ASSOCIATES

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LEGEND				
	Site Boundary (Illustrative)			
	Highway Boundary			
	Proposed Carriageway			
	Existing Carriageway			
	Existing Pedestrian Path / Footway			
	Proposed Shared Pedestrian and Cyclist Path			
	Verge			
	Coloured Surface Treatment			

P4	10:04:25	Revision	DL	RM
P3	27.03.25	Revision	DL	RM
P2	12.01.23	Bend Sharpened	MK	RM
P1	11.01.23	Preliminary issue	MK	RM

Rev Date Description By Apvd

PROJECT:
THE WERN, LECHLADE ON THAMES

TITLE:
PROPOSED ACCESS LAYOUT

CLIENT:
HALLAM LAND MANAGEMENT

SCALE@A3:
1:1000

PROJECT REF: 23202	STATUS: N/A
DRAWING No: 009	REV: P4

Revision Referencing
P = Preliminary A = Approval T = Tender C = Construction



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Demolition of existing 12 no. flats and construction of 14 no. new houses and flats, together with associated car parking, external works and landscaping at Land at Nos. 26 To 48 Austin Road Cirencester Gloucestershire GL7 1BT

Full Application 25/00650/FUL	
Applicant:	Bromford Housing Association
Agent:	Oakley Architects Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Claire Bloomer
Committee Date:	9 July 2025
RECOMMENDATION:	PERMIT subject to no objection from Gloucestershire County Council Archaeology, as well as completion of a S106 legal agreement covering Biodiversity Net Gain, financial contributions towards Cotswold Beechwoods Special Area of Conservation and the North Meadow and Clattinger Farm Special Area of Conservation, and the provision of affordable housing

1. Main Issues:

- (a) Residential Development in a Development Boundary
- (b) Housing Mix & Affordable Housing
- (c) Design and Impact on the Character and Appearance of the Area and the Setting of Cirencester South Conservation Area and a Listed Building
- (d) Access and Parking
- (e) Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage

2. Reasons for Referral:

- 2.1 This application has been referred to Planning and Licensing Committee because the application falls into the major development category.

3. Site Description:

- 3.1 This application relates to an existing 3 storey post war apartment building and its associated land located in the eastern part of the town of Cirencester. The

application site measures approximately 0.28 hectares in size. The existing apartment building is of brick construction. It lies in the north-eastern part of the site and fronts onto a residential cul-de-sac (Austin Road) which is located to its north-east. The remainder of the application site is largely set to grass. Aside from the apartment building, the other residential development located on Austin Road consists of 2 storey post war semi-detached rendered dwellings.

- 3.2 The south-western and south-eastern boundaries of the application site adjoin a residential estate road (Queen Elizabeth Road). The aforementioned boundaries are, in part, lined by trees and understorey vegetation. The north-western boundary of the site, adjoins the grounds of a Grade II listed building (Golden Farn Public House). The aforementioned building is located approximately 25m from the boundary of the application site.
- 3.3 The application site is located within Cirencester Development Boundary.
- 3.4 The site is located approximately 50m to the north-east of Cirencester South Conservation Area. Corinium Roman Town Scheduled Ancient Monument is located approximately 100m to the south-west of the application site. Areas of woodland together with a dual carriageway separates the application site from the aforementioned heritage assets.
- 3.5 The site is located within Flood Zone 1. The River Churn, which is classed as a Main River by the Environment Agency, is located approximately 80m to the south-west of the application site.
- 3.6 The site is located within the zones of influence of the Cotswold Beechwoods Special Area of Conservation and the North Meadow and Clattinger Farm Special Area of Conservation (SAC).

4. Relevant Planning History:

- 4.1 CT.865 Erection of a block of 12 flats. Permitted 1953
- 4.2 08/01137/FUL Erection of sheds in communal garden. Permitted 2008

5. Planning Policies:

- DS2 Dev within Development Boundaries
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment

- EN2 Design of Built & Natural Environment
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to condition
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to condition
- 6.3 Biodiversity Officer: No objection subject to conditions
- 6.4 Tree Officer: No objection subject to conditions
- 6.5 Environmental and Regulatory Services Contamination: No objection subject to condition
- 6.6 Environmental and Regulatory Services Noise: No objection subject to condition
- 6.7 Thames Water: No objection
- 6.8 Natural England: No objection

7. View of Town Council:

'CTC supports this application for regeneration of land at no. 26-48 Austin Road Cirencester which will deliver 14 social rent properties as a mixture of houses and flats, addressing an identified need in Cirencester for affordable housing. CTC welcomes the environmentally sustainable design (including solar panels and EV car chargers) and low carbon approach adopted overall but requests a renewable heating system rather than the proposed use of gas. CTC feels the applicant has successfully maximised the potential of this piece of land, whilst

providing ample amenity space for future residents. CTC also welcomes the inclusion of parking and cycle storage on site and the comprehensive landscaping scheme, which retains existing trees around the perimeter and replaces lost trees with appropriate new planting. CTC applauds the Biodiversity Net Gain Report supporting this application, predicting a BNG of 10% will be delivered as a result of this project.'

8. Other Representations:

8.1 2 letters of support and 1 general comment received.

8.2 Main grounds of support are:

- i) We support this redevelopment - we live in Austin Road and find the flats to be an eyesore and a place of antisocial behaviour. please knock them down ASAP.
- ii) We live in Austin Road and look forward to the removal of the flats and replacement with homes as was done in Paterson Road. They are well set out and landscaped and a great improvement on the ugly, overbearing flats that used to be there. We realise that there will be some necessary disruption. Our only concern would be the restrictive access into the top of Austin Road for large vehicles with the residents' parking, bin lorries etc and the tight space at the bottom in front of the flats for construction traffic. Would it be possible for these to access the works from the Queen Elizabeth Road side during the demolition and building to minimise disruption and make it safer for the families?

8.3 General comments are:

- i) The site certainly needs upgrading and the plans look good. I am however concerned with regards to the tree maintenance going forward especially on the Lombardy poplar trees standing about 24m high in the ditch behind the current blocks of flats. These trees are within Bromford's boundary line. The old fence is still in-situ and the trees are on their land between the old and new fence. The new close board fence installed in 2010/2011 was brought inside the boundary line at the time and the old fence was left in place.
- ii) I notice in the arboriculture report that the trees in question state they are off site in one section and then on-site in another (this needs clarification onsite page 5 section 2.1 off site page 8). I have previously

brought this up with the Neighbourhood coach and had meetings on site where they agreed they were within their ownership. If Bromford do take responsibility a maintenance programme needs to be put in place as even though a root protection system will be used some damage may still occur and these trees are a considerable height.

- iii) The current ditch behind this development on Queen Elizabeth Road is already left to overgrow and is not maintained. If Bromford do not take ownership now of trees that are on their land then they will fall into disrepair and cause issues in the future for local residents, councils and Bromford themselves. Could something be done about the ditch being overgrown and full of litter. Would Bromford be prepared to cut this back to help improve the look of the area during the demolition and construction phases? Especially as they will have equipment and waste facilities on-site.
- iv) The noise of the demolition is also a concern as well as the dust levels for surrounding residents. It would have been nice to see the demolition plan included with this application to explain what will be done to help minimise disturbance to local residents and what would be in place if the demolition took place on a dry, hot day where dust levels would increase etc.
- v) Also, how will local residents be notified and kept up to date on demolition and future works. Will there a main contact person for the site and local community? Will more letters be sent or will it be down to us to make contact? Will a timeline of each phase be sent to residents?

Cirencester Civic Society

'This is a substantial redevelopment project. The proposals appear to be well considered and we have no comment.'

9. Applicant's Supporting Information:

- Affordable Housing Statement
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Tree Protection Plan
- Design and Access Statement
- Ecological Survey Report and Mitigation and Enhancement Plan
- Flood Risk Assessment and Drainage Statement

- Noise Impact Assessment
- Phase I Desk Study & Phase II Geotechnical and Geo-Environmental Report
- Planning Statement
- Preliminary Ecological Appraisal
- Site Waste Management Plan
- Sustainability Statement
- Technical Note - highways
- Biodiversity Net Gain Report
- Construction Phase Management Plan
- Site Waste Management Plan
- Dust Management Plan

10. Officer's Assessment:

Proposed Development

- 10.1 This application seeks permission to demolish an existing 3 storey post war apartment building and to erect new residential accommodation in its place. The proposed accommodation would consist of a new apartment building and 3 pairs of semi-detached dwellings. The proposed apartment building would contain 8 one bed 2 person apartments. The semi-detached dwellings would consist of 4 two bed 4 person dwellings and 2 four bed 7 person dwellings.
- 10.2 All of the proposed accommodation is intended to be delivered for social rent.
- 10.3 The existing apartment building contains 12 two bed apartments. It measures approximately 40m in length by 10m in height and is faced in brick. The replacement apartment building consists of a principal 3 storey element measuring approximately 10.2m in height and 17m in length. A 2-storey range measuring approximately 7.4m long by 8.3m in height would extend to the rear (south-west) of the principal building. A single storey range measuring approximately 3.2m long by 4.8m in height would extend from the south-eastern side elevation of the proposed building. The latter element would contain a bin store and bicycle storage. The external walls of the proposed building would be faced primarily in a brown/buff brick. The exception would be a front projecting gable which would be faced in a white render. The roof of the building would be covered in concrete tiles. The principal elevation of the proposed building would face north-eastwards towards Austin Road. It would be set back approximately 14m from the aforementioned road. The existing building is set back approximately 5-6m from Austin Road.

- 10.4 The proposed 2 bed dwellings would be located in the north-western part of the application site. The front of the proposed dwellings would face south-eastwards towards the centre of the site. The proposed dwellings would take the form of 2 pairs of semi-detached units, with each pair of units measuring approximately 10.6m wide by 8m in height. The front of the proposed dwellings would be set back approximately 13m from the side of the proposed apartment building to the south-east. The rear elevations of the proposed dwellings would be located approximately 11.5-12m from the north-western boundary of the application site.
- 10.5 The proposed 4 bed dwellings would be located in the south-eastern corner of the application site and would appear as a pair of semi-detached 2.5 storey dormer style properties. The principal elevations of the dwellings would face northwards towards Austin Road. The proposed dwellings would be located approximately 2.5m to the south-east of the proposed apartment building. In combination, the proposed dwellings would measure approximately 11.5m wide by 9.3m in height.
- 10.6 The external walls of the proposed dwellings would be faced in a buff/brown brick and the roofs would be covered in concrete tiles.
- 10.7 Vehicular access to the proposed development would be via Austin Road to the north-east. A total of 20 car parking spaces are proposed.

(a) Residential Development in a Development Boundary

- 10.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this application is therefore the current development plan for the District which consists of the Cotswold District Local Plan 2011-2031
- 10.9 The following Local Plan policy is applicable to this proposal:
- 10.10 Policy DS2 Development Within Development Boundaries

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

- 10.11 The erection of new housing on the site is therefore considered to be acceptable in principle. The application site is considered to represent a sustainable location in terms of its accessibility to services and facilities.
- 10.12 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8 year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

10.13 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS2 is out-of-date at the present time and that paragraph 11 is engaged in such circumstances.

10.14 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that designated heritage assets, such as conservation areas and listed buildings, or habitats sites (SACs) are areas or assets of particular importance. Harm to a designated heritage asset or habitats site could therefore provide a strong reason to refuse an application for housing even if a 5 year supply of housing land cannot be demonstrated.

10.15 With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal, such as its design, its impact on heritage assets, drainage, highway safety or residential amenity for example. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

(b) Housing Mix & Affordable Housing

10.16 The proposed development is subject to the following policies in relation to housing mix and affordable housing:

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

1. *'All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need*

and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.

2. Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.

3. Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.

4. Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.

5. Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.'

10.18 Local Plan Policy H2 Affordable Housing

1. 'All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.

2. In settlements in rural areas, as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.

3. The affordable housing requirement on all sites requiring a contribution, subject to viability is:

- i. Up to 30% of new dwellings gross on brownfield sites; and*
- ii. Up to 40% of new dwellings gross on all other sites.*

4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.*

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

6. *Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.'*

10.19 With regard to housing mix, the proposed scheme seeks to replace the existing 12 two bed apartments with a mix of 8 one bed apartments, 4 two bed dwellings and 2 four bed dwellings. The proposed development is therefore considered to provide a wider mix of house types than is currently present on the site. In addition, the proposed units are of a size that meets minimum floorspace standards and the 2- and 4 bedroom units would take the form of dwellings rather than apartments. It is considered that the proposal accords with the requirements of Policy H1.

10.20 With regard to affordable housing, the applicant is a registered affordable housing provider and is proposing to let 100% of the proposed dwellings/apartments as social rented units. At present, none of the apartments in the existing building are subject to a planning obligation or condition restricting their occupation to affordable homes. In order to satisfy the requirements of Local Plan Policy H2 Affordable Housing, the applicant has submitted a Unilateral Undertaking confirming that 30% of the proposed dwellings (4 in total) would be formally designated as social rented units. Current policy cannot require a greater number of dwellings to be covered by the agreement. However, the applicant's status as a registered provider of affordable homes means that other units not covered by the agreement would also be let as affordable dwellings, with social rented accommodation being stated by the applicant as the preferred model for this development.

10.21 It is considered that the proposal accords with Local Plan Policies H1 and H2.

(c) Design and Impact on the Character and Appearance of the Area and the Setting of Cirencester South Conservation Area and a Listed Building

10.22 The application site is located adjacent to a Grade II listed building (Golden Farm Public House). In addition, the site is located approximately 50m to the north-east of Cirencester South Conservation Area. Corinium Roman Town Scheduled Ancient Monument (SAM) is located approximately 100m to the south-west of the application site.

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

10.24 The following Local Plan Policies are considered applicable to this application:

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

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

10.26 Local Plan Policy EN10 Designated Heritage Assets states:

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

2. *Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.*

3. *Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:*

- *The importance of the asset;*
- *The scale of harm; and*
- *The nature and level of the public benefit of the proposal'*

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

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

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;*
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*
- d. Have regard to the relevant Conservation Area appraisal (where available); and*
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.28 In terms of national guidance, Paragraph 210 of the National Planning Policy Framework (NPPF) states *in determining planning applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.*

10.29 Paragraph 212 states *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given*

to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

10.30 Paragraph 215 states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

10.31 With regard to the use of land in general, paragraph 124 of the NPPF states that decisions *'should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

10.32 Paragraph 125 c states that planning decisions:

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

10.33 Paragraph 129 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account: the desirability of maintaining an area's prevailing character and setting (including residential gardens).

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

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

a) *will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;*

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

10.36 The application site is located on the south-western edge of a post war residential cul-de-sac (Austin Road). It therefore forms part of a 20th Century housing development and is largely seen in context with such development. The front elevation of the existing building faces towards Austin Road, with the existing building being a prominent feature when viewed from the existing road. Austin Road is characterised by a central grassed area with a carriageway to either side. The application site forms a focal point at the south-western edge of the aforementioned road, with views being available of the site across the grassed area and along the length of the road.

10.37 With regard to wider views of the site, it is evident that existing trees and understorey planting provide a degree of screening when viewed from Queen Elizabeth Road to the south-west and south-east. Notwithstanding this, there is a break in vegetation along the site's south-western boundary which allows views from the aforementioned road of the site and the rear of the existing building. The break in vegetation measures approximately 20m in length. A line of trees and a close boarded fence define the north-western boundary of the application site where it adjoins the Golden Farm Public House.

10.38 The existing apartment building is noticeably taller than the buildings around. In addition, its brick construction is different to the white render present on the existing dwellings in Austin Road. As a consequence, the existing building

appears distinct from existing development in the area. In terms of its design and size the existing building does not respond in a particularly sensitive manner to its surroundings. The existing building is considered not be of any particular historic or architectural interest and, as such, there is no objection in principle to its demolition.

- 10.39 The proposed development consists of a new apartment building and 3 pairs of semi-detached dwellings. With regard to the apartment building, it is noted that the proposed building is smaller in size than the existing building. Whilst it will be similar in height, the proposed replacement building will extend across a smaller section of the site than the present building. As such, it will appear less prominent when viewed from either Austin Road or Queen Elizabeth Road. In addition, the proposed building has a relatively plain and simple appearance which is considered appropriate for the area. The use of white render will also tie in with the predominant facing material evident on properties within Austin Road. Whilst the gable width of the rear range does look a little wide, this element of the building will be set down from the principal part of the building and will appear subservient to it. It will also be seen against the backdrop of the 3 storey element when seen from Queen Elizabeth Road. On balance, it is considered that the rear range would not have an adverse impact in design terms, especially when compared to the existing development on the site and
- 10.40 The proposed semi-detached dwellings would be positioned to either side of the site, thereby providing a degree of space between the principal apartment building and the aforementioned dwellings. The proposed development will therefore appear less monolithic than the existing building. In addition, the proposed dwellings are of a size and scale which is considered to respect the existing dwellings present on Austin Road. The proposed dwellings are therefore considered to be of a size, scale, design and form which responds in a sympathetic manner to the site and this part of Austin Road. The use of brick as a facing material is considered appropriate for both the dwellings and the apartment building. Such a material has been used in the recently completed dwellings on Paterson Road to the north-east of Austin Road where 36 replacement dwellings were permitted in 2018 (18/02760/FUL).
- 10.41 The proposed scheme seeks to retain 23 of the 25 trees on the site. 2 hazel trees are proposed for removal. A total of 5 new trees are proposed to be planted and form part of a comprehensive new landscaping scheme. The proposed landscaping scheme will introduce a wider variety of plant species onto the site than at present and is considered acceptable.

- 10.42 With regard to the impact of the proposals on the setting of the listed building to the north-west, it is noted that existing trees and fencing provide a strong boundary between the aforementioned heritage asset and the application site. Land to the south-east of the listed building is characterised by post war residential development. The setting of the listed building is therefore already heavily influenced by mid to late 20th Century development. Whilst the proposed development will extend closer to the north-western site boundary than the existing building, the dwellings proposed in this location are more modest in size and scale than the existing building and are also considered to be of a design which is more sympathetic to the wider character and appearance of the area. In addition, the re-development scheme as a whole is considered to result in a betterment in visual and design terms. It is therefore considered that the proposed development will not cause harm to the setting of the listed building having regard to Local Plan Policy EN10 and guidance in Section 16 of the NPPF.
- 10.43 With regard to the impact of the proposal on the setting of the conservation area and SAM, it is noted that an area of woodland, together with a dual carriageway, lie between the site and the conservation area. A further belt of woodland and the River Churn are also located between the site and the SAM. It is also noted that the dual carriageway sits at a lower level than the site. In light of the position of the existing road and the extensive vegetation that lies along either side of the highway, it is considered that there is no visual or physical interconnectivity between the site and the aforementioned heritage assets. The proposed development would not be readily visible from the conservation area or the SAM and is considered not to have a material impact on the setting of either heritage asset. The proposed development is therefore considered not to cause harm to the conservation area or SAM and not to conflict with Local Plan Policies EN10 and EN11 or Section 16 of the NPPF.
- 10.44 It is considered that the proposed scheme would result in the sympathetic re-development of the site and that it accords with Local Plan Policies EN2, E10 and EN11 and guidance in Sections 12 and 16 of the NPPF.

(d) Access and Parking

- 10.45 The existing apartment building is not served by a vehicular access or dedicated parking spaces. Parking has typically taken place on Austin Road. The proposed development seeks to provide on-site parking for all the proposed dwellings and apartments. Units 1-12 (2 bed dwellings and apartments) would be served by a shared site entrance. Units 13-14 (4 bed dwellings) would be served by their own entrance driveway. The proposed dwellings would be provided with

2 parking spaces per unit, with the apartments being provided with 1 parking space per unit.

10.46 The proposed entrances will open onto an existing estate road which serves a number of existing dwellings. In addition, Austin Road connects into a number of other residential estate roads which form part of a larger post war residential estate. In light of the fact that this proposal would result in a net increase of 2 dwellings on the site and that it will provide dedicated on-site parking facilities, it is considered that the existing road network can reasonably accommodate the level of development being proposed. The proposed entrances are also considered to be of a design which can afford adequate visibility, with adequate turning also being provided on the site.

10.47 Gloucestershire County Council Highways has assessed the application and raises no objection. The Highway Officer states:

10.47.1 'The proposal is to replace existing residential dwellings with slightly more residential dwellings and therefore improve the affordable housing stock in the area. The site is in a broadly sustainable location with opportunities to travel by foot, cycle and public transport.'

10.47.2 The access is from an existing residential estate road and the increase in traffic generated from the site is not considered to result in either a severe impact on highway capacity or an unacceptable reduction in highway safety.'

10.47.3 The proposed car parking complies with the relevant parking standards and the design and layout of the access is acceptable.'

10.48 It is noted that the proposed development would have an impact on the local highway network during the construction phase of the development. The applicant has submitted a Construction Phase Management Plan which sets out measures to control the construction phase of the development including operating hours, site deliveries, vehicle routing and the management of dust and mud. It is considered that reasonable measures are in place to minimise the impact of the construction phase of the development on both the road network and the amenity of local residents.

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

(e) Residential Amenity

- 10.50 The floorspace of the proposed dwellings/apartments meets minimum floorspace standards as required by Local Plan Policy H1.
- 10.51 The proposed dwellings/apartments would be provided with an appropriate level of outdoor garden/amenity space in accordance with advice in the Cotswold Design Code.
- 10.52 The proposed buildings would be positioned and orientated in a manner that would not have an adverse impact on existing neighbouring residents or future residents of the proposed development in terms of light, privacy or overbearing impact.
- 10.53 The applicant has submitted a Dust Management Plan, Site Waste Management Plan and Construction Phase Management Plan, which set out measures to mitigate the impact of the construction phase of the development on local residents. It is considered that reasonable measures are in place to mitigate the impact of the proposal on the amenity of the occupiers of nearby dwellings having regard to Local Plan Policy EN15.
- 10.54 It is considered that the proposed development is acceptable in terms of its impact on residential amenity.

(f) Biodiversity

- 10.55 This application is accompanied by a Preliminary Ecological Appraisal and an Ecological Survey Report & Mitigation and Enhancement Plan. The latter report includes details of Bat emergence/re-entry surveys that were undertaken prior to the submission of this application. No evidence of bats emerging from the building was found during the survey period. However, a range of bat species were identified commuting and foraging around the site. There is no evidence of other protected species using the existing building although hedgehogs have been identified passing through the site. In order to mitigate the impact of the proposed development, it is recommended that conditions are attached to a future decision which cover external lighting and the precautionary working methods recommendations set out in the submitted ecological reports. The installation of new landscape planting will also assist biodiversity.
- 10.56 It is considered that the proposal can be undertaken without having an adverse impact on protected species. Ecological enhancements are also proposed to the site. It is considered that the proposal accords with Local Plan Policy EN8.

10.57 With regard to Biodiversity Net Gain (BNG), the applicant is proposing to provide enhancements on site, as well as on an area of grassland located on Austin Road adjacent to the application site. However, such enhancements would not be sufficient to meet the minimum 10% net gain requirement. As a consequence, the applicant is also seeking to purchase off-site units. In light of the need for off-site provision, it is necessary to secure BNG through a S106 legal agreement.

10.58 The Council's Biodiversity Officer states:

'Biodiversity Net Gain

10.58.1 The updated BNG report (Abricon, 12th May 2025 - uploaded 13th May 2025) contains amended proposals to deliver BNG in response to my previous comments, and now demonstrates the following:

- A net loss of -15.60% (-0.46 units) area habitat units*
- A net gain of 409.12% (+0.07 units) hedgerow units*

10.58.2 The delivery of net gain is to be provided by a mixture of on-site and off-site habitat provision, with the remaining unit deficit of 0.75 units to be provided through the purchase of off-site units.

10.58.3 The applicant does not need to purchase these units to receive planning consent. However, any off-site units would need to be allocated to the development prior to the submission of a discharge of conditions application in order to successfully discharge the biodiversity gain condition. In addition, a s106 legal agreement will be required to secure the proposed off-site gains to be delivered by the applicant and to enable the applicant to register the off-site parcel with the National Biodiversity Gain Sites register; a prerequisite to enable the applicant to discharge the biodiversity gain condition. '

10.59 Subject to the completion of a S106 legal agreement covering the above matter it is considered that the proposal can reasonably meet BNG requirements.

10.60 The application site is located within the zones of influence of the Cotswolds Beechwoods Special Area of Conservation and the North Meadow and Clattinger Farm Special Area of Conservation (SAC). The aforementioned SACs are internationally important biodiversity site which have come under increased recreational pressure from visitors in recent years. The resultant increase in visitor numbers is causing damage to the biodiversity value of the SACs. Visitor

surveys have been undertaken, and this has shown that the majority of visitors come from within the identified zones of influence.

- 10.61 Under the Conservation of Habitats and Species Regulations 2017 (as amended) and other relevant legislation and guidance, Local Planning Authorities have to assess whether any development proposal could harm the biodiversity value of an SAC. This works on the precautionary principle so in order to permit any proposals there has to be certainty that the proposals will not cause any significant likely effects (i.e. negative impacts) on that SAC either on their own or in combination with other proposals. As such, a Habitat Regulations Assessment (HRA) is required with regard to the potential impacts. This is due to the likely significant effects resulting from an increase in residential pressure, particularly in combination with other development projects.
- 10.62 Recreation mitigation strategies are currently in place which seek to ensure that adequate measures can be put in place to limit the impact of new residential development on the respective SACs. The strategy has been developed by Cotswold District Council and a number of other local authorities together with Natural England. Each recreation mitigation strategy requires a financial payment to be made either prior to determination or secured through a S106 legal agreement, which will also need to be completed prior to the determination of the planning application. With regard to this application, the applicant has confirmed their willingness to make the relevant payment (£673/unit per dwelling in relation to Cotswolds Beechwoods SAC and £332 per dwelling in relation to the North Meadow and Clattinger Farm SAC and to enter into a S106 legal agreement in order to secure such payment. Subject to this payment being made, it is considered that appropriate mitigation can be put in place to mitigate the impact of development on the SACs. It is considered that the proposal accords with Local Plan Policy EN9 and the relevant legislative requirements with regard to the impact of development on the SACs.

(g) Flooding and Drainage

- 10.63 The application site is located within Flood Zone 1, which is the lowest designation of flood zone and one in which new residential development can be acceptable in principle. The applicant has submitted a detailed drainage scheme with this application. The proposed scheme incorporates Sustainable Drainage Systems (SuDS), including permeable hard surfaced areas and underground cellular storage. Surface water would be stored in the latter before being discharged into an existing surface water sewer at a controlled rate that takes account of the impact of climate change. A range of measures

are proposed that seek to ensure that surface water is attenuated on site in order to prevent flooding and drainage issues in the area.

- 10.64 It is noted that land adjacent to the north-eastern and south-western boundaries of the application site has experienced drainage issues in the past relating to overland flow from outside the site. With regard to land to the north-east, it is noted that existing properties fronting onto Austin Road, together with the estate road, drain into an existing 150mm diameter surface water pipe next to the site. The limited size of the pipe together with a lack of maintenance impact on the efficiency of the pipe. It is proposed to clean the existing pipe system and to re-direct the existing surface connection from the existing building to a larger sewer pipe to the south-west. The level of water entering the existing 150mm pipe system would therefore be reduced. In addition, the floor levels of the proposed dwellings fronting Austin Road would be approximately 200mm higher than the existing building thereby intending to provide the proposed dwellings with a greater resilience to overland flooding than the existing building. With regard to the land to the south-west, the applicant is proposing to clear out an existing ditch and an overflow chamber in order to allow surface water to discharge to a lower ditch system. In addition, the floor levels of Plots 1 and 2 would be approximately 300mm higher than levels on Queen Elizabeth Road, which is intended to provide improved flood resilience to the aforementioned dwellings.
- 10.65 The applicant has provided additional information to Gloucestershire County Council Lead Local Flood Authority (LLFA) in response to a request for further information. The applicant has also provided a copy of a letter from Thames Water confirming that it is agreeable to a connection to its drainage system. The LLFA raises no objection to the application subject to a condition relating to the future maintenance and management of Sustainable Drainage. It is considered that the proposed development is in accordance with Local Plan Policy EN14 and Section 14 of the NPPF.

Other Matters

- 10.66 The proposed development would result in the removal of 2 hazel trees. A total of 5 new trees would be planted on the site. A detailed arboricultural report has been submitted with this application which sets out measures to protect retained trees on and adjacent to the site. The Tree Officer has assessed the submitted details and considers the proposals to be acceptable. The proposal is considered to accord with Local Plan Policy EN7.

10.67 With regard to ground contamination, the Council's Environmental and Regulatory Services Contamination Officer initially advised that *'the results of the Phase II intrusive site investigation outlines deposits of slag in what appears to be the embankments of the old railway line. It is typical of the time period and locality to create such embankments with waste material from the railway industry. This material from the embankment encroaches on the site and therefore proposes potential risk to future users. Therefore, further intrusive investigation and testing should be conducted to define the extent of the slag deposit from the embankment.'* The applicant has submitted results of further investigation work, which have been assessed by the Contamination Officer, and who now states *'My previous concerns centred around the sparsity of data in an area of the proposed development site that was once occupied by a former railway embankment and the unknown nature of the fill material that made up that embankment. This additional sampling and testing concentrated in the area of the property occupied by the toe of the embankment and has provided information of soil quality that indicates minimal contamination of the fill in this area.'* It is considered that the proposed development can be undertaken in a manner that would not pose a risk to future occupants of the scheme or the locality in accordance with the requirements of Local Plan Policy EN15 and Section 15 of the NPPF.

10.68 With regard to archaeology, Gloucestershire County Council Archaeology has advised:

10.68.1 'The site lies a short distance outside the walls of Roman Cirencester, much of which is a Scheduled Monument (Corinium Roman Town, Listing Number 10034260), and there is extensive evidence for Iron Age and Romano-British farming settlements in the surrounding areas. Archaeological excavation 40m south of the proposed development area in 1999 identified evidence of prehistoric and Romano-British activity. This included a flint scatter of potentially Neolithic date, pits and ditches, and a series of colluvial deposits containing finds of early to 2nd Century AD Romano-British date. Fragments of Roman brick or tile were also recovered from colluvial deposits and from underlying features within this excavation, and suggest the former existence of Romano British or earlier structures in the vicinity.'

10.68.2 In view of archaeological background outlined above, it is my view that there is potential for significant archaeological deposits relating to later prehistoric to Romano-British activity to be present within the application site. I am therefore concerned that ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains.'

10.68.3 Therefore, in accordance with the NPPF (Dec 2024), paragraph 207, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains within the proposed development area, and how these would be affected by the proposed development.'

10.69 The applicant has commissioned further field work and it is anticipated that the results will be known in the near future. GCC Archaeology will review the results of the additional works. Subject to no objection being raised from GCC Archaeology, it is considered that the development can be undertaken without having an adverse impact on features of archaeological interest. It is recommended that any conditions requested by GCC Archaeology are attached to a future decision should permission be granted.

10.70 The demolition of the existing building would be subject to separate Building Regulations and Health and Safety Executive controls.

10.71 With regard to climate change, the applicant's Planning Statement states '*the Proposed Development proposes measures such as timber frame construction, PV Panels and wastewater heat recovery systems, further reducing overall dwelling emission beyond the requirements of Part L (2021)*'. Electric vehicle charging points are also proposed as part of the scheme. It is considered that the proposed development is reasonably seeking to address the impact of climate change.

10.72 In response to the comments of a local resident, the applicant advises:

10.72.1 'Bromford have now confirmed the following with regards to the maintenance of the trees in their ownership:

'10.72.2 With regards to maintenance of the trees on site, Bromford are moving to a 3 year tree stock surveying schedule that will identify any remedial work required. From that survey should maintenance be required this will be scheduled into our internal teams work programme or contracted out to one of our approved contractors'.

10.72.3 As you will recall, we submitted a revised tree survey report on 8th April 2025, which provided clarity with regards to which trees are within Bromford's ownership, responding to the other items raised in points 1 and 2.

10.72.4 With regards to item 3, Bromford would confirm that the ditch is within Gloucestershire County Council Highways land and as such the liability for maintenance rests with them. We have attached a copy of the Highways Records for ease of reference.

10.72.5 With regards to items 4, we provided addition details regarding dust mitigation on 19th March 2025 and this was also included within the Construction Management Plan submitted on 15th April 2025

10.72.6 With regards to item 5, Bromford's contactor partner, E.G Carter have advised the following:

10.72.7 'A site information board will be positioned at the site entrance having the Site Manager contact details together with the key events (large deliveries etc), scheduled for the forthcoming days/weeks. These events will be reinforced by regular newsletters distributed to the immediate neighbours'.

- 10.73 This application is liable for the Community Infrastructure (CIL) unless an exemption is claimed prior to the commencement of development on the grounds that the dwellings will constitute affordable housing. In the event an exemption is not claimed, Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

- 11.1 It is considered that the proposed scheme would result in the sympathetic re-development of the site and that it would also improve the quality of affordable housing available within Cirencester. It is considered that the proposal is in accordance with policy and guidance. It is therefore recommended that the application is granted permission subject to no objection from Gloucestershire County Council Archaeology, as well as completion of S106 legal agreement covering Biodiversity Net Gain, financial contributions towards Cotswold Beechwoods Special Area of Conservation and the North Meadow and Clattinger Farm Special Area of Conservation, and the provision of affordable housing.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

AUST ICS 01 XX DR C 0100 P03, AUST ICS 01 XX DR C 0210 P06, 202229 01, 202229 03F, 202229 04D, 202229 05, 202229 06, 202229 07B, 202229 08, 202229 09A, 202229 10D, 202229 11D, 202229 12D, 202229 15, ADL412 A

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

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

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

4. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan 241210-SR-TPP-RevA-SD&AM shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the

commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

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

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

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

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

7. Prior to the commencement of any works on site (including demolition and site clearance) a meeting must take place between the Local Planning Authority's Tree Officer and all relevant other parties involved in the implementation of the development. The purpose of the site meeting shall be to ensure that all aspects of tree protection are clearly understood so that they can be fully implemented.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

8. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Land Contamination: Risk Management (LCRM), and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment and in the interests of the amenity of local residents in accordance with Local Plan Policy EN15.

9. Prior to the first occupation of each dwelling/apartment hereby permitted, the parking and access facilities for each respective dwelling/apartment shall be provided fully in accordance with the approved plans and permanently retained for such purposes thereafter.

Reason: In the interests of highway safety in accordance with Local Plan Policies INF4 and INF5.

10. The development hereby permitted shall be undertaken fully in accordance with the documents titled 'Construction Phase Management Plan' dated April 2025, 'Dust Mitigation Plan' dated 12 August 2024 and the 'Site Waste Management Plan Revision 1' dated 18th July 2024.

Reason: In the interests of safe operation of the adopted highway during the construction phase of the development hereby permitted and in the interests of residential amenity in accordance with Local Plan Policies INF4 and EN15.

11. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that may influence management;
- c. Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d. Description of the management operations necessary to achieving the aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a works schedule, including annual works schedule;
- g. Details of the monitoring needed to measure the effectiveness of management;

- h. Details of the timetable for each element of the monitoring programme;
- i. Details of the persons responsible for the implementation and monitoring;
- j. Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and
- k. Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30 with biodiversity reconciliation calculations at each stage.

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

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policy EN8.

12. The development shall be undertaken in accordance with the recommendations contained within sections 6.4.1, 6.5.2, 6.7.2, 6.7.3, and 6.8.2 of the Preliminary Ecological Appraisal (Abricon, July 2024)) and sections 5.2.2 and 5.4 of the Ecological Survey Report & Mitigation and Enhancement Plan (Abricon, August 2024). All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

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

13. Prior to the installation of external lighting for the development hereby approved, an external lighting plan shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting and timers), so that it can be clearly demonstrated that areas to be lit will not affect enhancement bat roosting features or

disturb or prevent nocturnal species using wildlife corridors. No external lighting shall be installed other than in accordance with the specifications and locations set out in the approved details.

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

14. No dwelling shall be occupied until a SuDS Management and Maintenance Plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS Management and Maintenance Plan shall be implemented and thereafter managed and maintained in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Local Plan Policy EN14.

Informatives:

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

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Information on how to discharge the biodiversity gain condition can be found here:

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

2. 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

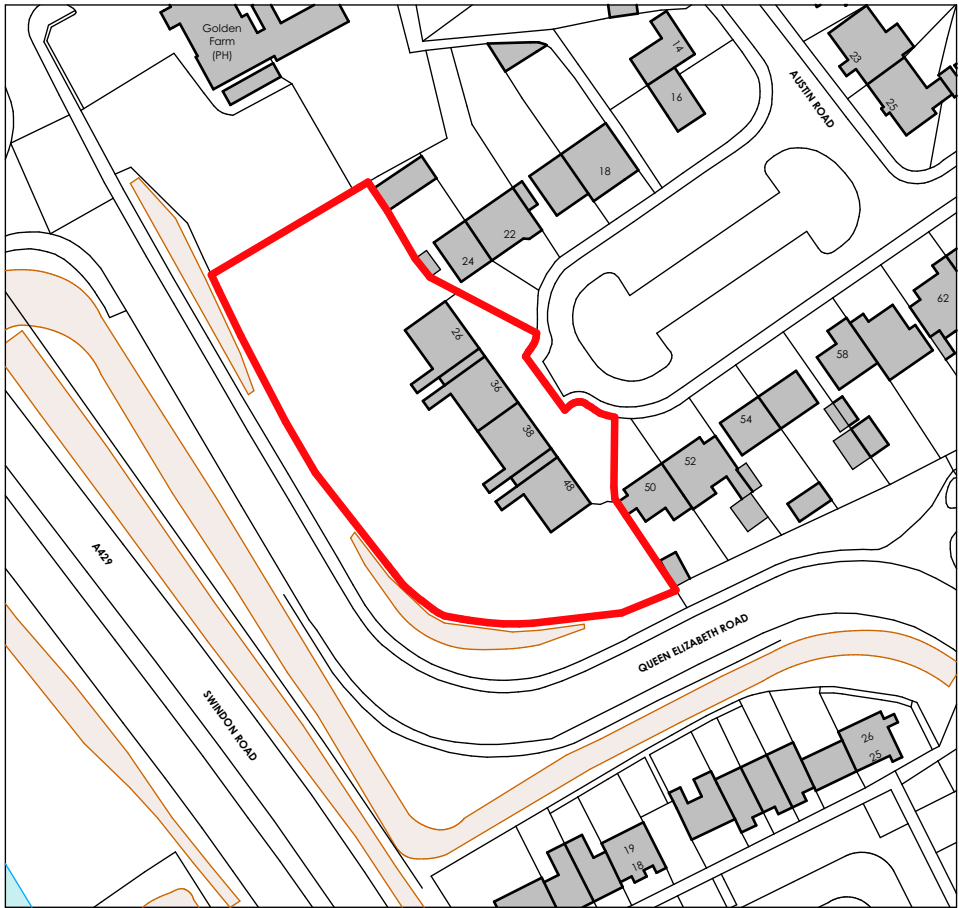
3. Drainage

i) The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

ii) Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

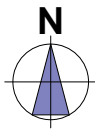
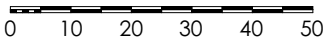
iii) Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

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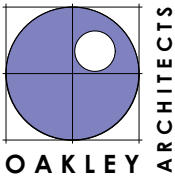
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SITE LOCATION PLAN



REV	DATE REVISED	REVISION	REV BY

CLIENT		PROJECT	
Bromford		Austin Road, Cirencester	
DRAWING TITLE		DRAWING SCALE	DATE DRAWN
Site Location Plan		1:1250 (A4)	15.03.2023
DRAWN BY	CHECKED BY	JOB NUMBER	DRAWING NUMBER
LISA OAKLEY	SIMON OAKLEY	202229	01



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AUSTIN ROAD			
SCHEDULE OF ACCOMMODATION			
TYPE	No.	AREA(m²)	PARKING
1B FLAT	8	50.3-57.5	100%
2B HOUSE	4	79.4	200%
4B HOUSE	2	121.5	200%
TOTAL	14		



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EXTERNAL WORKS LEGEND

- Existing trees.
- Existing trees removed.
- Large individual specimen trees 20-25cm girth.
- Ornamental shrubs and herbaceous planting, min 3 litres pot.
- Grass.
- 1.8m high close board timber gates with galvanised steel catch, hasp and staple for padlock. Clear width 900mm.
- 1.8m high close board fence with concrete posts and gravel boards.
- 1.2m high close board fence with concrete posts and gravel boards.
- 3m high acoustic close board timber fence (min 10kg/m², with no gaps).
- 3.2m high acoustic close board timber fence (min 10kg/m², with no gaps).
- 450mm high treated timber trip rail.
- Secure treated timber sheds, door to be secured by padlock. Sheds laid on a 450x450mm concrete slab base. Shed size for 2 & 3 bed houses: 2400 x 1800mm. Shed size for 4 bed houses: 2700 x 2400mm. Cycle storage located in garden shed, via a fixed hoop, capable of securing both wheel and frame, fixed securely into a concrete base. Base fixing to meet 'Solid Secure' silver standard. 1, 2 & 3 bed houses to have secure fixing for 2 cycles, 4 bed houses to have secure fixing for 4 cycles.
- Bin store: 2 x 1100 litre wheellie bins, 2 x 120 litre food waste bins, space for recycling boxes.
- 240 litre general waste bin.
- 240 litre garden waste bin.
- Recycle bin.
- Bicycle store with cycle hoops.
- 450x450mm concrete paving slabs. 1200mm² flat landing to entrance door with 900mm wide private paths and 1200mm wide communal paths, rear patios 1800mm² with additional paving for bins and shed access.
- Tarmac.
- Block paving. Colour: TBA. Parking spaces demarcated with contrasting block paving.
- External car charging point - Type 1 electric charging point (an external weatherproof and lockable covered 32 amp, 7 pin charging socket to comply with EN 62196-2 and to be compatible with a J1772 Type 2 connector. The charging unit should feature a Made 3 (IEC 61851) communication module and be in accordance with Appendix 2.
- Twin car charging point, note as above.
- Landscaping adjacent to parking spaces must have a mature growth height or be maintained at no higher than 500mm.
- Soft landscaping to be in accordance with Landscape Architects details.
- Refer to structural engineers drawing for extent of retaining concrete gravel boards and retaining walls.
- Hedgehog hole 130x130mm with 'Hedgehog Highway' sign above, in all new boundary walls & fences.
- 3 built-in bat boxes (i.e. The Habitat 003 Bat Box or similar), installed at least 3m high (or as high as possible - under eaves or at gable apex) on a southern elevation of the buildings.
- 2 x Dual Chamber Sparrow Terrace, installed as high as possible (under eaves or at apex) on a northern elevation of the buildings.
- 3 x Pino Built-in Swift Box, or similar built in boxes, installed as high as possible (under eaves or at apex) on a northern elevation of the buildings.

F	27.11.2024	LAYOUT REVISED.	LO
E	14.08.2024	FENCES REVISED.	LO
D	17.07.2024	EXTERNAL WORKS REVISED.	LO
C	11.06.2024	EXTERNAL WORKS REVISED.	LO
B	08.05.2024	UPDATED.	LO
A	02.05.2024	LAYOUT REVISED.	LO
REV	DATE REVISED	REVISION	REV BY
OAKLEY ARCHITECTS LTD 28 HILLWOOD ROAD SUTTON COLDFIELD WEST MIDLANDS B75 5QL T: 0121 238 0683 E: design@oakleyarchitects.co.uk www.oakleyarchitects.co.uk			

CLIENT
Bromford

PROJECT
Austin Road, Cirencester

DRAWING TITLE
Site Plan 200

DRAWING SCALE
1:200 (A1)

DRAWN BY
Lisa Oakley

JOB NUMBER
202229

DRAWING NUMBER
03F

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PERSPECTIVE 3

REV	DATE REVISED	REVISION	REV BY

CLIENT		PROJECT	
Bromford		Austin Road, Cirencester	
DRAWING TITLE		DRAWING SCALE	DATE DRAWN
Perspective 3		(A3)	08.05.2024
DRAWN BY	CHECKED BY	JOB NUMBER	DRAWING NUMBER
LISA OAKLEY	SIMON OAKLEY	202229	12D



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FRONT ELEVATION



SIDE ELEVATION

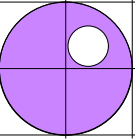


REAR ELEVATION



SIDE ELEVATION

B A	28.11.2024 27.06.2024	LAYOUT REVISED. UPDATED.	LO LO
REV	DATE REVISED	REVISION	REV BY



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CLIENT
Bromford

PROJECT
Austin Road, Cirencester

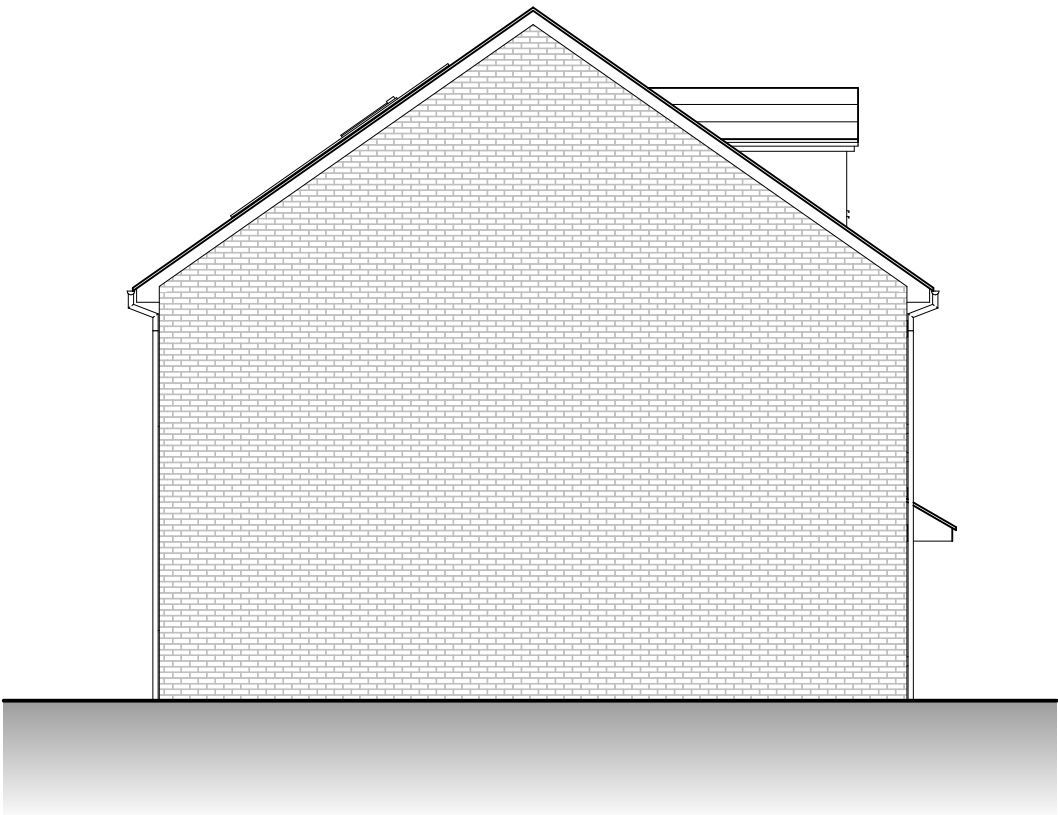
DRAWING TITLE
1B2P Flats Elevations

DRAWING SCALE 1:100 (A2)	DATE DRAWN 08.05.2024
DRAWN BY LISA OAKLEY	CHECKED BY SIMON OAKLEY
JOB NUMBER 202229	DRAWING NUMBER 07B

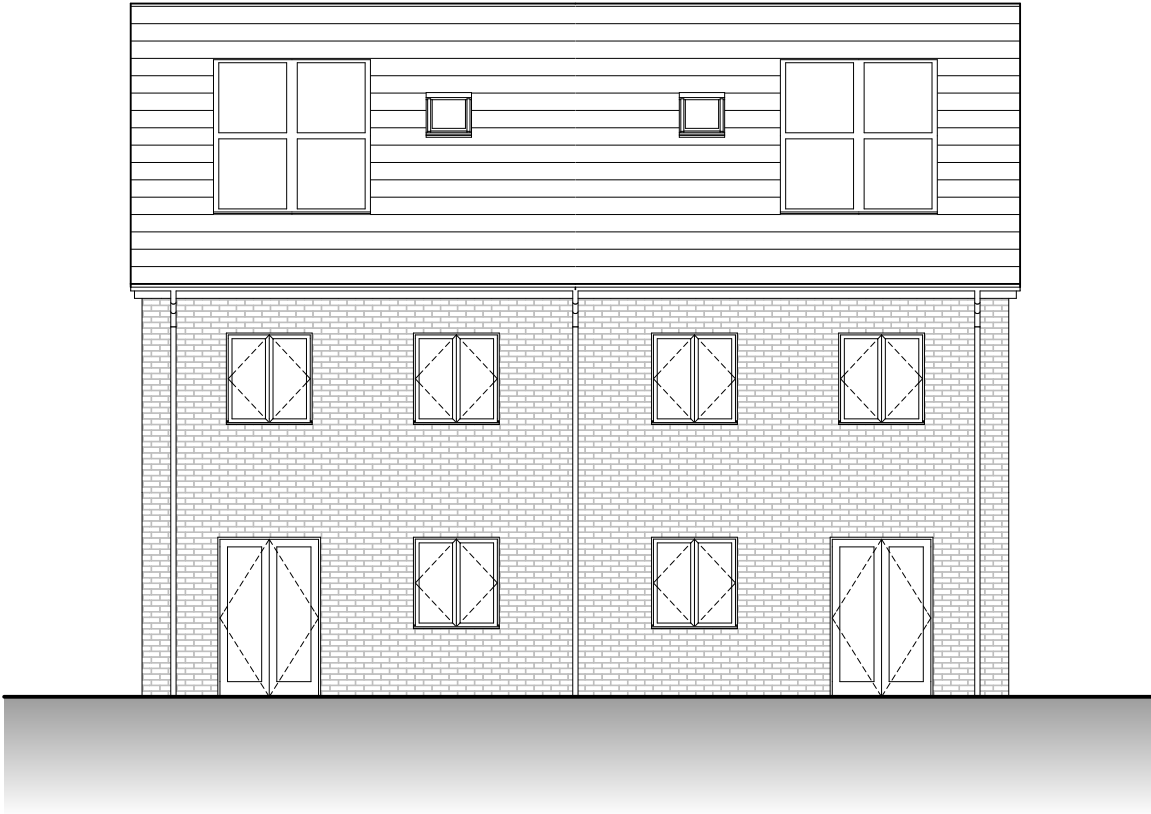
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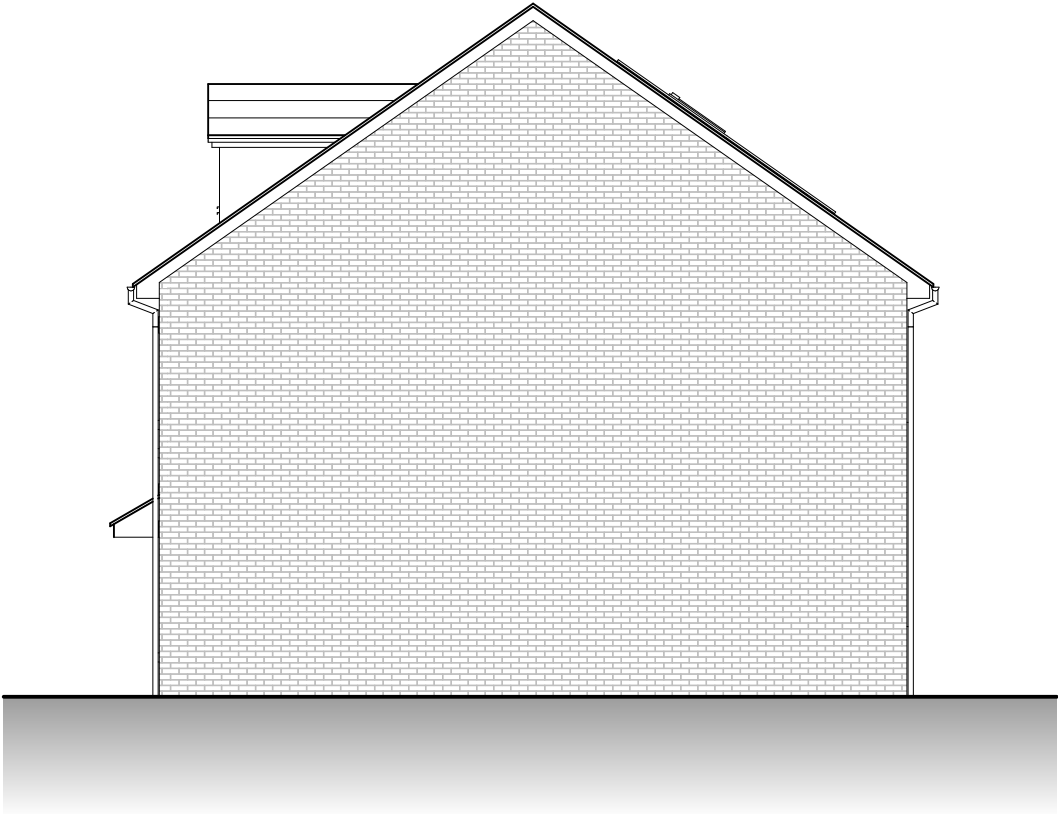
FRONT ELEVATION



SIDE ELEVATION

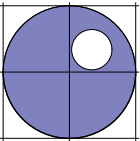


REAR ELEVATION



SIDE ELEVATION

A	27.06.2024	UPDATED.	LO
REV	DATE REVISED	REVISION	REV BY



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CLIENT
Bromford

PROJECT
Austin Road, Cirencester

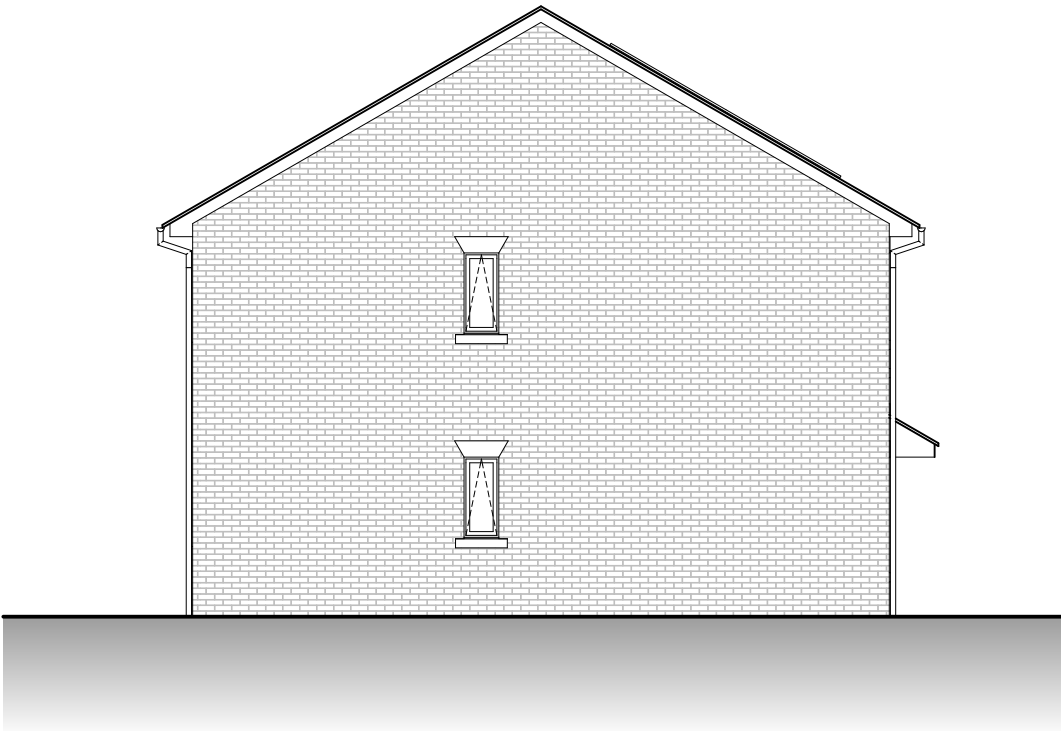
DRAWING TITLE
4B7P House Elevations

DRAWING SCALE 1:100 (A3)	DATE DRAWN 08.05.2024
DRAWN BY LISA OAKLEY	CHECKED BY SIMON OAKLEY
JOB NUMBER 202229	DRAWING NUMBER 09A

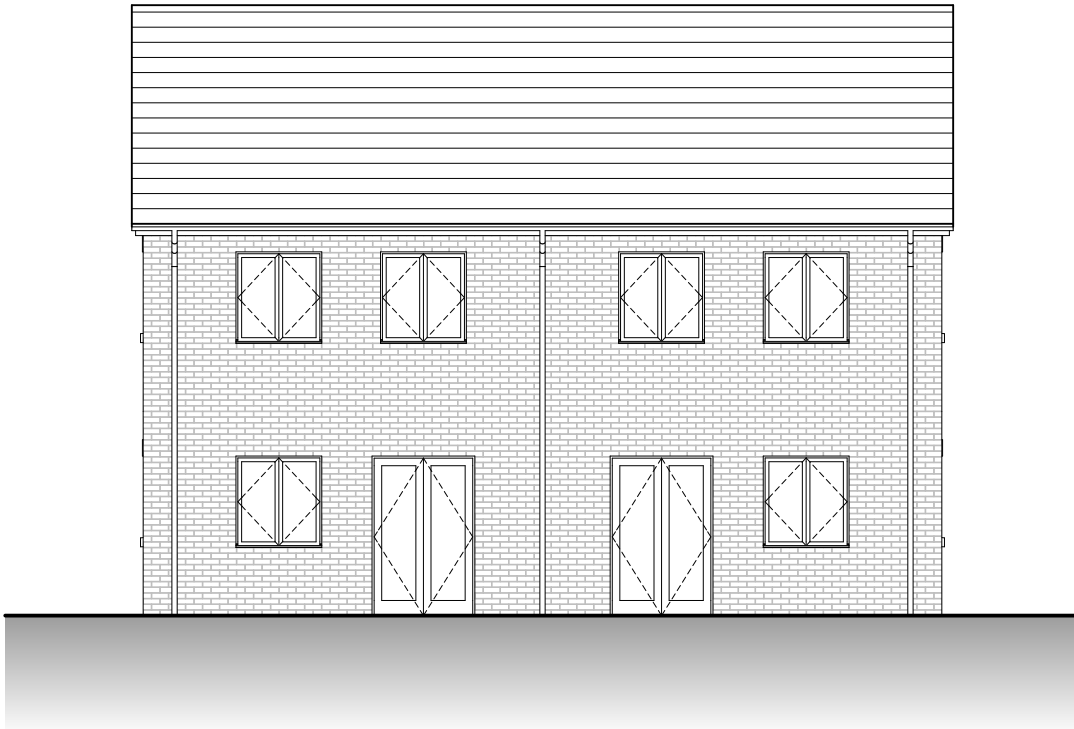
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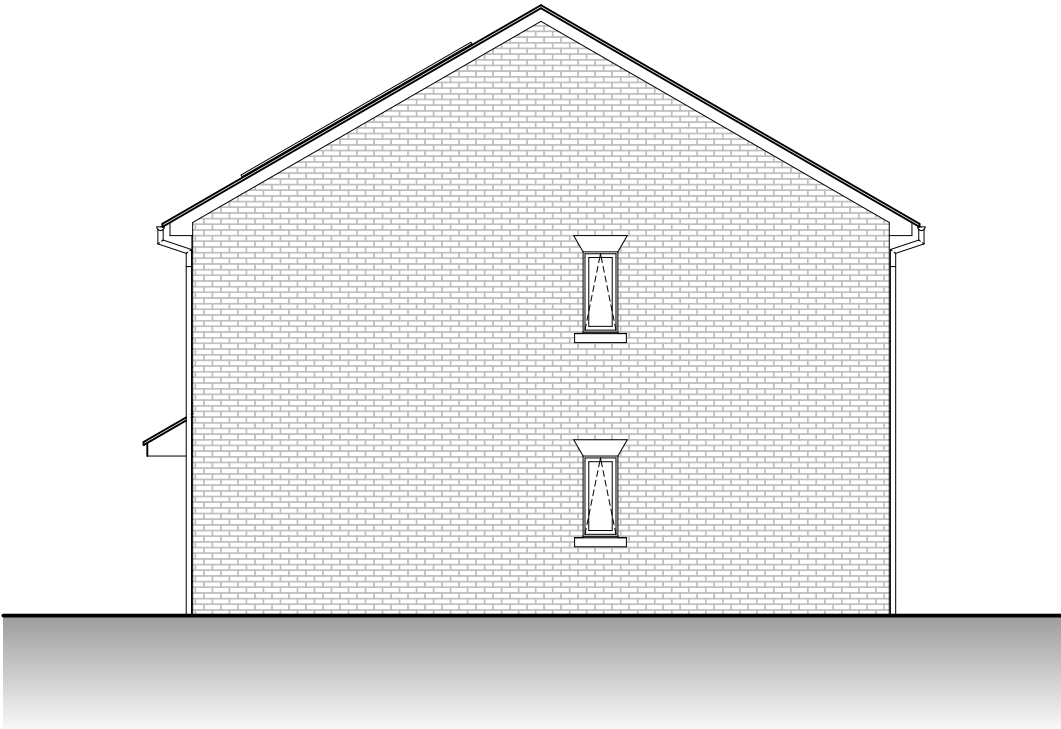
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

REV	DATE REVISED	REVISION	REV BY
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CLIENT Bromford			
PROJECT Austin Road, Cirencester			
DRAWING TITLE 2B4P House Elevations			
DRAWING SCALE 1:100 (A3)		DATE DRAWN 08.05.2024	
DRAWN BY LISA OAKLEY		CHECKED BY SIMON OAKLEY	
JOB NUMBER 202229		DRAWING NUMBER 08	

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Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access at The Saddlery Kinton Guiting Power Gloucestershire GL54 5UG

Full Application 24/03111/FUL	
Applicant:	The President and Scholars of Corpus Christi College
Agent:	Fowler Architecture & Planning Ltd
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Len Wilkins
Committee Date:	11 June 2025
RECOMMENDATION:	PERMIT

Update:

This application was considered by Members at the Planning and Licensing Committee on the 11th June 2025. Members decided that it would be beneficial to carry out a Site Inspection Briefing (SIB) and the application was deferred to July's Planning and Licensing Committee. A SIB was carried out on the 2nd July 2025.

1. Main Issues:

- (a) Principle of development
- (b) Design and Impact upon Heritage Assets
- (c) Landscape Impact
- (d) Impact upon Residential Amenity
- (e) Biodiversity
- (f) Highways

2. Reasons for Referral:

2.1 Cllr Len Wilkins has requested that the application be considered by the Planning and Licensing Committee for the following reasons:

2.1.1 In breach of DS3- In the pre-applications it was noted that it would fall down against criteria (b) and (c)

2.1.2 In breach of DS4 - outside development boundaries and Non-Principle settlements

2.1.3 In breach of EN1 - damage to the environment and AONB

- 2.1.4 In breach of EN2 - not in Cotswold vernacular in breach of EN4 - Will cause significant detrimental impact on landscape, and wildlife
- 2.1.5 In breach of EN5 - Conservation of ANOB
- 2.1.6 In breach of EN8 - Biodiversity - will affect wildlife. This needs an independent view. Much wildlife within 100 meters and used in the evening by wildlife to move around the village.
- 2.1.7 In breach of Section 16 - NPFF loss of significance of heritage assets will detract from the character of existing development. Opposite two listed buildings. Amenity.
- 2.1.8 The Saddlery is an important amenity to the villagers and to Cotswold residents. It is the only Saddlery for miles around and is used for liveries, riding lessons and for children, including those with learning difficulties to learn about rural life.

3. Site Description:

- 3.1 The application site consists of a parcel of agricultural/equestrian land located within the southern part of the village of Kington. The site is located west of the road leading through the village and the site is slightly elevated in relation to the dwellings located on the other side of the road. A traditional Cotswold stone wall forms the eastern boundary treatment at the site and this is set on top of a grass bank adjacent to the road. A single storey stable block is currently located at the site and this is set adjacent to the south boundary. Two large agricultural buildings lie to the south of the site on the adjacent piece of land. Greenback Cottage, lies to the immediate north of the application site and open fields lie to the west of the site. A pond is currently sited to the front of the stable block.
- 3.2 The village constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031. There are several listed buildings in proximity to the site, which lie on the other side of the road.
- 3.3 The site lies within the Cotswolds National Landscape. The footpath 'Temple Guiting Footpath 21' also lies to the south.

4. Relevant Planning History:

N/A

5. Planning Policies:

- NPPF National Planning Policy Framework
- 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
- EN15 Pollution & Contaminated Land
- DS3 Small-scale Res Dev non-Principal Settle
- INF4 Highway Safety
- INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Public Rights of Way Officer: Development does not appear to affect the nearby PRoW.
- 6..2 Biodiversity Officer: Following the submission of additional information no objection raised subject to conditions.
- 6.3 Arboricultural Officer: No objection subject to condition.
- 6.4 GCC Highways: No objection subject to condition
- 6.5 Conservation Officer: Following amendments, no objection subject to condition

7. View of Town/Parish Council:

- 7.1 *Temple Guiting Parish Council held a site visit on December 11th 2024 to review the planning application for a new 3 bedroom house on land currently the site of stables adjoining Greenbank Cottage, Kineton GL54 5UG.*
- 7.2 *Background: The application had been submitted to CDC for pre-application advice. The applicant was advised that permission would be refused in it's form at the time. Plans were then apparently modified although information about these changes was not available to councillors or residents. Having reviewed the plans and discussed the details with Mark Pettit, Temple Guiting Parish Councillors decided unanimously to object to this application for the following reasons:*

1. Access

- 1.1 Access to the proposed building would involve a second driveway very close to the current driveway for Greenbank. There is potential for dangerous situations when vehicles attempt to enter or exit the site in close proximity. The driveway to the proposed house would be very steep. There is frequent traffic through Kineton village particularly during holiday periods and at school drop off and collection times. The popularity of the village pub creates a great deal of strain on the verges as visitors park all along the road leading to much reduced visibility, as well as restricting an already narrow road. Villagers are already aware of one accident at the entrance to Greenbank Cottage.*

2. Prominence and design

- 2.1 Councillors noted the contents of the Conservation Officer's report and are highly supportive. The building is contrary to a number of Cotswold District Local Plan policies including Policy DS3, which states that small-scale development in non-principal settlements will be permitted providing that it meets certain criteria, including that it: 'complements the form and character of the settlement'.*
- 2.2 Both from the public footpath and from the road, the house would be extremely prominent, dwarfing the adjacent listed buildings. It would be situated on top of a high bank and would dominate the edge of the village, where currently buildings taper off. The barn next door is set deep into the side of the field and so is less dominant. It is also screened by large trees and, as a barn, is entirely consistent with a small Cotswolds hamlet. The application states that the proposal will deliver 'Enhancements to the appearance of the site and surrounding area, through the removal of an existing stable building; and, one high-quality home, which will make a positive contribution to the character of the local area.' Councillors noted that the current stables are small and rural, typical of those found in villages across the Cotswolds. It makes a strong contribution to the rural nature of Kineton. The proposed building, on the other hand, does not contribute to the nature of a north Cotswold habitation, rather it resembles an 'executive' home in a generic style which would dominate rather than complement the hamlet.*
- 2.3 Nor does the building help with the shortage of affordable housing in the North Cotswolds. The Cotswold National Landscape Board policy CE12.1 states that housing delivery .. 'should be focused on meeting*

affordable housing requirements, particularly housing that is affordable in perpetuity such as social rented housing'.

- 2.4 Neither does it support Cotswold Local Plan policy EN4, which states that development should take into account historic landscape character and local distinctiveness. This building does not appear to comply with these requirements as it ignores the landscape character and the local design and village format.*
- 2.5 Policy EN5 states that within the A.O.N.B. and its setting, great weight will be given to the conservation and enhancement of the natural beauty of the landscape, its character and special qualities. The building does not support this policy. Policy EN10 reiterates the N.P.P.F.'s concern that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not unless there was a public benefit. The setting of this proposal clearly affects the setting of the heritage assets in Kineton with no mitigating public benefit.*
- 2.6 In section D of the Cotswold Design Code, paragraph 10 states that settlements are distinctive in how they sit within the landscape with their layouts and patterns of streets. Any new development should reflect this in its location and design. By siting this development at one of the highest points in the village, the building does not fit with the existing layout of the hamlet and it dominates the profile of the southern end of the village.*
- 2.7 Paragraph 13 states that the particular character of existing streets should be respected, 'including gaps between buildings, which can often be important'. Paragraph D.14 states that in designing new developments, attention should be paid to the site and its setting in terms of density, grain, scale and form, as well as the architectural design of the buildings, and to the landscaping around them. Both these paragraphs can be applied here, as the gap between the last house in the village and the (mostly hidden) barn is important in signifying the edge of the hamlet and providing open views across fields.*
- 2.8 The proposed style and materials of the timber boot room are not consistent with the surrounding buildings, which either Cotswold stone or reconstituted stone made to resemble Cotswold stone.*

3. *Size relative to the plot*

- 3.1 *Policy DS3 states that the development must be 'of proportionate scale ...: 'yet this building and hardstanding would occupy approximately two thirds of the plot, plus a further amount for the driveway. This lack of context around the building would be contrary to the pattern of housing in the hamlet one of the criteria included in Section D of the Cotswold Design Code. It is also a major contributor to the large loss of biodiversity which would be caused by the development*

4. *Glazing*

- 4.1 *The large amount of glazing facing directly onto the field containing a public footpath is excessive and totally out of keeping with the local architecture. It would be uncomfortable for anyone living in the house to be exposed to walkers on the footpath.*

5. *Light pollution and biodiversity loss*

- 5.1 *Councillors noted the report from the Biodiversity officer which stated that loss of biodiversity would be 57.65% (through loss of a tree and of a pond, two vital environmental features) and that there was no provision for the mandatory 10% increase in biodiversity in the plans. The replacement of 5 minute PIR timers with 1 minute timers and the requirement for a lighting strategy to protect dark skies. A proposal to mitigate for biodiversity loss outside the current site is concerning as the local area would lose a valuable resource.*

6. *Inappropriate dormer windows*

- 6.1 *These do not comply with the Cotswold Design Standards and should be omitted or revised.*

7. *Unspecified roofing materials*

- 7.1 *The roofing materials have not been specified but Cotswold stone tiles should be a condition of the development.*

8. *Sustainability*

- 8.1 *Policy DS3 also states that the development must 'demonstrably support(s) or enhance(s) the vitality of the local community and the*

continued availability of services and facilities locally'. As there are no local services and facilities other than a pub, (no shops no public transport, no health facilities) the development does not meet these criteria. The stables and pond which the proposal plans to remove have however been used for therapeutic purposes for children.

Revised Drawings:

- 7.3 *"Second consultee response from Temple Guiting Parish Council for planning application, following revisions to the application 24/03111/FUL Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access*
- 7.4 *Temple Guiting Parish Council held a site visit on December 11th 2024 to review the planning application for a new 3 bedroom house on land currently the site of stables adjoining Greenbank Cottage, Kineton GL54 5UG. When the plans were first made public, the Council decided to object strongly to the proposal. The latest revisions have made the proposed development even less acceptable and none of the PC's concerns have been addressed. The new plans add to the existing list of concerns:*
1. *Location within the site and size*
 - 1.1 *The new plans show the house sited closer to the neighbouring property and still located above the neighbour. The house is large in comparison to the neighbour, a property which was built several hundred years ago and has been the home of the current owner for the past 45 years. The revised plans make no attempt to reduce the size of the house, or the height of the building, both issues identified by Temple Guiting Parish Councillors.*
 - 1.2 *The block plans do not show the location of Greenbank, the immediate neighbour, so an informed judgement of the suitability of the proposed building is difficult. The combined result is the proposed house has an overbearing presence, out of proportion to the site and the other houses in the hamlet. This further aggravates the PCs concerns regarding Policy DS3, which states that the development must be 'of proportionate scale ...' and that 'small-scale development in non-principal settlements will be permitted providing that it meets certain criteria, including that it: 'complements the form and character of the settlement'. In no way does this 'complement' the form of the hamlet of Kineton.*

1.3 *Policy DS3 also states that the development must 'demonstrably support(s) or enhance(s) the vitality of the local community and the continued availability of services and facilities locally'. The proposal does none of these.*

2. *Biodiversity loss*

2.1 *The reason that the house has been relocated seems to be to allow a small pond to be located behind the house to compensate in some way for the biodiversity loss noted by the Biodiversity Officer. However, the location would not allow wildlife to survive as it would be in the shade and very close to the house. In addition the house has a large footprint on a small site. This does not allow scope for biodiversity but prioritises parking. Temple Guiting Parish Council agrees with the Biodiversity Officer in that this attempt does not compensate for the loss of biodiversity which would be caused if this development were permitted.*

3. *Windows and light pollution*

3.1 *The new plans show much larger windows - some the full height of the building. The PC's concerns regarding light pollution and the elimination of dark skies and the impact of this on wildlife have not only not been addressed, but have been increased by the revised plans.*

4. *Affordability*

4.1 *The proposal is still not for affordable housing. Temple Guiting Parish Council listed eight (8) major concerns in its previous comments. There were also 17 comments of objection from residents. The above 4 points deal with additional concerns due to the changed site plan and design.*

7.5 The PC have also included a copy of their original comments as outlined above.

Additional Comments

7.6 The Parish Council have also made the following comments (received 03.06.2025). These were previously included within the late pages for June's Planning and Licensing Committee:

"Councillors were already concerned at the potential dangers of having 2 driveways at the same point on the single track road through Kinton. A further site visit has raised the issue of construction traffic and vehicle movements on

this very small site and on the road through the hamlet. There is very little space for vehicles to turn, either on the road or on the site, given the size of typical construction vehicles. If they did not enter the site, they would have to park on a single track road. This is likely to be extremely dangerous for builders, residents and visitors. Temple Guiting Parish Council requests that GCC Highways reassesses its comments, taking into account this major issue.

A site visit would demonstrate the issues clearly - unlike the drawings - which show inaccurate proportions relative to actual human and vehicle sizes."

8. Other Representations:

8.1 Approximately 27 representations of objection were received in relation to the original proposal. In summary the concerns raised are as follows:

8.2 Principle

- Site has been used by the family of the local saddler who have lived and worked in the village for 45+ years. The saddlery has operated from the workshop in the adjoining property for many years
- Concern raised over loss of active stables in the village
- Stables have provided a hub for people in the community with local people keeping their horses at the site.
- Children from Cheltenham and Gloucester with special education needs and intellectual disabilities have come to the stables to visit the ponies, ducks and chickens. Many children have learnt to ride here
- It is disappointing that the proposal does not relate to affordable housing
- Loss of important asset in the community
- Stables have provided a fundamentally important role in maintaining community and its values in Kineton
- Proposal would destroy a key element of the village's history and add nothing of use to the community in return
- Removal of the stables and pond would result in a loss of amenity as they are used for therapy sessions with children.
- There is no real 'range of homes' in the village that would suit future generations.
- How can the application accord with all the requirements of Policy DS3 when in both pre-applications it was noted that it falls down against criteria b) and c).
- Considers site to fall outside of Kineton and the proposal fails to accord with Policy DS4

8.3 **Design**

- Development would be at odds with the rural and transitional character of this part of the settlement
- Proposed dwelling is much higher and wider than the existing stables
- Virtually no garden proposed
- Loss of gap in the village
- The proposal will create an urban feel
- It will dominate the plot with an excessively large building, a very small garden and large drive way.
- Access will carve into a grass verge and remove traditional Cotswold stone wall, loss of character
- Building is out of character with immediate neighbouring buildings
- Dwelling will be detrimental to the surrounding landscape, including views from the neighbouring road and nearby PROW
- House will be elevated, should be single storey
- Design and materials are out of keeping with surrounding buildings
- The proposal looks to develop on the peripheries of the village which is where so much of the original rural character and original buildings lie
- Encroachment of urban built form into the open countryside and fails to conserve the special qualities and character of the part of the National Landscape contrary to Local Plan Policies EN1, EN2, EN4 and EN5 and sections 12 and 15 of the NPPF

8.4 **Residential Amenity**

- Proposed development will have a detrimental impact on privacy and sunlight to neighbouring properties.
- The new development will overlook Greenbank Cottage, looking into both the garden and kitchen window
- Dwelling will overlook the two neighbouring properties to the north and east, loss of amenity
- Private garden belonging to Kineton Place would be overlooked

8.5 **Biodiversity**

- Queries the accuracy of the Biodiversity report as there are several features in proximity to the site
- Loss of habitat for wildlife
- The duck pond attracts all types of birds, frogs, toads, butterflies
- Concern raised over the loss of a tree

8.6 Highways

- Consider access to be insufficient, safety issues
- When the pub is busy cars park along the road and the loss of the verge will lose valuable space for cars to park
- Speed limit is regularly exceeded at what is a pinch point in the road

8.7 Revised Drawings

8 Representations of objection have been received in relation to the amended drawings. To summarise the following concerns have been raised:

8.8 Principle

- Loss of a much loved stable yard/local asset which the community have benefitted from for over 40 years
- Should be an affordable house so a local family/resident stands a chance of being able to buy it

8.9 Design

- Revisions do not alleviate previous concerns. Detrimental visual impact on the village
- Impose on privacy and enjoyment of the neighbouring properties.
- Overdevelopment of this important space
- Height of the building will be overbearing in the surrounding area
- Slight improvement in design, although extensive glazing will lead to loss of privacy, light pollution.
- West elevation is not in keeping with the area and will be visible from the footpath
- New position of the house is in the middle of the paddock and still two stories in height, twice the width and height of the stables

8.10 Residential Amenity

- Proposed design is trying to address objections about windows overlooking neighbouring houses, results in windows facing the metal barn and doors opening almost into the 'replacement pond'
- Little outside amenity space to the rear of the property
- Creation of the access will cause havoc due to the amount of excavation required

- Previous comments still valid, too close and overbearing towards the neighbours
- Development will overlook Greenbank Cottage impacting privacy
- Invade privacy of Greenbank Cottage by looking directly into kitchen window and garden

8.11 **Biodiversity**

- Reducing the size of the pond and moving it to the east will not make up for environmental loss

8.12 **Highways**

- Additional driveway will be dangerous
- Not sufficient room for a brand new driveway

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

Drawings; BNG information; Design and Access Statement; Preliminary Ecological Appraisal; Arboricultural Survey, 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 seeks full planning permission for the 'Removal of stables, erection of a dwelling with associated works including parking, landscaping, and new access'. The application has come forward following pre-application advice, references 23/03489/PAYPRE and 23/02286/PAYPRE. The Conservation and

Design Officer has commented on the proposal during the planning application process and this has led to further design amendments.

- 10.5 The proposed dwelling would be two storeys in height and agricultural in character, with the proposed design reflective of a barn conversion, with large timber doors and glazing along the front elevation. It would be set partially on the existing footprint of the stable block and orientated so that the wider frontage of the building faces north. The property would accommodate 3 no. bedrooms.
- 10.6 The proposed access point will be in the northeast corner of the site and this would involve some excavation work to the existing grass verge at the site.

(a) Principle of Development

- 10.7 The application site lies within the village of Kineton. When considering the sustainability of the location, the Cotswold District Local Plan sets out that:

"6.3.3 Due to the generally low levels of service provision, job opportunities and public transport availability beyond the Principal Settlements, many of the 160+ villages and hamlets (rural settlements) are not sustainable locations for residential development. Therefore, Development Boundaries have not been defined around rural settlements and no land has been specifically allocated for residential development to help meet the District's objectively assessed needs to 2031. Any development that accrues from this source will therefore be 'windfalls'.

"6.3.4 Some rural settlements, however, have greater sustainability credentials than others and may, for example, have 'everyday' facilities, such as a shop/post office, a (non fee paying) school, and/or good public transport access to neighbouring service / employment centres. Availability of everyday facilities is important in reducing unnecessary traffic movements and engendering a sense of community, which helps to prevent 'social isolation'."

"In addition, Paragraph 93 of the Report on the Examinations of the Cotswold District Local Plan 2011- 2031 in which the Local Plan Inspector states "the policy applies to any sites that could reasonably be considered to be any village or hamlet in the district... what is important is that proposals comply with the stated criteria which should ensure that the vitality of the local community is supported, and that development is proportionate in scale to and complements the form and character of the settlement having regard to cumulative impacts with other developments".

10.8 Kinetin is a modest village, comprising around 30 - 40 dwellings. The village contains a public house, but does not contain any other services such as shops, post office, or village/community hall. It is considered that Kineton can reasonably be classed as a village, having regard to the findings of the Local Plan Inspector. In addition, the presence of a public house contributes to the vitality of the settlement and means that the village is more than just a collection of dwellings.

10.9 Kineton is therefore considered to constitute a Non-Principal settlement. The existing site is adjoined to the north by a residential properties and to the south by agricultural buildings. The built form of the village lies to the east, and open countryside to the west. The site currently contains an equestrian building and yard and is not therefore within residential use. It is, however, noted that there is a distinct western boundary separating the built form of the village from the open countryside. As a result, the site is considered to be within the envelope of the village. Local Plan Policy DS3 is therefore of relevance:

10.10 Local Plan Policy DS3 states:

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.

10.11 The proposed development seeks the erection of one new, open-market dwelling which could support the vitality of the local community and the continued availability of services and facilities through additional residents. Following a review of the Council's records, only 1 other dwelling (24/02612/FUL) has been permitted within Kineton during the local plan period following the removal of a holiday let use condition and as such it is considered

that there would therefore be no cumulative impacts on the settlement. It is considered that criteria a and d are adequately satisfied by the proposal.

- 10.12 Criterion b and c requires development to maintain and enhance sustainable patterns of development, and compliment the character of a settlement. Kinton is a small rural settlement, with a scattered development pattern. Built form is often separated by undeveloped open farmland which give the village its rural identity. The western side of the village road where the site is located is reflective of this, with limited residential properties interspersed by agricultural fields and buildings. The design of the dwelling is considered in more detail within the following section of the report, however, the amended design is agricultural in appearance and respects the rural character of the village. On balance the amended scheme is considered to complement the form and character of the settlement and no conflict is identified respect of Policy DS3 criteria b) and c).
- 10.13 The site has historically been used to stable horses, and it is understood from the representations received that some commercial activities have taken place at the site in respect of do-it-yourself livery. In addition, it is apparent that children/schools have visited the site to ride the horses and see other animals at the duck pond. However, for the purposes of this application it should be highlighted that the site does not have planning permission for an educational or commercial use. Policy INF2 'Social and community infrastructure' seeks to protect community facilities and educational and sports facilities are listed within the subtext of this policy as being a relevant facility. However, as this use has never been formally authorised at the site through the planning process, weight cannot be attributed to its loss in the overall planning balance and the proposal is not required to satisfy Policy INF2 paragraph 2 in this instance.
- 10.14 Following the receipt of an amended design, it is considered that the proposed development satisfies the requirements of policy DS3. Notwithstanding this, the Local Planning Authority has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3 year supply of housing land. However, as a result of the aforementioned changes, it is now anticipated that the Council will only be able to demonstrate a 1.8-1.9 year supply. As the supply figure now falls below 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

"11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

10.15 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes 'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.' In light of this guidance, it is considered that Local Plan Policy DS3 is out-of-date at the present time (subject to confirmation in May) and that paragraph 11 would be engaged in such circumstances.

10.16 The impact on protected areas having regard to criterion i is addressed in subsequent sections of this report. With regard to criterion ii, the proposed development would deliver a single dwelling within a settlement deemed to benefit from reasonable access to everyday services, facilities either within the settlement or at a neighbouring settlements. The delivery of a single dwelling would offer a modest benefit, and the scheme would not result in conflict with the NPPF paragraphs set out in Footnote 9. As such, the development would not result in harm that would outweigh the benefits of the development, having regard to criterion ii. Accordingly, the adverse impacts of the proposal would

not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

(b) Design and Impact on Heritage Assets

10.17 The application site is located within 30m of 'Kineton Farmhouse' a grade II listed building and approximately 20 metres away from a grade II listed barn which is set on the opposite side of the road to the south east of the site.

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

10.19 Considerable weight and importance must be given to the aforementioned legislation.

10.20 Local Plan Policy EN1 seeks where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

10.21 Local Plan Policy EN2 states that *'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'*

10.22 Local Plan Policy EN10 states:

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

2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations: -

The importance of the asset; - The scale of harm; and - The nature and level of the public benefit of the proposal.'

10.23 Section 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 199 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 states that any harm to or loss of significance, through alteration or development within the asset's setting should require clear and convincing justification. Paragraph 215 states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

10.24 The stable block itself is a modern, late 20th century building and the demolition of this structure is not objectionable from a heritage perspective.

10.25 The Conservation and Design Officer has made the following comments on the application:

"The revised plans, which have evolved following negotiations, have responded to the more rural character of the site by adopting the more vernacular approach of echoing the appearance of a fairly traditional barn conversion."

This barn-style is now comparatively convincing, taking a simple linear form, but with a small area of catslide lean-to on the north elevation. The fenestration is limited, & generally avoids an overly domestic appearance; the only exception is the western gable, which would be more open, but would be visually discrete, and a reasonable compromise for what is a modern interpretation of a barn, not an actual barn."

10.26 The amended design is considered to respect the rural character of the area and it is considered that this results in a neutral impact to the setting of the nearby listed buildings identified, in accordance with Policy EN10. Whilst the proposal reflects a traditional barn conversion, on balance this design approach is considered acceptable and subject to a condition ensuring suitable materials at the site, it is considered that the dwelling would adequately harmonise with the rural character of the village. Representations have raised concern that the proposal will infill a gap in the street scene, however, approximately a third of the footprint is situated where the existing stable block is positioned and the wider frontage of the proposed dwelling is at right angles to the road, which helps to retain a degree of openness in the street scene. A rural character is

adequately retained at the site and the proposal is therefore considered to accord with Policies EN1, EN2, EN10 and DS3 of the Local Plan.

(c) Landscape Impact

10.27 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).

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

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

10.29 Local Plan Policy EN2 states that *'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'*

10.30 Local Plan Policy EN4 states that *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas, and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic*

landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'

- 10.31 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) 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.'*
- 10.32 Section 12 of the NPPF 'Achieving well-designed and beautiful places' is of relevance.
- 10.33 Section 15 of the NPPF seeks to conserve and enhance the natural environment.
- 10.34 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.*
- 10.35 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*
- 10.36 The application site is set within the Landscape Character Type (LCT) 'High Wold Valley; and Landscape Character Area (LCA) Upper Windrush Valley, as defined in the Cotswold AONB Landscape Strategy and Guidelines (June 2016). Local forces for change within High Wold Valley include 'Development, expansion and infilling of valley settlements including residential, industrial and leisure'. Potential landscape implications of such development are stated as being;
- *Erosion of the rural character of the valleys and the landscape setting of historic villages;*
 - *Intrusion of expanded settlements onto the highly visible valley sides;*
 - *Increase in light pollution;*
 - *Loss of village patterns and development of 'rural sprawl' due to settlement growth and coalescence;*
 - *Degradation of views across and along the valley;*

- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, highway fencing and kerbs and traffic calming at village entrances;*
- *Erosion of distinctive settlement patterns and loss of small fields and network of narrow lanes associated with houses fringing the valley villages;*
- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes;*
- *Loss of archaeological and historical features, field patterns and landscapes;*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.*

10.37 The Landscape Officer has previously advised that *Kineton is a small rural settlement, with a scattered development pattern. Development is often separated by undeveloped open farmland which assists in reinforcing the villages' rural identity, this is particularly evident to the western side of the village road where the site is located.* It is recognised that the existing site has a rural character and this positively contributes to the rural setting.

10.38 However, there is already a structure on the site and the proposed dwelling has been positioned so that approximately a third of its footprint will be set in this location. In addition, two large agricultural buildings lie to the south of the site. It is considered that the amended design and scale of the proposal is acceptable and would not have an adverse impact upon the character of the National Landscape.

10.39 Representations have raised concern in respect of the level of glazing proposed and potential light spill from the amended design. In response, it is recognised that dark skies are intrinsic to the National Landscape. However, the current stable block is not subject to any lighting restrictions. A degree of light spill from windows is likely to be unavoidable from a new residential property. However, a lighting condition ensuring any external lighting is agreed prior to installation with the local planning authority is recommended, and on balance subject to condition, it is considered that any impact would be low level and

not out of character with other properties located within the Non-Principal Settlement so as to warrant refusal in respect of Policy EN5.

- 10.40 A landscaping condition is recommended to include boundary treatments to ensure any landscaping is sensitively designed. Whilst the Landscape Consultant has not provided formal comments on the planning application it should be noted that comments were provided under the more recent pre-application relating to the erection of 1 no. dwelling advising that "the proposal is unlikely to result in undue landscape or visual harm". Subject to condition it is considered that the proposal will not result in an adverse landscape impact and is in accordance with Policies EN1, EN2, EN4 and EN5 of the Local Plan.

(c) Impact upon Residential Amenity

- 10.41 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.

- 10.42 Local Plan Policy EN15 states that development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

a. pollution of the air, land, surface water, or ground water sources; and/or

b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

- 10.43 Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

- 10.44 Criteria p, q and r of the Cotswold Design Code referenced by Policy EN2 are of relevance and they state:

p. To ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22m and, for buildings higher than two storeys, no less than 28m. Where the distance between facing windows is less than 28m in one and two storey dwellings, or less than 32m for buildings higher than two storeys, permitted development rights may be removed. For these purposes, facing windows are those which can readily be seen into from within principal rooms in another property, including windows at an angle to one another, but excluding windows on front elevations. Much will depend on the angle and the topography. A principal

room is a bedroom, living room, dining room, kitchen, study or other living space, but not a hallway, stairs, bathroom, utility or store.

q. To avoid undue loss of daylight, when considering planning applications, the Council will take into account the advice contained in the Building Research Establishment publication IP 23/12 - Site Layout Planning for Daylight.

r. To ensure adequate garden space, the size of a private garden should relate to the size and nature of the property. A large detached family house should have a substantial garden, capable of providing enough space for different family activities to take place at the same time, (e.g. sitting-out area for adults, children's play space, clothes drying area). An elderly person's bungalow requires a smaller, easily managed private area for quiet sitting-out.

10.45 The side elevation of Greenbank Cottage is located approximately 30 metres away from the front elevation of the proposed dwelling. The front elevation of the proposed dwelling would be set approximately 24 metres away from the garden to the side elevation of Greenbank Cottage at its closest point. Residents of this neighbouring property have raised concern that the dwelling will overlook Greenbank Cottage's garden and kitchen window. The windows along the front elevation of the proposed dwelling at first floor height serve a landing and due to the separation distance to Greenbank Cottage, on balance, it is considered that the perceived impact of overlooking would be low level and would not result in a degree of harm which would warrant refusal in respect of Policy EN2.

10.46 Kinton Place is set on the opposite side of the road to the proposal and at a lower land level (the boundary to this property is approximately 13 metres away from the proposed side elevation). Concern has been received from this property that their private garden would be overlooked. Kinton Place has a single storey pitched roof garage adjacent to the road and also a single storey rear extension adjacent to this structure. The amended design includes a window at first floor height which serves a bedroom along the side elevation facing Kinton Place. Due to the relationship between properties, it is considered that any overlooking to the rear garden of Kinton Place would be limited and adequate private amenity space would be retained at the neighbouring dwelling. The proposal would therefore not result in a degree of harm in respect of overlooking which would warrant refusal in respect of Policy EN2.

- 10.47 Concern has been raised in respect of light pollution, however, subject to the external lighting condition discussed above, it is considered that this is sufficient to mitigate any impact of development in accordance with Policy EN15.
- 10.48 Concern has also been received in relation to construction works at the site, particularly in relation to the formation of the new access. It is recognised that work may result in a temporary disturbance to local residents, however, this would not warrant refusal in respect of Policy EN15.
- 10.49 By virtue of the separation distance and relationship of the proposal to other neighbouring dwellings it is considered that the proposal would not result in an adverse impact in respect of loss of light, privacy or have an overbearing effect in accordance with Policy EN2.
- 10.50 In terms of the residential amenity of future occupants of the dwelling, representations have raised concern that the garden appears small. It is considered that the proposal provides adequate amenity space for a single dwelling to the front and rear of the property in accordance with Policy EN2. Whilst the rear elevation of the property is in fairly close proximity to the agricultural barns to the rear of the site (approximately 9.9 metres away), on balance, it is considered that this would not result in an overbearing impact to future occupants to such an extent as to warrant refusal.
- 10.51 Overall, it is considered that the proposal complies with Policies EN2 and EN15 of the Local Plan and section 12 of the NPPF.

(e) Biodiversity

- 10.52 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.
- 10.53 A preliminary Ecological Appraisal accompanies the planning application. This document advises that the structure on site was assessed to be of negligible suitability for bats and some precautionary measures and enhancements have been recommended. A replacement pond is proposed to the rear of the dwelling to compensate for the loss of the pond to the front of the stable block. The Biodiversity Officer has reviewed this document and subject to condition is satisfied that the proposal complies with Policy EN8 of the Local Plan.

Biodiversity Net Gain (BNG)

- 10.54 Mandatory biodiversity net gain date was introduced for small sites on the 2nd April 2024 and it is applicable to this application. The applicant has stated that they will purchase off-site units in order to achieve the required net gains for BNG. The Biodiversity Officer has reviewed the submission and is satisfied with this approach subject to a Landscape and Ecological Management Plan (LEMP) condition to ensure appropriate establishment and aftercare details.

Trees

- 10.55 Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.
- 10.56 An Arboricultural Survey, Impact Assessment and Protection Plan accompany the application and this document has been reviewed by the Arboricultural Officer who has advised *"The proposal results in the removal of one tree of low quality which the attached report states has little long term viability regardless of the proposal. The loss of the tree can be mitigated by the conditioning of tree planting via a landscape plan. There is a small amount of incursion into the root protection area of T4, a B grade tree which is unlikely to have a detrimental effect on the trees vitality. A landscaping condition and tree protection condition are recommended. Subject to condition the proposal is considered to accord with Policy EN7.*

(f) Highways

- 10.57 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.
- 10.58 Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.
- 10.59 Section 9 of the NPPF promotes sustainable transport.
- 10.60 The proposal provides sufficient parking on site to the front of the dwelling. A new site access is proposed and the access arrangements have been reviewed by highways who have raised no objection to the proposal. As such it is considered that the proposal is compliant with Policies INF4 and INF5 of the Local Plan.

Other Matters

10.61 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

11. Conclusion

11.1 For the reasons outlined above the proposal is considered to comply with Local Plan Policies. Having regard to Paragraph 11d of the NPPF, the proposed development would not result in harm to any protected areas and would result in modest benefits, that would not be significantly and demonstrably outweighed by adverse impacts. As such, the application is recommended for approval.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 230220-01 Rev A, 230220-05 Rev A and 230220-11.

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

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

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

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved

in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

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

5. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

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

6. The oak shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

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

7. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

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

8. No bargeboards or eaves fascias shall be used in the proposed development.

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

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

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

10. No external doors and windows shall be installed in the development hereby approved, until their design and details, including their materials and finish has been submitted to and approved in writing by the Local Planning Authority.

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

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

11. Prior to the 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 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 entire landscaping scheme shall be completed by the end of the first planting season following the completion of the first building on the site.

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

Reason: To ensure 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.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection measures as outlined in MHP Arboricultural Survey, Impact Assessment and Protection Plan reference 24138A The Saddlery Kinton_TZ AIA TPP_V2, shall be installed in accordance with the specifications set out within this document. The protection measures shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with

10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

13. A 5-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the principles set out in the Biodiversity Gain Plan and must include, but not necessarily limited to, the following information:

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

manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policy EN8.

14. The development shall be undertaken in accordance with the recommendations contained within the Preliminary Ecological Appraisal (All Ecology, November 2024 - uploaded 17th December 2024). All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

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

15. Within 3 months of commencement, a finalised biodiversity enhancement plan based on the provision of a swift box and a bat box shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Council Local Plan, and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

16. Prior to the installation of external lighting for the development hereby approved, an external lighting plan shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting and timers), so that it can be clearly demonstrated that areas to be lit will not affect bat roosting features or disturb or prevent nocturnal species using wildlife corridors. All external lighting shall be installed only in accordance with the specifications and locations set out in these details.

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

17. The existing stable block shall be demolished within its entirety within three months of the first occupation of the dwelling hereby permitted.

Reason: To ensure that the existing dwelling is removed from the site in accordance with Local Plan Policies DS4, EN2, EN4, EN5 and EN9, and National Planning Policy Framework Paragraph 84.

18. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings associated with the new dwelling shall be erected within the application site nor any new windows, doors or rooflights installed/inserted in the new dwelling or garage/workshop hereby permitted other than those permitted by this Decision Notice.

Reason: In the interests of visual and residential amenity in accordance with Policies EN2 and EN10 of the Local Plan.

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

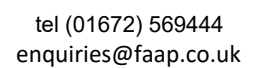
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

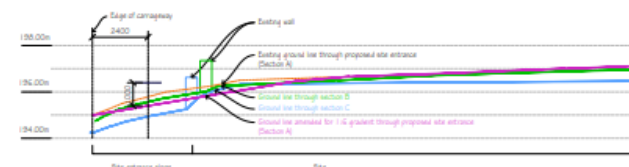
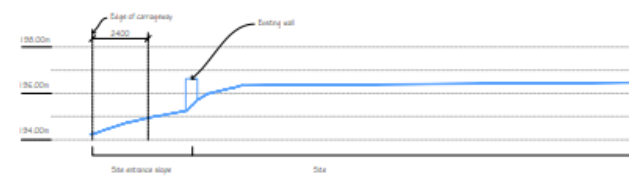
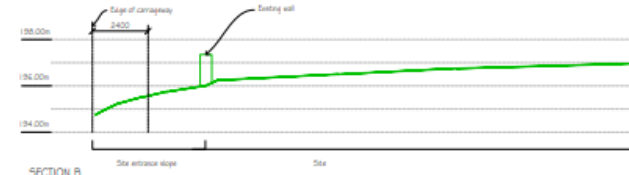
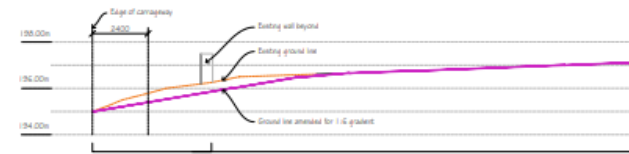
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

The applicant will need apply to approve the details reserved by the 5-year Landscape and Ecological Management Plan (LEMP) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here: <https://www.cotswold.gov.uk/planning-and-building/planning-permission/step-bystep-guide-to-planning-permission/>

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project
THE SADDLERY
Kineton
Gloucestershire
GL54 5UG

Site Plan & Site Sections

scale
1:300 & 1:100 @ A1 EG

drawn by
Jan '25

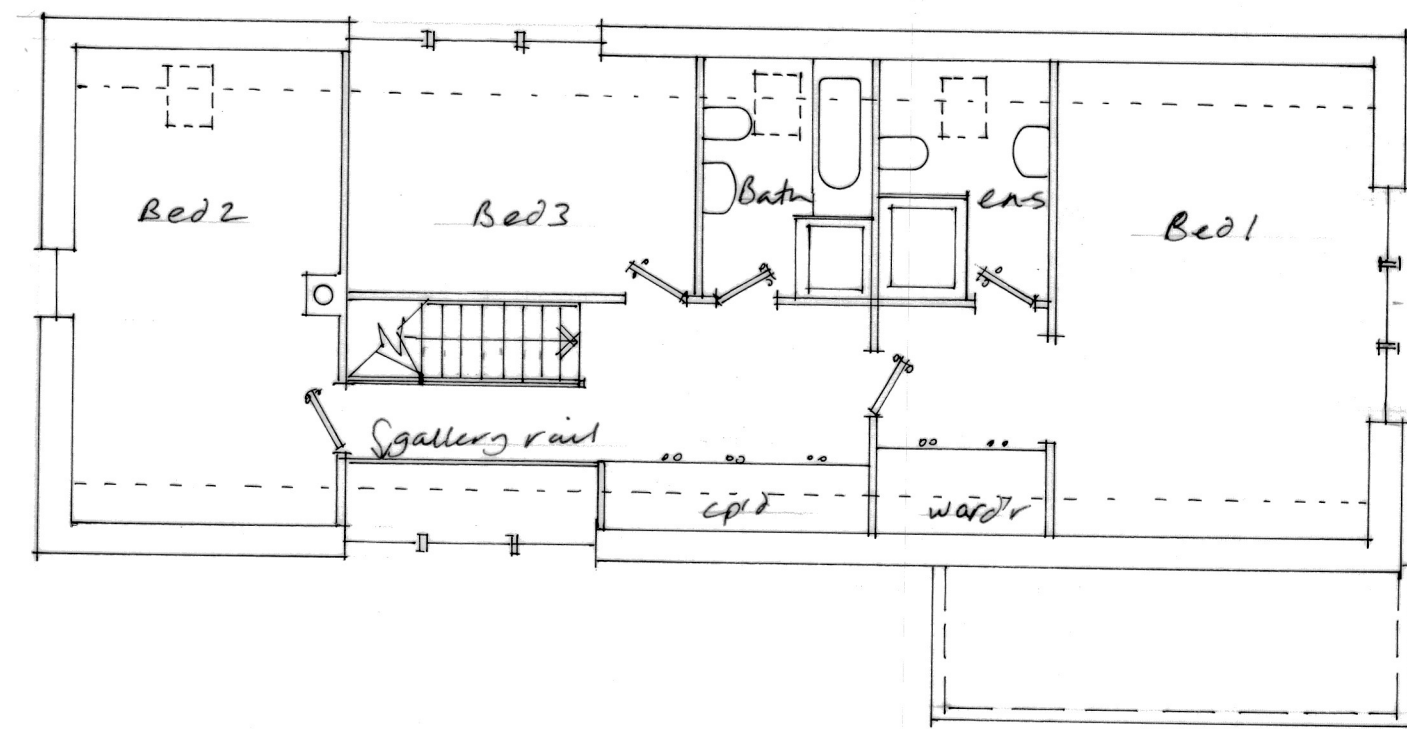
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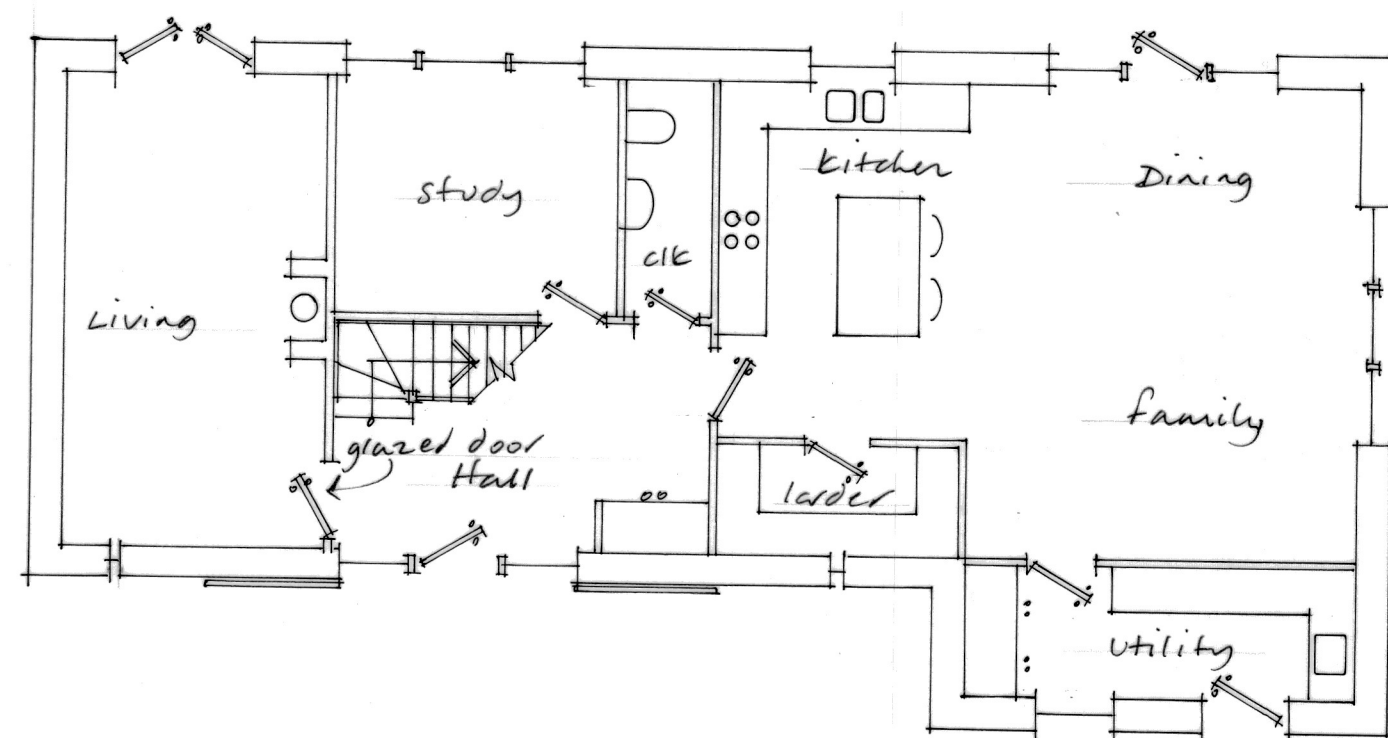


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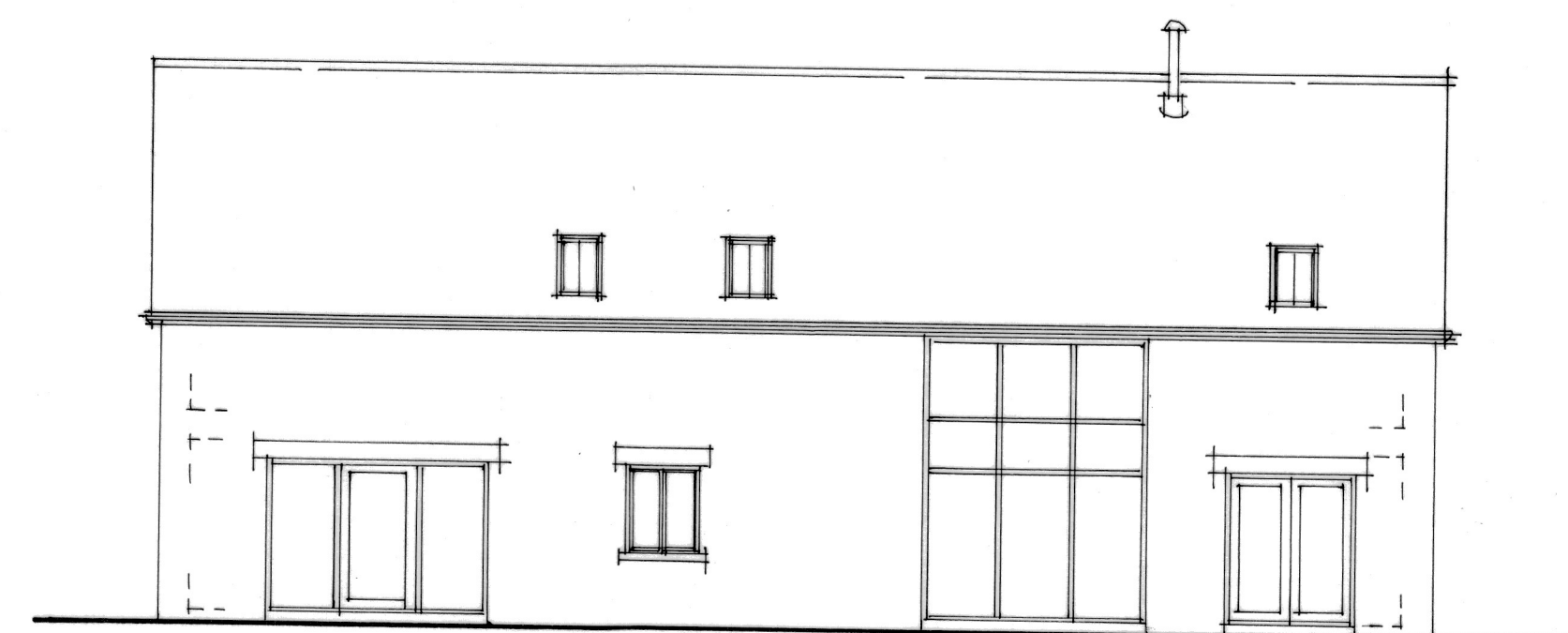
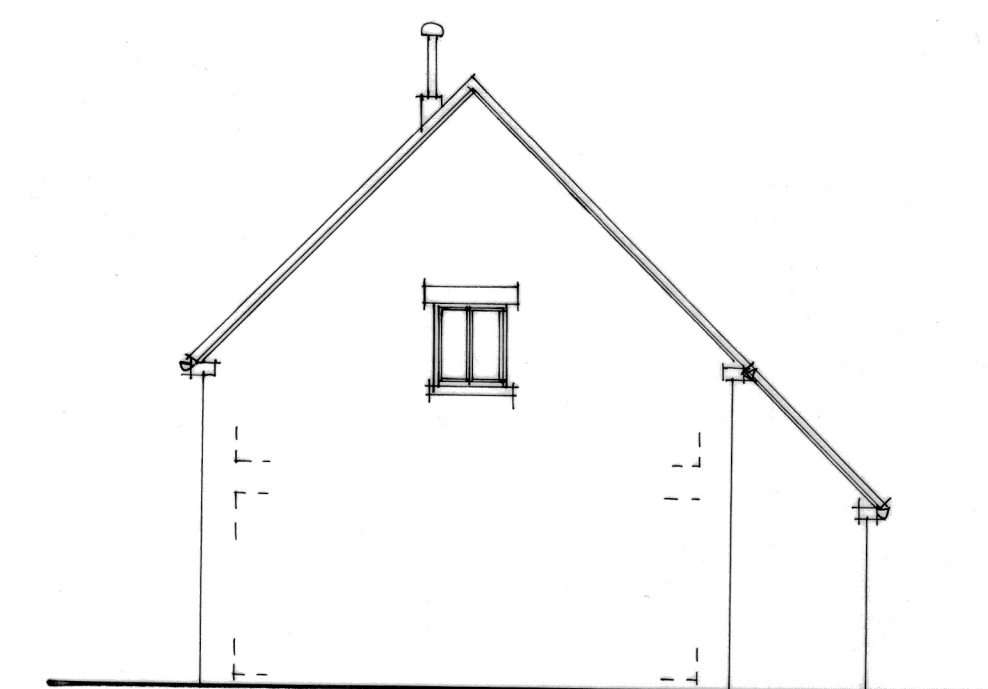
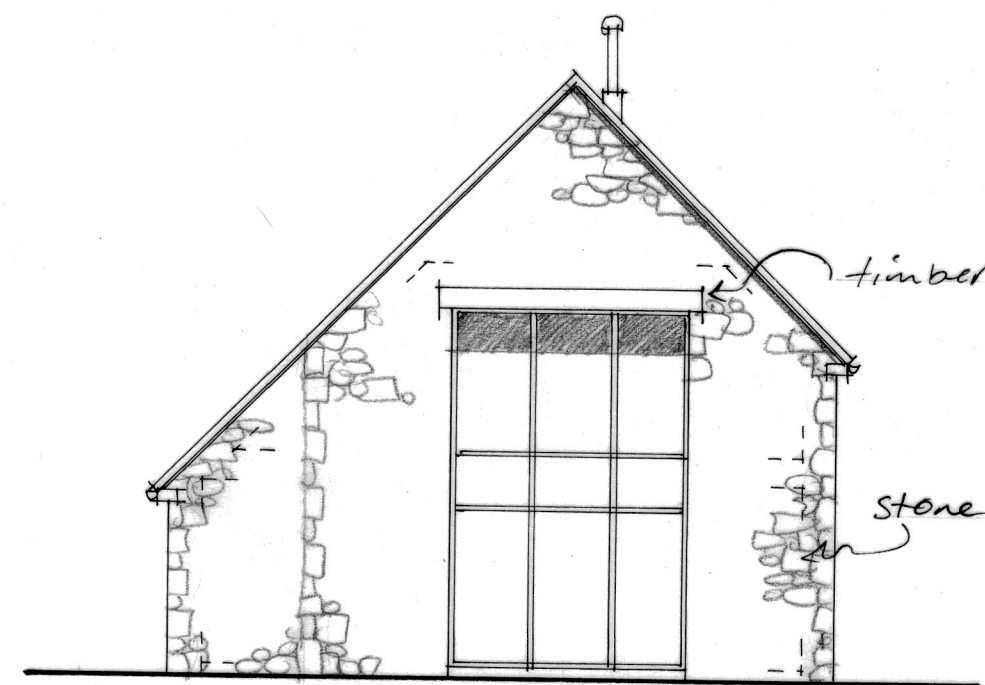
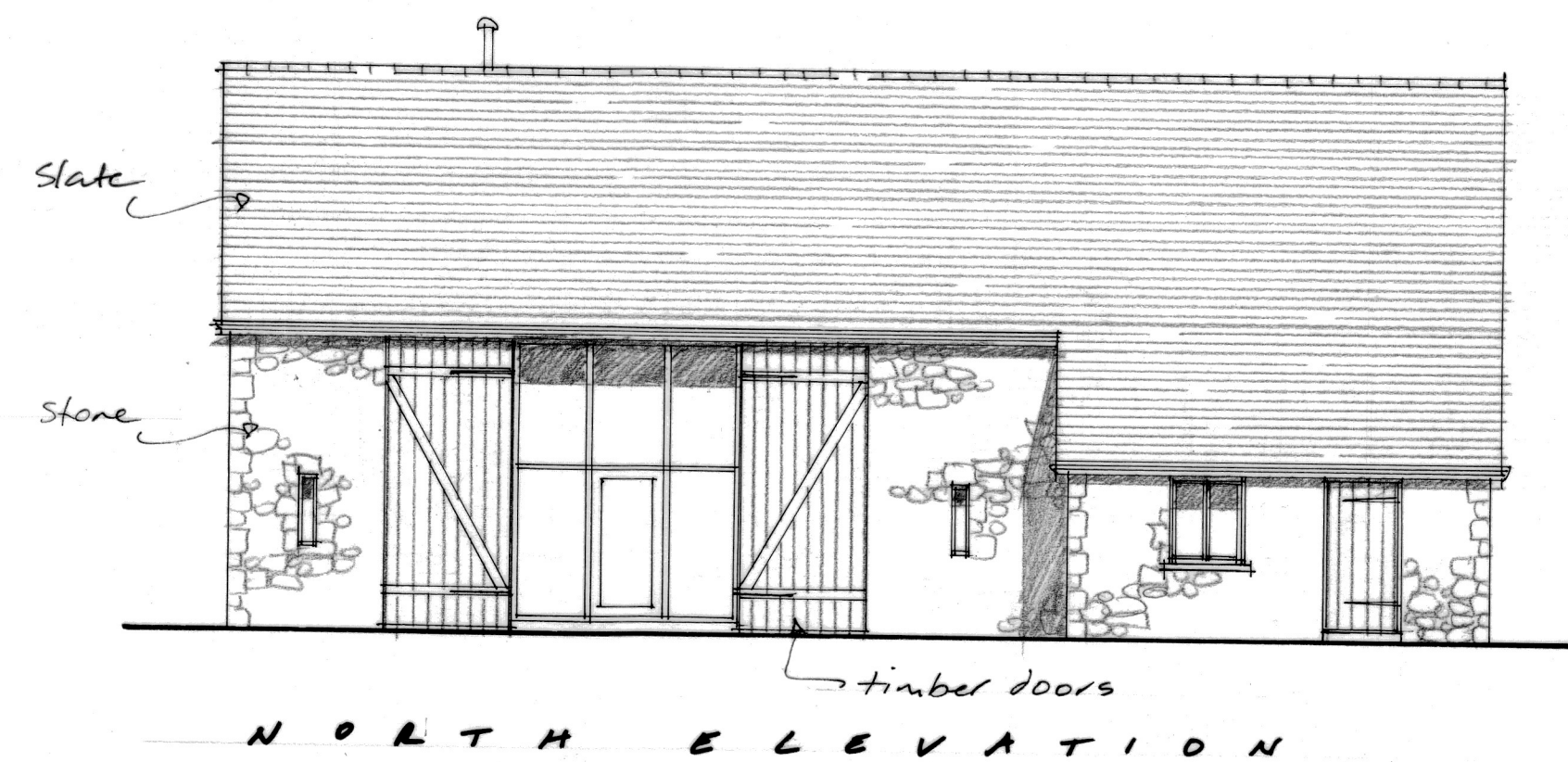
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FIRST FLOOR PLAN



GROUND FLOOR PLAN



revisions
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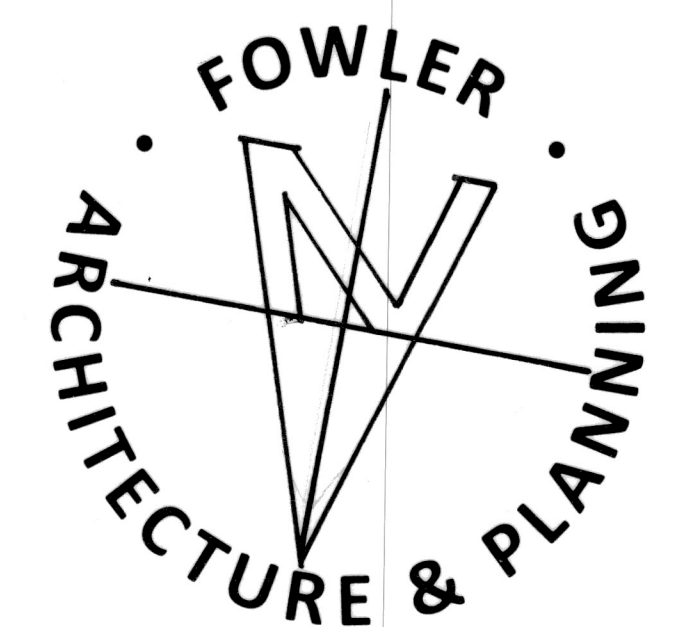
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project
THE SADDLERY
KINETON

drawing
DESIGN SCHEME

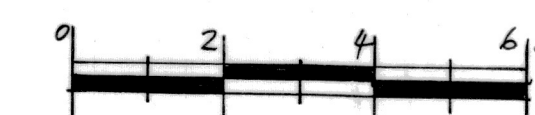
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Demolition of existing agricultural shed and redundant silage pits. Replacement calf shed with solar panels on the roof at Duchy Home Farm Tetbury Gloucestershire GL8 8SE

Full Application 25/01020/FUL	
Applicant:	Mr James Gay
Agent:	AJW Land & Development Ltd
Case Officer:	Kristina Carter
Ward Member(s):	Cllr Laura Hall-Wilson
Committee Date:	9 July 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Impact on the Cotswolds National Landscape
- (b) Residential Amenity
- (c) Biodiversity

2. Reasons for Referral:

- 2.1 In accordance with Section 3A of the Councils Non-Executive Scheme of Delegation, the proposed building is over 1000sqm and as such is a type of applications not to be determined under delegated powers. The application is therefore referred to the Planning Committee for determination.

3. Site Description:

- 3.1 Broadfield Farm is an established dairy farm located approximately 0.5km to the north-east of Tetbury. The farm forms part of Duchy Home Farm and the wider Highgrove Estate. The farmyard comprises a collection of buildings set off Cherington Lane and surrounded by agricultural land. These are predominantly large agricultural structures in timber or corrugated metal, many with concrete block lower walls.
- 3.2 The application site is within the Cotswolds National Landscape and Tetbury Upton Footpath 8 Public Right of Way lies approximately 158m to the west.

4. Relevant Planning History:

- 4.1 CT.3739 - Erection of a silage barn. Permitted 31.3.1967
- 4.2 CT.3739/A - Erection of a building for the storage of hay. Permitted 28.9.1967
- 4.3 CT.3739/D - Erection of a grain store. Permitted 19.2.1986
- 4.4 CT.3739/E - Erection of new stock building. Permitted 10.11.1993
- 4.5 95.01229 (CT.3739/G) - Retention of works to include the erection of Dutch barn and associated lean-to. Permitted 29.8.1995
- 4.6 98.01556 (CT.3739/H) - Agricultural workers dwelling. Permitted 15.10.1998
- 4.7 99.00311 (CT.3739/J) - Proposed polytunnel and access track. Permitted 30.3.1999
- 4.8 99.00995 (CT.3739/K) - New straw barn. Permitted 15.7.1999
- 4.9 10/00784/AGFO (CT.8834) - Construction of an agricultural building. Permitted 24.3.2010
- 4.10 20/04041/AGFO - Agricultural Slurry tower - circular with cover. Permitted 8.12.2020 (Prior approval not required)
- 4.11 20/04216/FUL (CT.3739/R) - Construction of an agricultural silage clamp. Permitted 23.2.2021
- 4.12 22/00607/FUL - Construction of an agricultural entrance (highways access point), farm drive, cow track, landscape planting and associated works. Permitted 10.08.2022
- 4.13 25/00995/AGFO - Prior notification for the erection of a livestock building for the housing of calves with solar panels on the roof. Permitted 22.04.2025 (Prior approval not required)

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- 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
- EN15 Pollution & Contaminated Land

- INF10 Renewable & Low Carbon Energy Develop't

6. Observations of Consultees:

- 6.1 CDC Biodiversity Officer: No objection, subject to conditions
- 6.2 ERS Land Contamination Officer: No objection

7. View of Town/Parish Council:

- 7.1 None received at the time of writing.

8. Other Representations:

- 8.1 1 support comment from the veterinary consultant on the grounds of animal welfare.

9. Applicant's Supporting Information:

- Proposed Plans
- Agricultural Supporting Statement
- Preliminary Ecological Appraisal
- BNG Information

10. Officer's Assessment:

- 10.1 This application seeks permission to demolish an existing agricultural barn and erect a replacement barn as part of improvement works for an established dairy business. The barn would be sited within the farmyard and in the same location as existing and would be used for housing of calves.
- 10.2 The structure would measure 40m x 37m, with eave height of 4.9m and ridge height of 11.6m. The barn would be constructed in a mixture of Yorkshire boarding and concrete grain walling. Solar panels are proposed to the southern roofslope.

(a) Design and Impact on the Cotswolds National Landscape

- 10.3 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the

area *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).

- 10.4 The proposed building would have a clear functional agricultural use and appearance, which would not appear out of keeping within its setting. It is therefore not considered that the siting or external appearance of the building would have an adverse impact on the intrinsic rural landscape character.
- 10.5 Whilst no product details have been submitted with this application, it is shown on the drawings that the solar panels proposed would not be projecting beyond the ridge of the roof or the eaves lines. The building would be sited within an existing farmyard and amongst a clutter of buildings rather than in an isolated location in the countryside. It is therefore considered that the proposed equipment would not appear incongruous within the landscape.
- 10.6 Cotswold District Council has declared a climate change emergency in line with the national climate change agenda and is therefore supportive in principle of green energy development that would promote the use of renewable energy. Any visual impact of the solar panels would be off-set by the environmental enhancements of creating clean energy.
- 10.7 Overall, it is considered that the proposed development would be in accordance with Local Plan Policies EN1, EN2, EN4 and EN5, as well as Section 15 of the NPPF.

(b) Impact on Residential Amenity

- 10.8 Due to the siting of the barn within the agricultural yard, there would be no harmful impacts to residential amenity in terms of loss of light, loss of privacy or overlooking.
- 10.9 In terms of solar panels, it is beneficial for the panels to absorb as much light as possible rather than reflecting it back into the environment. There are no neighbouring properties in the vicinity of the farmyard site that would be affected by the proposal. It is considered that the proposal will not have an adverse impact on the occupiers of neighbouring land with regards to glare.
- 10.10 It is considered that the proposed development would be in accordance with Local Plan Policy EN2 as well as Section 12 of the NPPF.

(c) Impact on Biodiversity and Biodiversity Net Gain (BNG)

Biodiversity Net Gain

- 10.11 The development is subject to Biodiversity Net Gain, and therefore a minimum 10% net gain needs to be demonstrated. This application is a combination of on-site habitat delivery (grassland enhancement) and purchase of off-site units to compensate for the remainder of habitat lost. A condition is therefore included to require the submission and approval of a 10-year landscape and ecological management plan to ensure appropriate establishment and initial aftercare. A demonstration of unit purchase is required to be submitted to the LPA prior to successfully discharging the pre-commencement BNG condition. The development is therefore not considered to adversely affect biodiversity subject to compliance with the aforementioned condition and the requirements of Biodiversity Net Gain.

European Protected Species

- 10.12 The application site is within the red impact zone for Great Crested Newts. Whilst the risk of harm to this protected species is considered low, it remains a possibility; a precautionary working method statement shall be conditioned with permission to ensure these are safeguarded during construction.
- 10.13 A preliminary roost assessment submitted showed that the existing structures to be affected were of negligible suitability for roosting bats, therefore there are no concerns in this regard.
- 10.14 It is considered that the development is in accordance with Local Plan Policy EN8 as well as Section 15 of the NPPF.

11. Conclusion:

- 11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.
- 11.2 Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is for a development of a building into which people do not normally go.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): Drawings Internal Floor Plan. Drawing East and South Elevations and Drawing North and West Elevations, received 28.03.2025, and Location Plan and Block Plan received 17.04.2025.

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

3. No development shall take place until a Precautionary Working Method Statement (PWMS) for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales.

Reason: To ensure Great Crested Newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. Measures need to be in place prior to works commencing to ensure the protected species are safeguarded.

4. The development shall be undertaken in accordance with the recommendations contained within sections 66 to 71 of the Preliminary Ecological Appraisal (Ecological Matters Environmental Consultancy, February 2024 - uploaded 28th March 2025). All of the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.

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

5. Prior to first use, a finalised biodiversity enhancement plan containing details of the provision of bat boxes and bird nesting features based on the recommendations within section 72 of the Preliminary Ecological Appraisal (Ecological Matters Environmental Consultancy, February 2024 - uploaded 28th March 2025) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold

6. District Council Local Plan, and for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

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

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

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

Informatives:

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is for a development of a building into which people do not normally go.

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

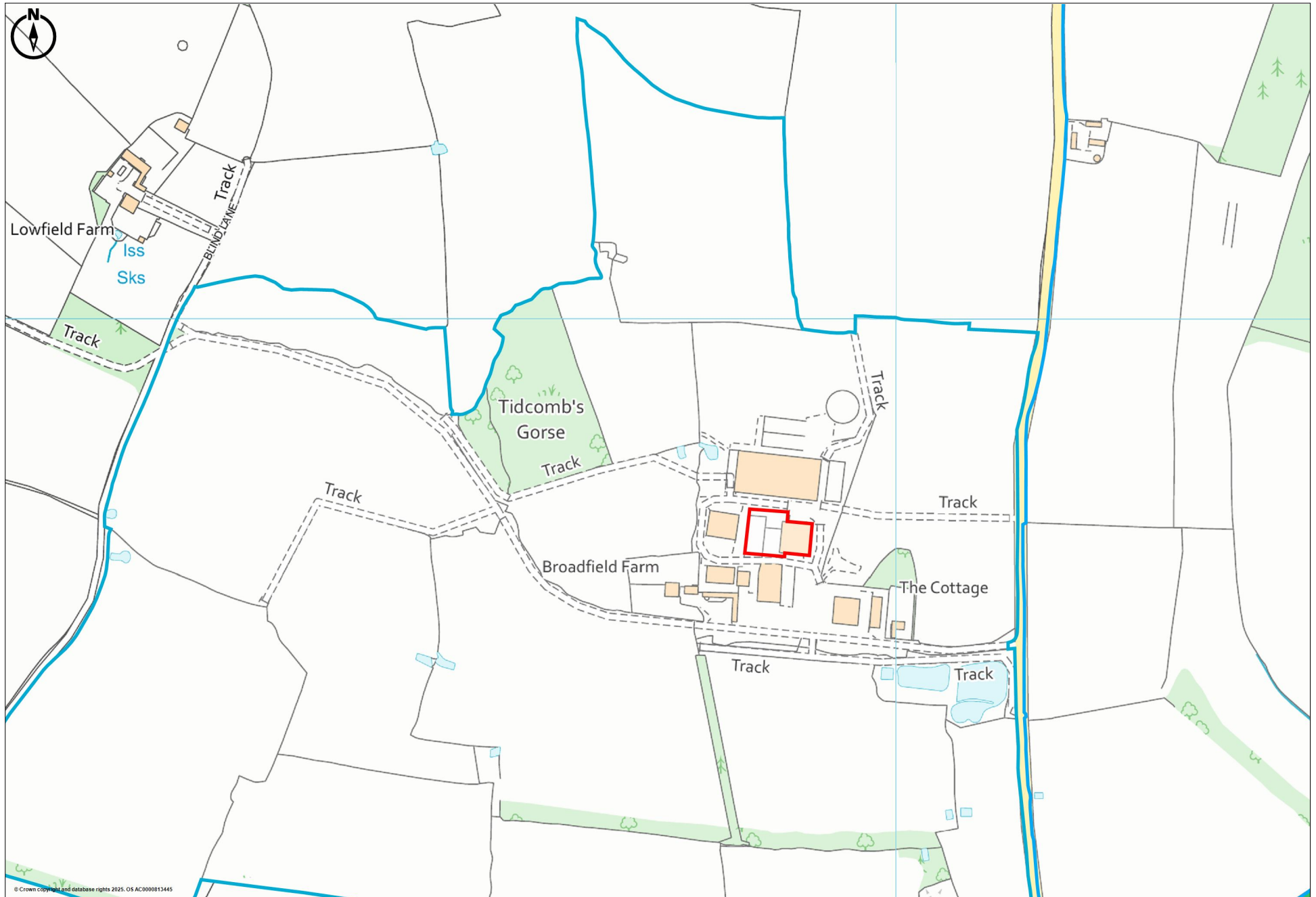
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan in writing.

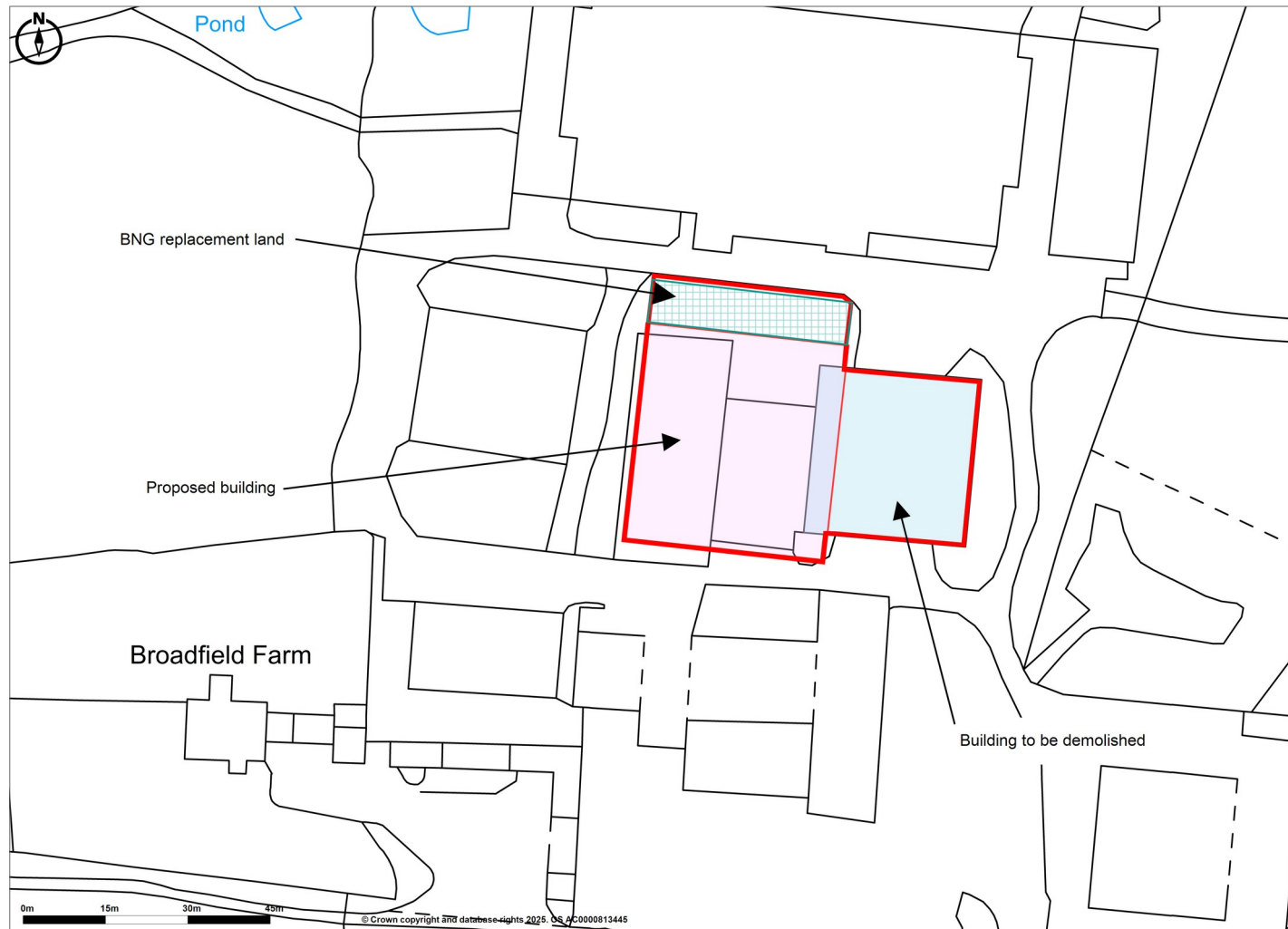
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

The applicant will need apply to approve the details reserved by the 10-year Landscape and Ecological Management Plan (LEMP) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here: <https://www.cotswold.gov.uk/planning-and-building/planning-permission/step-by-step-guide-to-planning-permission/>

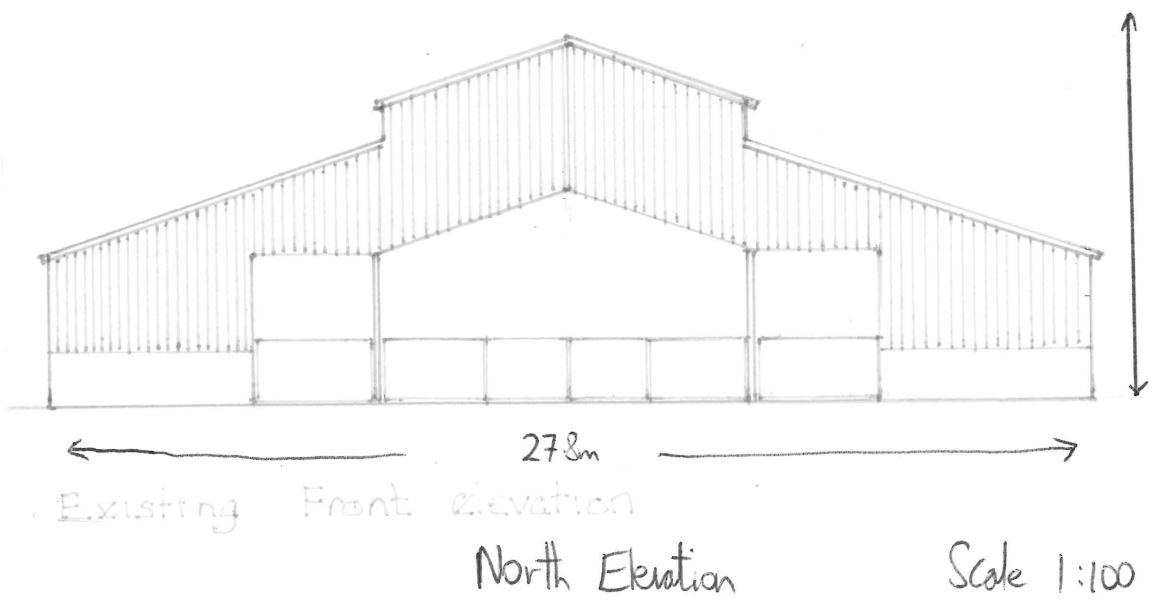
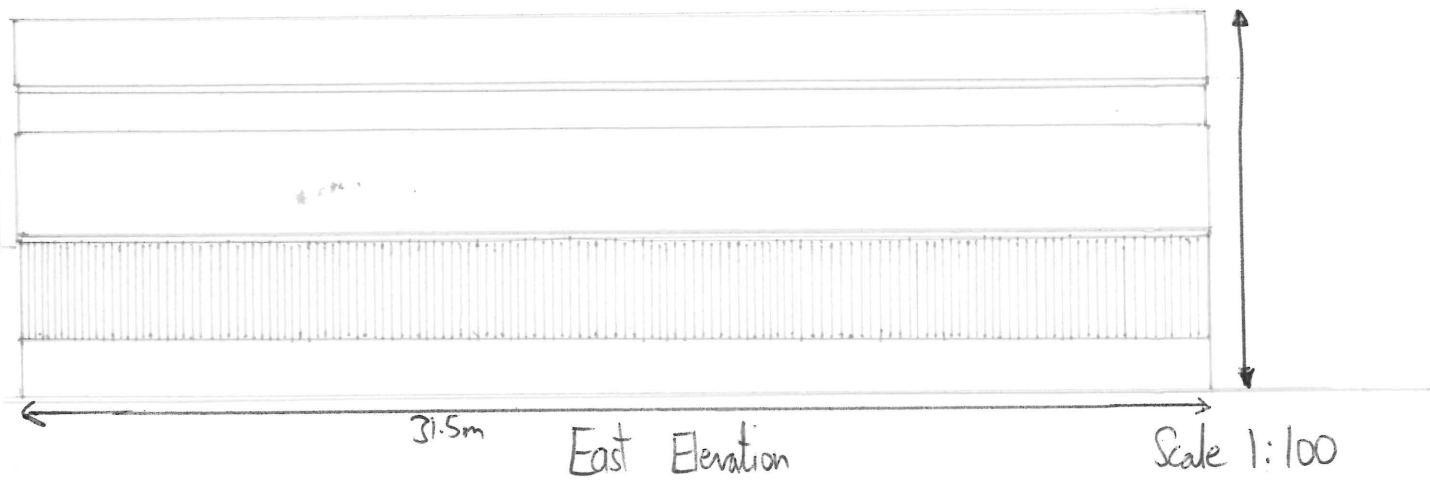


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Block Plan

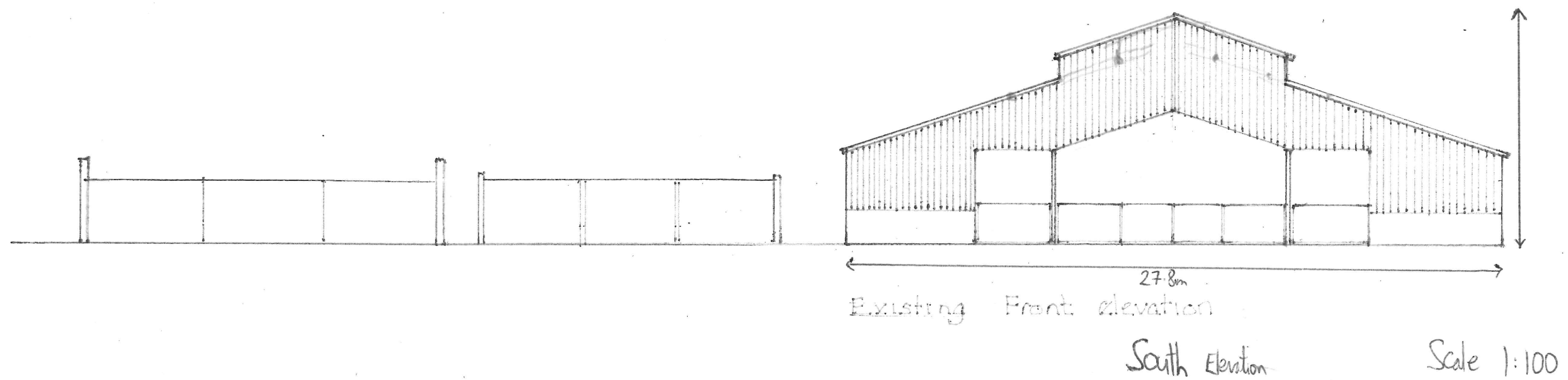
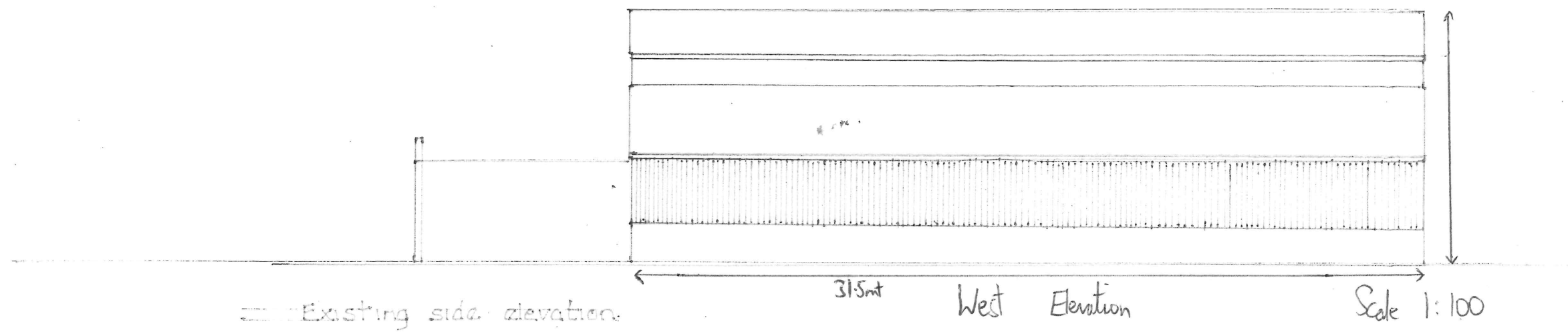


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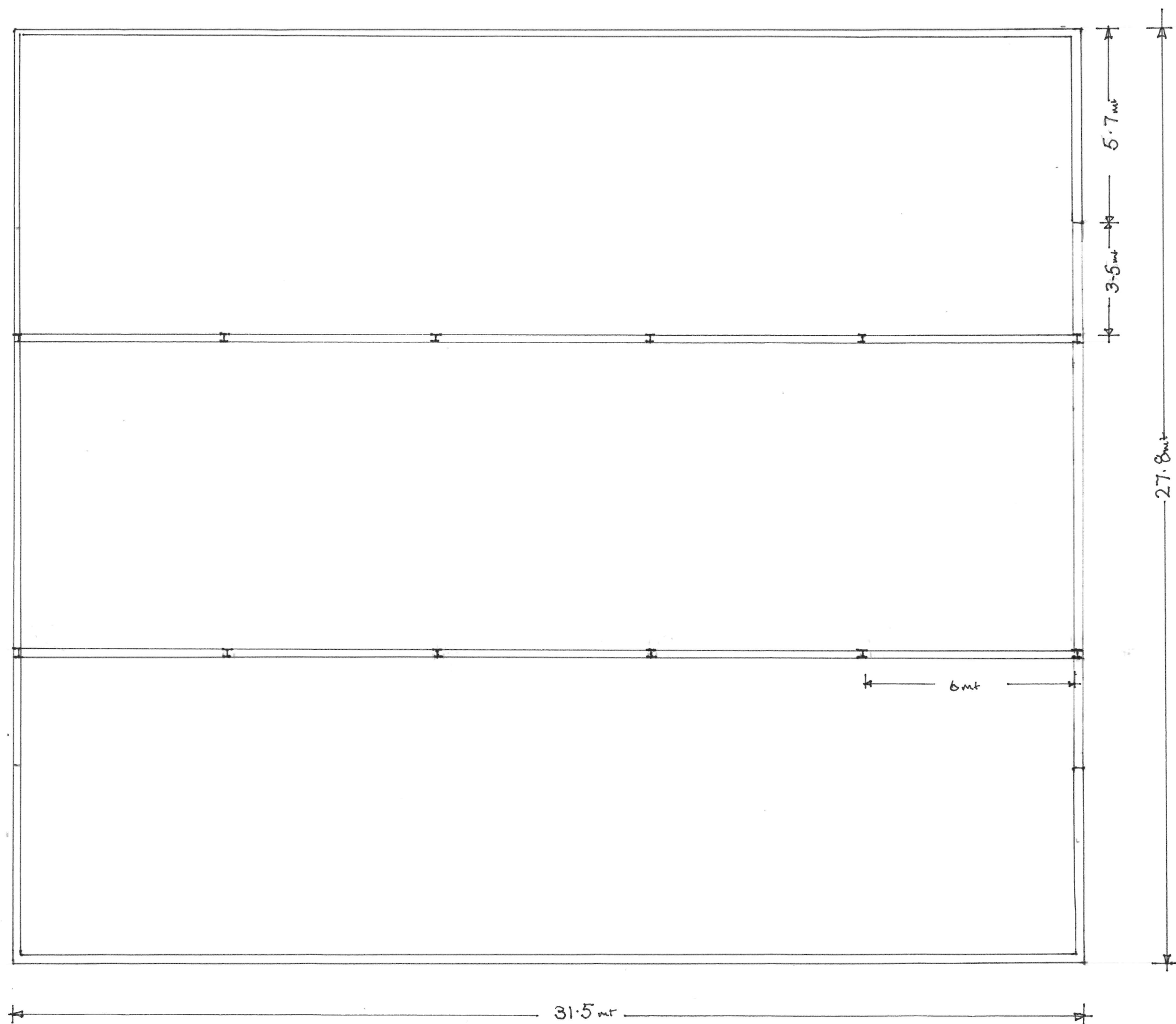


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Existing Cattle shed



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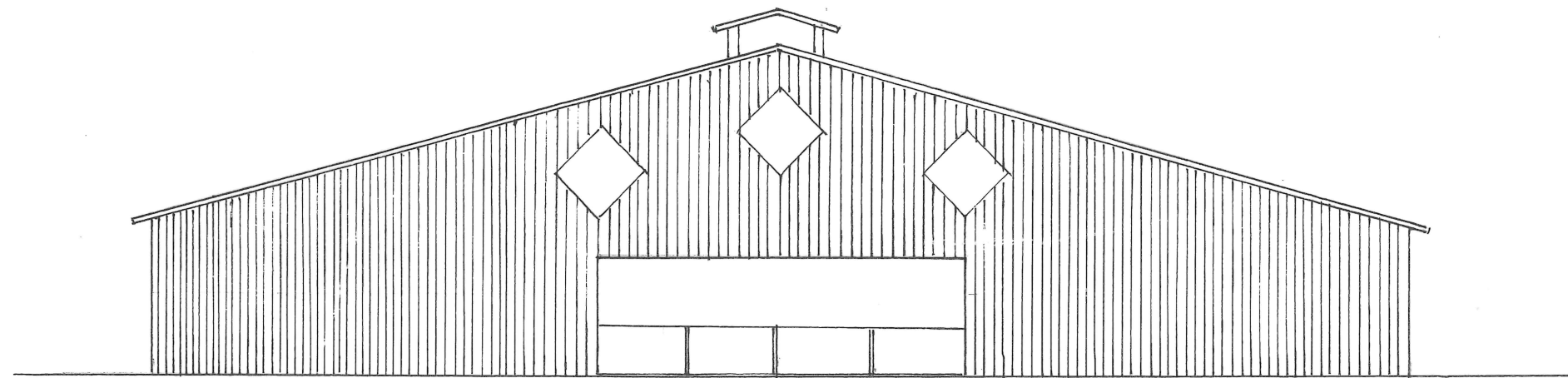


PLAN OF EXISTING BARN

Scale 1-1250

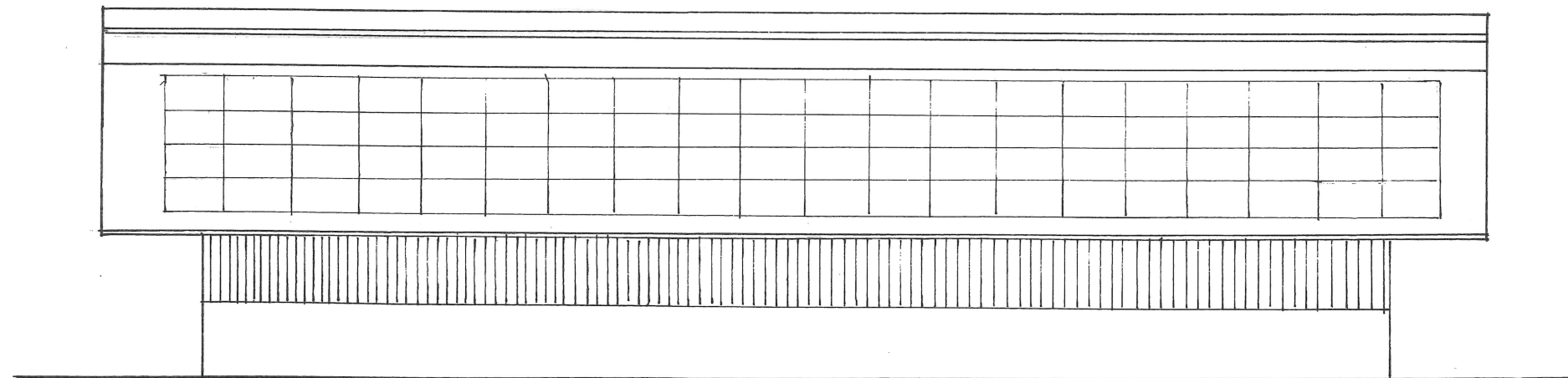
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East Elevation



Elevation B

South Elevation

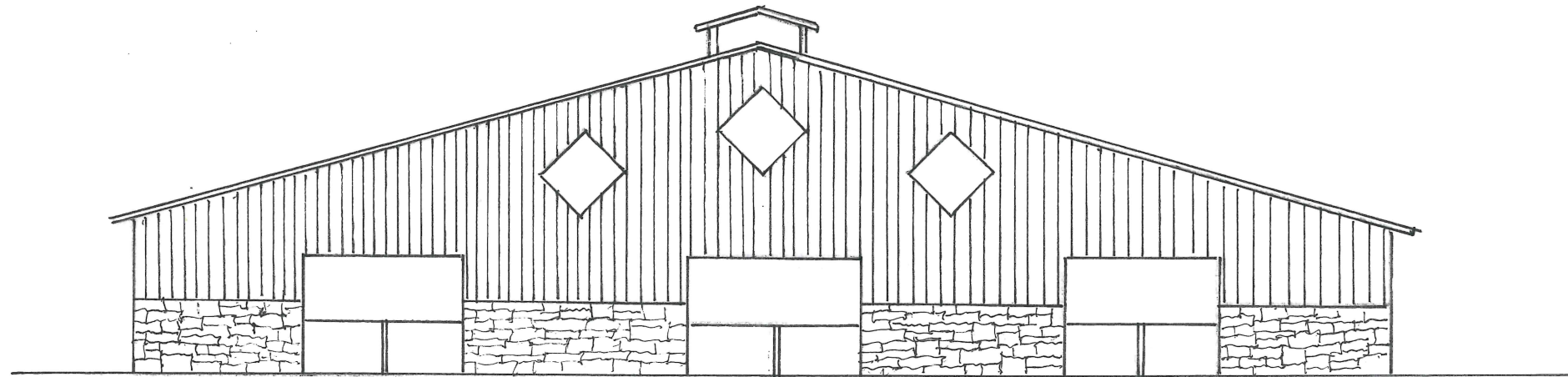


Elevation A

Scale 1-200

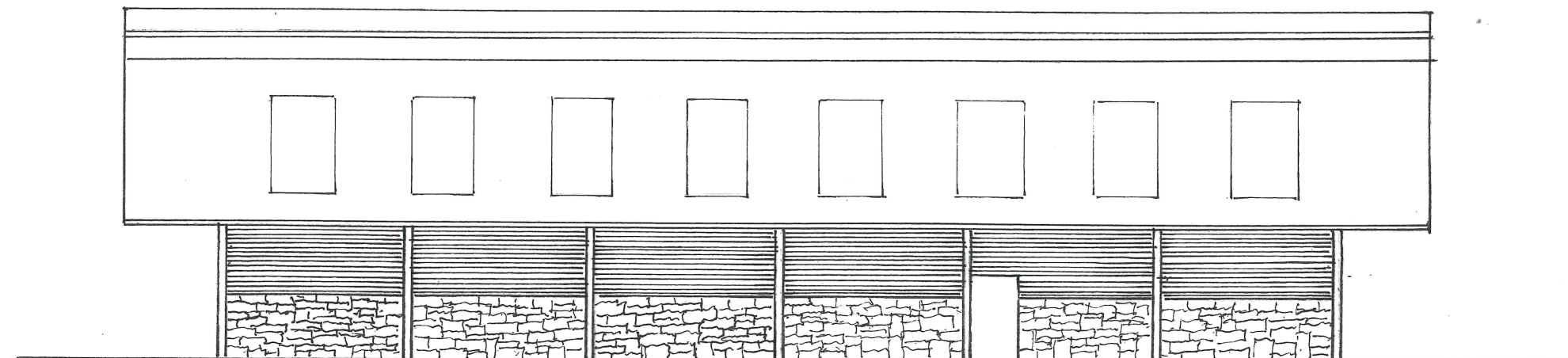
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West Elevation



Elevation C

North Elevation

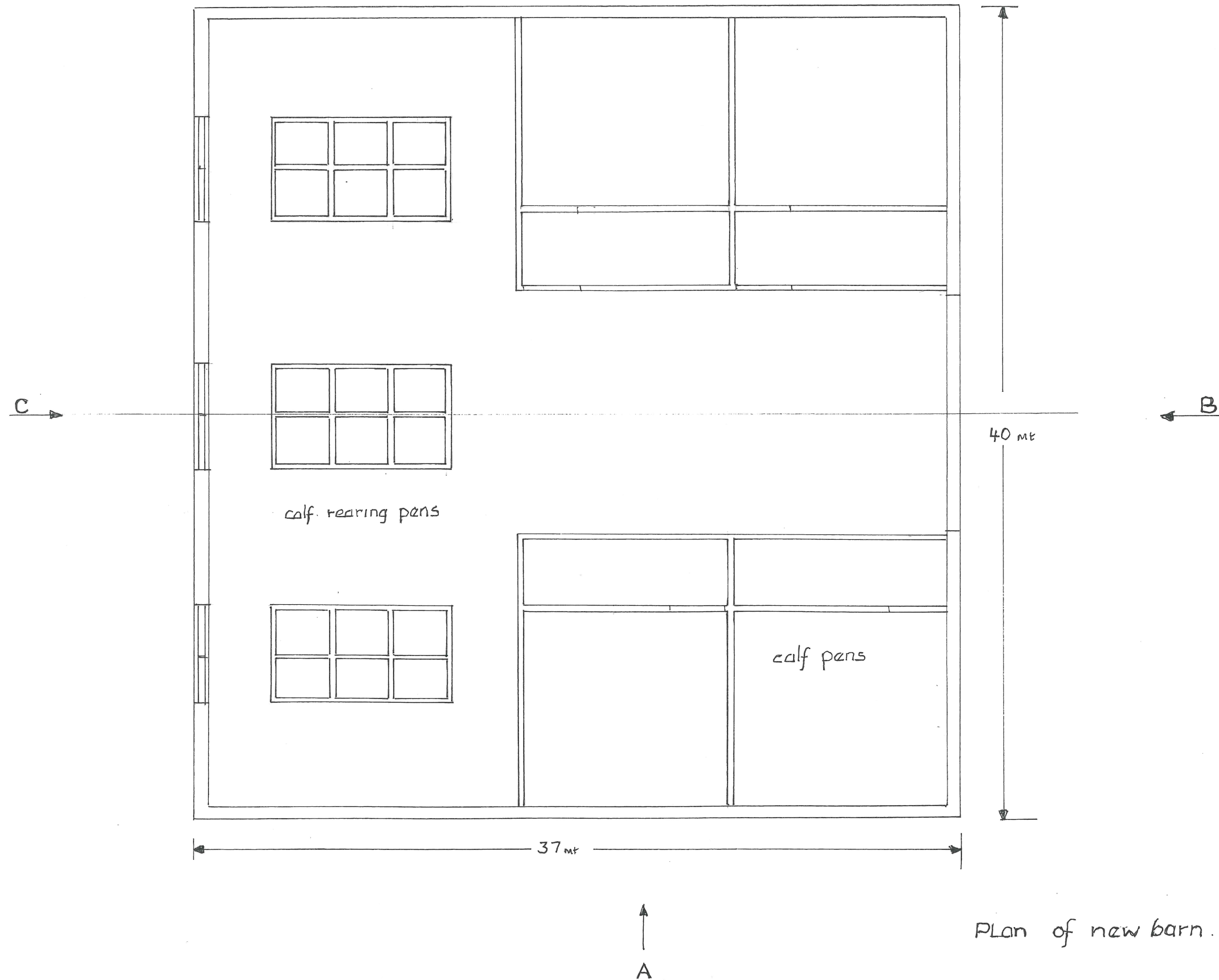


Elevation D

scale 1/200

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Internal Floor Plan



Plan of new barn. scale 1-200

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Demolition of existing building and erection of replacement building for the storage of logs at Compton Farm Compton Abdale Cheltenham Gloucestershire GL54 4DL

Full Application 25/01049/FUL	
Applicant:	Mr Fred Walker
Agent:	Kernon Countryside Consultants Ltd
Case Officer:	Graham Smith
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	9 July 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Employment Development
- (b) Cotswold National Landscape
- (c) Residential Amenity
- (d) Biodiversity
- (e) Waste Management
- (f) Other Matters

2. Reasons for Referral:

- 2. The application has been brought before the Planning and Licensing Committee as required by the Scheme of Delegation and Planning Protocol as the site relates to the development of 1,000sqm of non-residential floorspace (Please refer to 3.A Types of applications not to be determined under delegated powers part (d))

3. Site Description:

- 3.1 The application site currently comprises an employment use for the processing of timber for logs extending to about 1.25ha. It is located in the countryside approximately 1.1km to the east of Compton Abdale. The site was formally part of Compton Farm and is accessed from a C Class Road to the south. There are 6 buildings on the site all of single storey with a utilitarian appearance finished in dark green ranging from the 1970s to recent replacement buildings. The buildings on the site are located to the rear of the Compton Business and Craft

Centre which itself comprises two single storey buildings with courtyard parking.

- 3.2 To the south of the site are four residential properties. One of these dwellinghouses (1 Compton Farm Cottage) is Grade II listed. However, this property is some 75m to the south of the application site. This is considered sufficient distance that there would not be any adverse impact on the building or its setting.
- 3.3 The site is generally well screened by existing vegetation on the boundaries of the site and particularly on the sites southern boundary where there is a relatively dense area of trees.
- 3.4 The site itself is not a Local Plan designated employment area. The Compton business and craft centre is an established employment area (Local Plan site EES37).
- 3.5 The site is within the Cotswolds National Landscape. A public right of way (PROW), Compton Abdale Footpath 6, is located approximately 0.7km to the north of the site.

4. Relevant Planning History:

- 4.1 CD.3844 - Extension and alterations to farm cottage. Permitted April 1965.
- 4.2 CD.3844/A - Covered yard for housing livestock. Permitted October 1970.
- 4.3 CD.3844/B - Extension to grain store. Permitted February 1971.
- 4.4 95.02152 - Part demolition of agricultural building conversion of existing building with extension B1. Permitted April 1996.
- 4.5 96.00824 - Erection of sign. Permitted June 1996.
- 4.6 09/00268/FUL - Retrospective application for change of use of land and buildings to processing and kiln drying of logs (Class B2) with ancillary storage (Class B8) and erection of flue. Permitted June 2009.
- 4.7 10/01378/FUL - Removal of Condition 1 of planning permission 09/00268/FUL to enable the use to be permanently retained. Permitted May 2010.
- 4.8 10/02733/FUL - Construction of a storage building. Permitted August 2010.

- 4.9 13/04638/FUL - Variation of Condition 3 of permission 09/00268/FUL to allow no more than 728 HGV movements per calendar year. Permitted December 2013. 13/04639/FUL - Demolition of bull pen and erection of a building to accommodate a kiln for drying firewood. Permitted December 2013.
- 4.10 14/00461/FUL - Erection of a building to accommodate timber processing machinery. Permitted April 2014.
- 4.11 20/02630/FUL - Erection of replacement building and kiln following demolition of existing building. Permitted September 2020.

5. Planning Policies:

- NPPF National Planning Policy Framework
- EC1 Employment Development
- EC3 All types of Employment-generating Uses
- 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
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Biodiversity Officer - No objections subject to conditions.
- 6.2 Environmental Regulatory Services Noise - No objections subject to condition.
- 6.3 Environmental Regulatory Services Air Quality - No objections.
- 6.4 Gloucestershire County Council Minerals and Waste - No objections subject to conditions.

7. View of Town/Parish Council:

- 7.1 Not received at time of writing.

8. Other Representations:

- 8.1 None received at time of writing.

9. Applicant's Supporting Information:

- Supporting Statement
- Bat survey Report
- Biodiversity net gain metric

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 use of the site for the processing, kiln drying and storage of logs was first granted permission in June 2009. Restrictive conditions were imposed relating to the length of time of the use until 2010 which was subsequently removed by application in the same year. A condition limiting the number of lorry movements from the site was amended in 2013 to allow for no more than 728 HGV movements per calendar year.
- 10.5 A further restriction was on the use of the site being for the processing and kiln drying of logs and ancillary storage. The reason for the restriction was stated as:-
- 'This permission has been given to meet the specific needs of the applicant. A general B2 and B8 use at this location would be likely to result in intensified use of the sub-standard access road, contrary to the interests of highway safety.'*
- 10.6 It is proposed that this condition remains appropriate for this application.
- 10.7 The business employs 16 people with more during the winter months when demand is higher. Timber is delivered direct from local plantations where it is graded into different sizes, cut and split into logs. The logs are then dried in an

on-site kiln to reduce the moisture level. The kiln is powered by woodchip. Once the logs are dried, they are packaged or delivered loose straight to the customer.

- 10.8 Over the years since the business moved to the property the buildings on the site have been progressively redeveloped. This building is a previous agricultural barn that was permitted in the 1970s. The applicants state that the building is no longer suitable for the use proposed due to its age and is no longer economically viable to repair to make it fit for purpose.
- 10.9 The application seeks permission to replace the existing barn on the site with a new building. The proposals are for a building measuring 32m by 52m (a gross floor area of 1,664sqm). This compares to the existing floorspace of 1,485sqm. Its height would be 6m to eaves and 9.6m to ridge compared to 3.5m to eaves and 6m to ridge. The increase in height is to enable forklift trucks to operate safely within the building.
- 10.10 As part of the proposals the building is to be moved south enabling the existing access to the extinguished and all access to be undertaken from the north.
- 10.11 The materials proposed are fibre cement sheeting for the roof (coloured juniper green). The walls will be concrete panels on the lower walls with metal cladding (coloured juniper green) on the upper walls.

(a) Employment Development

- 10.12 The site is not within any of the Principal settlements as defined by policy DS1. However, the proposal would support an existing business on the site and the following policies are relevant:
- 10.13 Local Plan Policy EC1 states that employment development will be permitted where it meets one of five criteria. In this particular case criterion b is directly relevant and states that:-
- b. maintains and enhances the vitality of the rural economy.*
- 10.14 The proposal supports an existing rural business and is considered to meet this criterion.
- 10.15 Local Plan Policy EC3 (Proposals for All Types of Employment-Generating uses) states at part 2 that:-

Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where they:

- a. do not entail residential use as anything other than ancillary to the business; and*
- b. are justified by a business case, demonstrating that the business is viable; or*
- c. facilitate the retention or growth of a local employment opportunity.*

10.16 The proposal would meet criterion (c), as an existing rural business.

10.17 NPPF Paragraph 88 states:

Planning policies and decisions should enable:

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;*
- b. the development and diversification of agricultural and other land-based rural businesses;*

10.18 It is therefore considered that the proposals would support an established business and are, in principle, in accordance with policies EC1 and EC3 and the NPPF paragraph 88.

(b) Cotswolds National Landscape

10.19 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area.

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

- 10.21 Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas, and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness.
- 10.22 Local Plan Policy EN5 states that in determining development proposals within the area or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.23 Section 15 of the NPPF seeks to conserve and enhance the natural environment.
- 10.24 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- 'protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside'.*
- 10.25 Paragraph 189 of the NPPF states that:
- 'Great weight should be given to conserving and enhancing landscape and scenic beauty in...National Landscapes which have the highest status of protection in relation to these issues.'*
- 10.26 The proposed building would replace an existing building with a similar footprint but with an increased height. The proposed building is atypical of an industrial/agricultural building and the overall scale and design of the buildings is considered a suitable functional design for the use and location. The finish would be green which is considered a suitable muted colour for the location consistent with the other buildings on the site.
- 10.27 The building would be located in an existing group of similar buildings and large area of hardstanding and would appear in keeping with these. It is also noted that the site is screened from the adjoining countryside by well-established planting. Short distance views of the building from the road are limited by existing buildings and planting.
- 10.28 A PROW (Compton Abdale Footpath 6) is located approximately 0.7km to the north and offers longer distance views of the site. Whilst the height would be increased by 3m from existing it is considered that the development would be viewed against a backdrop of other similar buildings and mature trees which would limit any potential adverse impacts.

10.29 It is considered that the proposal would not encroach into the countryside or harm the character or appearance of the national landscape.

10.30 It is considered that the proposals accord with policies EN2, EN4 and EN5 and paragraphs.

(c) Residential Amenity

10.31 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy regarding residential amenity. This expects proposals to respect amenity when considering garden space, privacy, daylight and overbearing effect.

10.32 Local Plan Policy EN15 states that development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

10.33 Paragraph 135 of the NPPF states that planning decisions should ensure that development provides a high standard of amenity for existing and future users.

10.34 Paragraph 199 of the NPPF states that planning decisions:

'should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'

10.35 The proposal would result in the development being located about 9m closer and 3m higher than the existing building relative to the neighbouring dwellings. However, the proposal would still be a reasonable distance to the north (about 44m) of from the rear boundary of any dwelling. The belt of trees also provides an element of screening.

10.36 The proposal is therefore, considered to be of a scale, siting and position relative to neighbouring properties, that it would not impinge on their residential amenity having regard to loss of light, loss of privacy or overbearing affects.

10.37 The proposal has the potential to cause noise and air pollution. However, the applicants have confirmed that the proposed building is to be used for the

storage of logs with any drying of the timber undertaken in one of the other purpose-built buildings on the site. The Environmental Health Officer (EHO) (Air Quality) has no objection to the proposal.

10.38 In terms of noise the applicants have stated that the building is to be used for storage with the other activities, such as log splitting being undertaken elsewhere on the site. The site has been in operation since 2009 and there have been no comments from local residents to the application. At the present time the existing building is open sided to the south facing the existing dwellings with the existing access between the two uses currently used by vehicles. The proposals would improve this by enclosing the building on this side. It would be sited further south thereby removing the access for vehicles and any associated noise.

10.39 As part of the previous applications on the site, a condition restricting the noise output from operations was imposed as follows:-

'The level of noise emitted from the site shall not exceed 50 dB LAeq (60 minute) between 0730 and 1730 hours Monday to Friday and 0800 and 1300 hours on Saturday; and 40 dB LAeq (60 minute) at any other time including Sundays and Public or Bank holidays, as measured on any boundary of the site with the microphone at a height of 1.2 metres above ground level.'

10.40 This remains relevant, and a similar condition is considered reasonable and necessary for this application.

10.41 The site is also the subject of a hours of operation condition which states that:-

'Other than the unattended operation of the kilns and boiler at the premises, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site except between the hours of 0730 and 1730 Monday to Friday and 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.'

10.42 The Environmental Health Officer (Noise) has no objections to the proposal subject to condition. The recommended condition states:-

'Hours of works in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.'

- 10.43 There is a slight difference in the start time and end time (1/2 hour) in each case between the conditions proposed by the EHO and the current one operating on site. However, the overall hours of operation are the same.
- 10.44 It is recommended that the condition currently operating on the site is added. This is acceptable to the applicant.
- 10.45 Subject to this, the proposal is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

(d) Biodiversity

- 10.46 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.
- 10.47 Biodiversity net gain (BNG) requires habitats for wildlife to be left in a measurably better state than they were before the development occurred. Under the Environment Act 2021, there is a mandatory requirement for proposals to deliver at least a 10% net gain from the 12th of February 2024 for major site applications and the 2nd of April 2024 for minor site applications. There are, however, some exemptions and this application is within the *de minimis* threshold and is therefore exempt from mandatory BNG. This is due to the application site comprising hardstanding in the form of concrete sealed surface.
- 10.48 The application is accompanied by a Bat Survey Report (BSR) (NKM Associates, April 2025) states that the existing building does not support roosting bats, and no further survey or mitigation is required. The BSR recommends that a check for active bird nests is undertaken prior to the demolition of the structure to be replaced, and that a minimum buffer of 5m should be used if any nests are identified, with those nests allowed to fledge before they are disturbed.
- 10.49 The report has been considered by the Biodiversity Officer who has no objection subject to conditions.
- 10.50 It is considered that the proposals are in accordance with policy EN8.

(e) Waste Management

- 10.51 The adopted Gloucestershire Waste Core Strategy (GWCS): Core Policy WCS2 requires applications to consider waste minimisation and reduction through the preparation of appropriate statements. Such a statement would need to address the types and tonnages of any construction and demolition waste that is likely to arise, set out by material type (e.g. wood, brick/concrete, soils, plastics, spoil etc.) and indicate measures to minimise and reduce waste accordingly. Conditions are recommended to ensure compliance with this policy.
- 10.52 It is considered that the proposals are in accordance with policy WCS2 of the GWCS.

(f) Other Matters

- 10.53 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) as it is a type of use where CIL is not levied.
- 10.54 It noted that the site has a restricted level of traffic HGV traffic which requires the applicant to keep a record of such movements for inspection by the authority at any time. The applicant has confirmed that the limit has never been exceeded. The applicant has also stated that the proposals are for improved storage facilities which will not lead to an increase in traffic movements.
- 10.55 The proposal would lead to the building being located further to the south of the site close to an established tree screen. It is possible that a number of these trees may have their roots damaged during construction of the new structure. However, they are not protected under the planning Act and can be removed at any time. Whilst some trees maybe lost the belt of trees is in excess of 22m wide to the south of the site. Accordingly, it is considered that the proposals would not lead to a loss of trees that are protected or would otherwise increase the visual impact of the development.

11. Conclusion:

- 11.1 The proposal is considered to comply with Local Plan policies EC1, EC3, EN1, EN2, EN4, EN5, EN8 and EN15 and sections 6 and 15 of the NPPF and is recommended for permission subject to conditions.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans:

KCC3879/03 (Proposed Block Plan)
KCC3879/06A (Proposed Elevations)
KCC3879/07A (Proposed Floorplan)

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

3. The development hereby permitted shall be used as ancillary storage to the permitted use of the site and for no other purpose (including any other purpose in Class B2 or Class B8 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: This permission has been given to meet the specific needs of the Applicant. A general B2 and B8 use at this location would be likely to result in intensified use of the sub-standard access road, contrary to the interests of highway safety with reference to policy INF4 of the Cotswold District Local Plan (Adopted August 2018).

4. The level of noise emitted from the site shall not exceed 50 dB LAeq (60 minute) between 0730 and 1730 hours Monday to Friday and 0800 and 1300 hours on Saturday; and 40 dB LAeq (60 minute) at any other time including Sundays and Public or Bank holidays, as measured on any boundary of the site with the microphone at a height of 1.2 metres above ground level.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policy EN15 of the Cotswold District Local Plan (adopted August 2018) and paragraph 198 of the NPPF.

5. Other than the unattended operation of the kilns and boiler at the premises, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site except between the hours of 0730 and 1730 Monday

to Friday and 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policy EN15 of the Cotswold District Local Plan (adopted August 2018) and in paragraph 198 of the NPPF.

6. The development shall be undertaken in accordance with the recommendations contained within section 4 of the Bat Survey Report (NKM Associates, April 2025 - uploaded 14th May 2025). All of the recommendations shall be implemented in full according to the specified timescales and thereafter permanently retained.

Reason: To ensure wildlife is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan (Adopted August 2018) and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Prior to the first occupation of the development hereby permitted, details of at least two bird boxes and two bat boxes shall be submitted to the Local Planning Authority for approval. The details shall include a drawing showing the types of features, their locations and positions within the site, and a timetable for their provision. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To provide additional nesting and roosting opportunities for birds and bats as biodiversity enhancements in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan (Adopted August 2018) and Section 40 of the Natural Environment and Rural Communities Act 2006.

8. Prior to development commencing including demolition, a detailed site waste management plan or equivalent shall be submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that

will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved for the duration of the development.

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

9. Prior to the development hereby permitted being brought into use full details of the provision for facilitating the management and recycling of waste generated during occupation shall be submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved for the duration of the development.

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



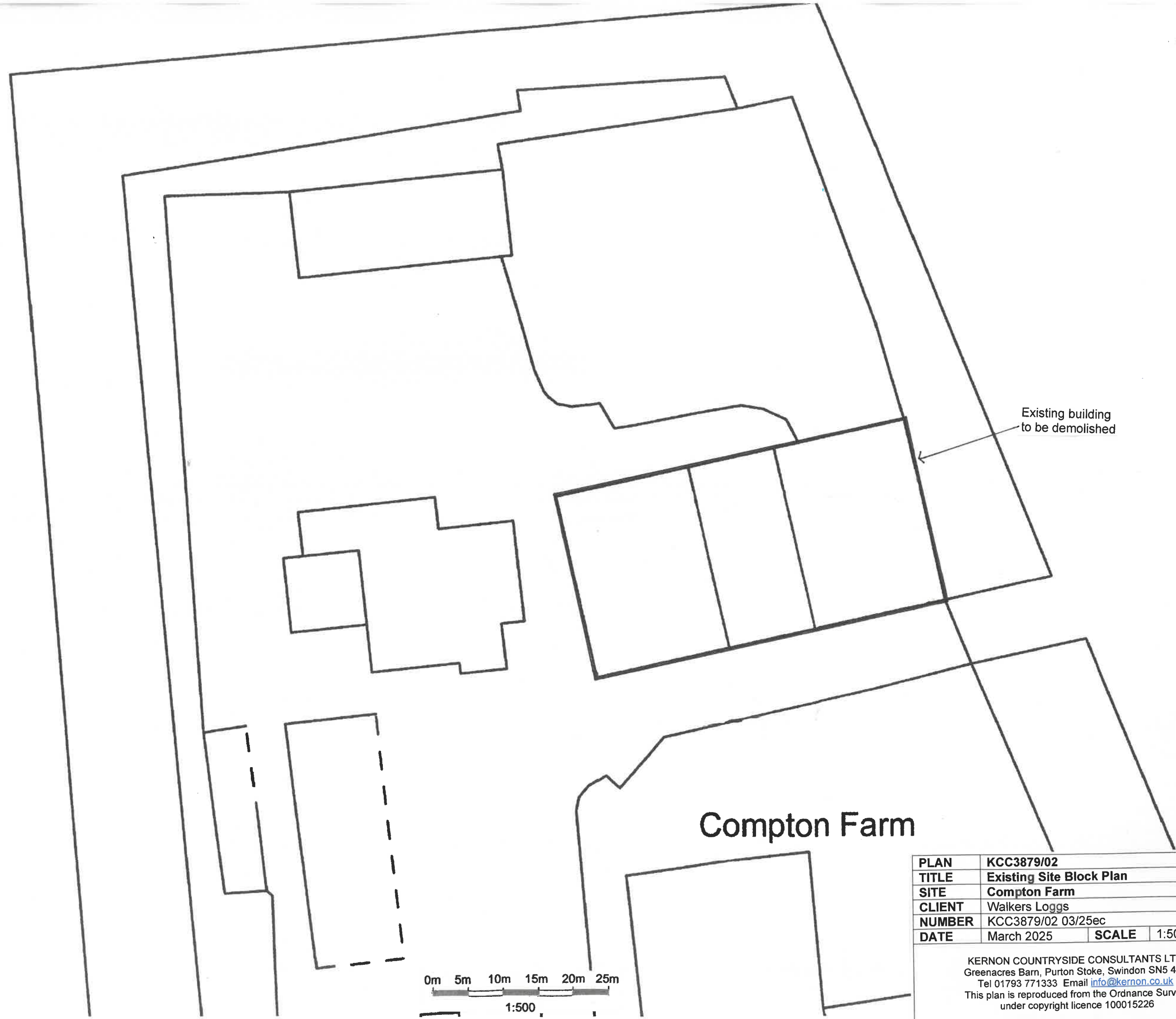
Promap
LANDMARK INFORMATION

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Plotted Scale - 1:1250. Paper Size - A3

PLAN	KCC3879/01		
TITLE	Location Plan		
SITE	Compton Farm		
CLIENT	Walkers Loggs		
NUMBER	KCC3879/01 03/25ec		
DATE	March 2025	SCALE	1:1250 at A3

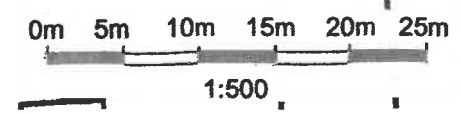
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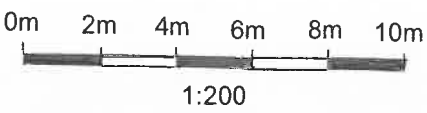
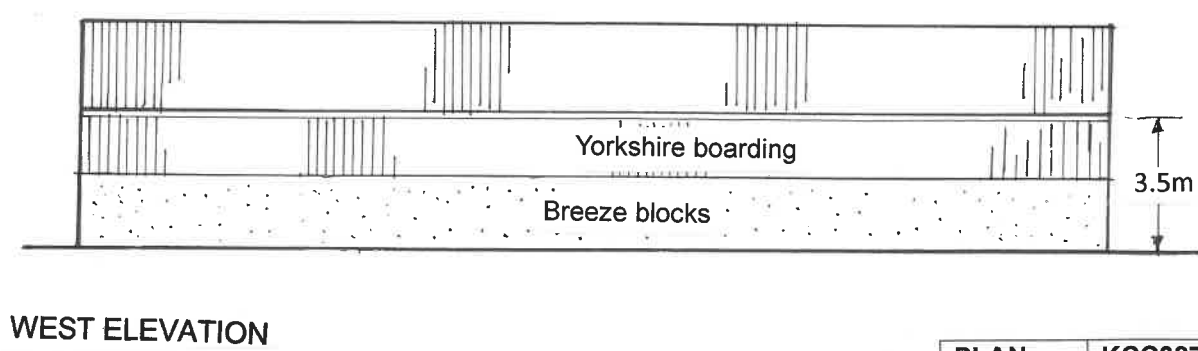
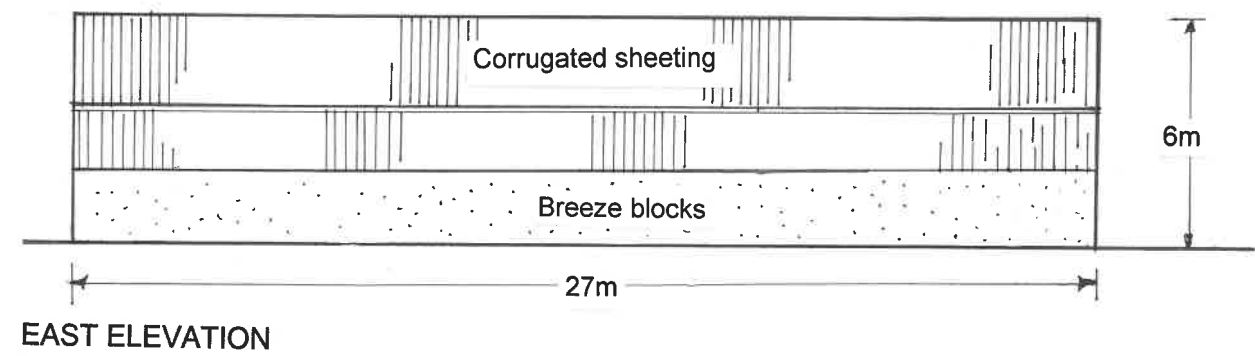
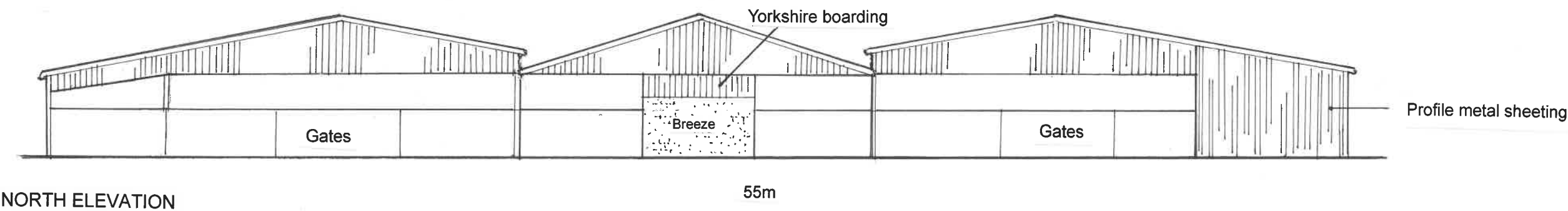
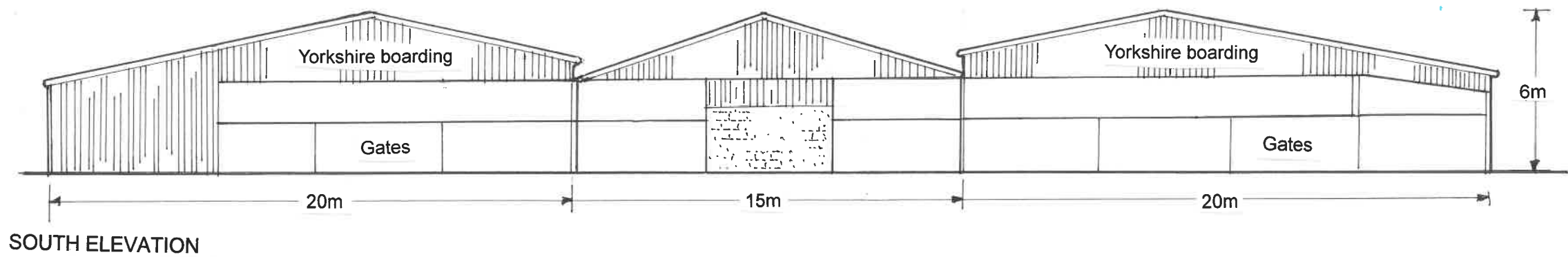
Existing building
to be demolished

Compton Farm



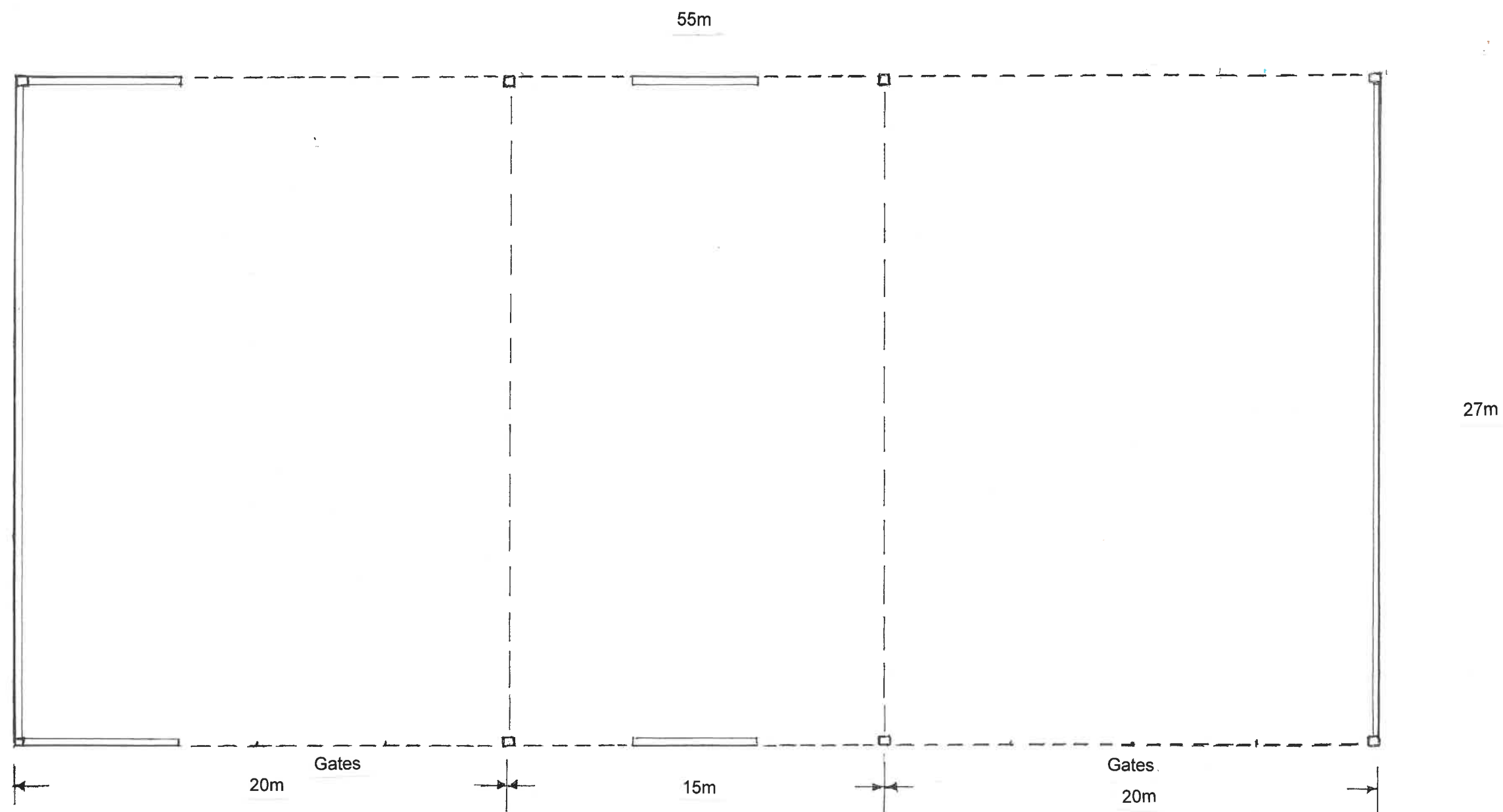
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SITE	Compton Farm		
CLIENT	Walkers Loggs		
NUMBER	KCC3879/02 03/25ec		
DATE	March 2025	SCALE	1:500 at A3
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PLAN	KCC3879/04		
TITLE	Existing Elevations		
SITE	Compton Farm		
CLIENT	Walkers Loggs		
NUMBER	KCC3879/04 03/25cb		
DATE	March 2025	SCALE	1:200 at A3
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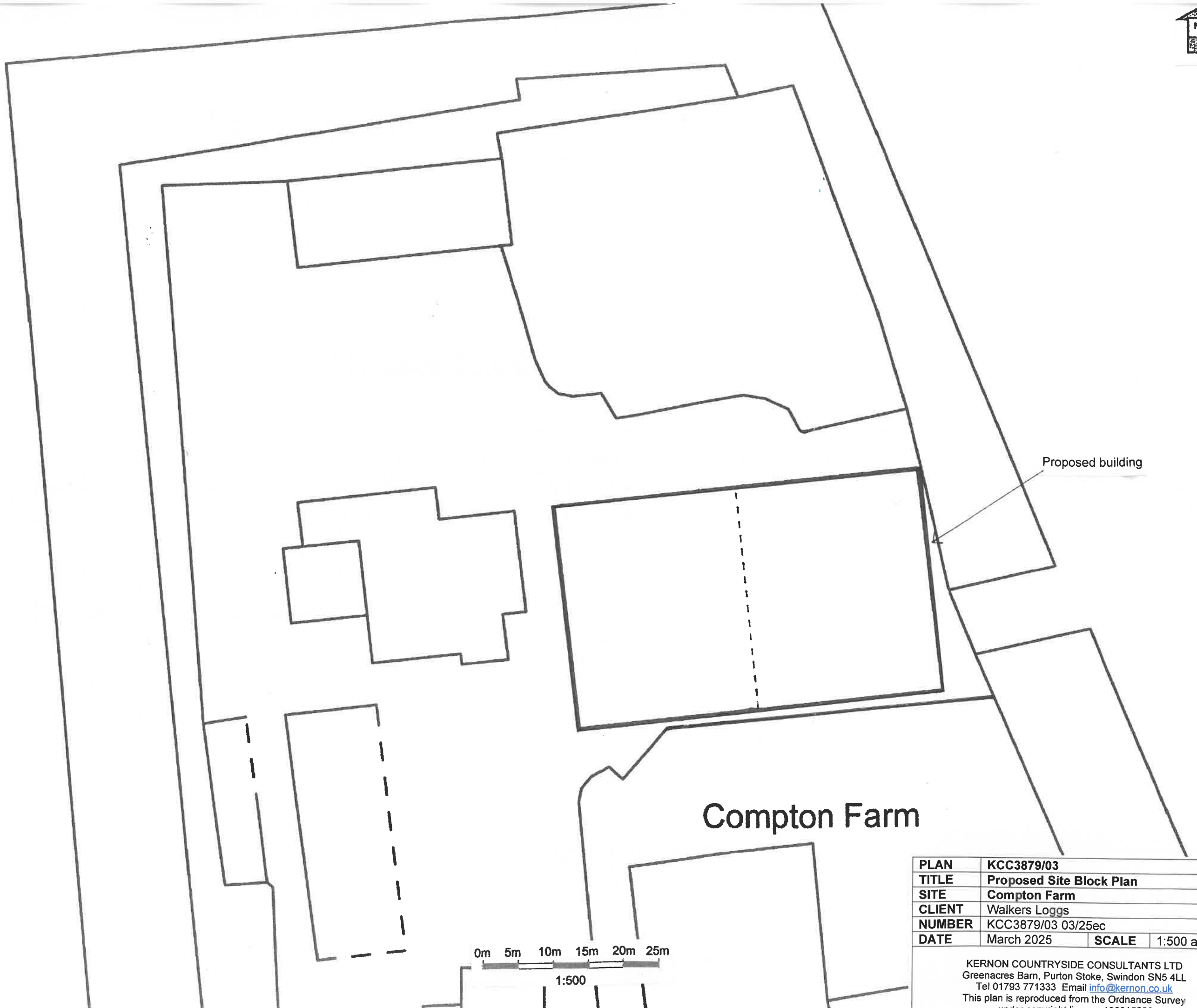
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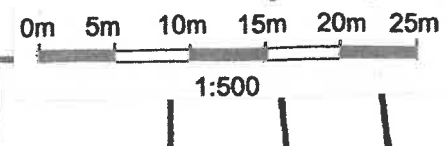
FLOOR PLAN

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TITLE	Existing Floorplan		
SITE	Compton Farm		
CLIENT	Walkers Loggs		
NUMBER	KCC3879/05 03/25cb		
DATE	March 2025	SCALE	1:200 at A3
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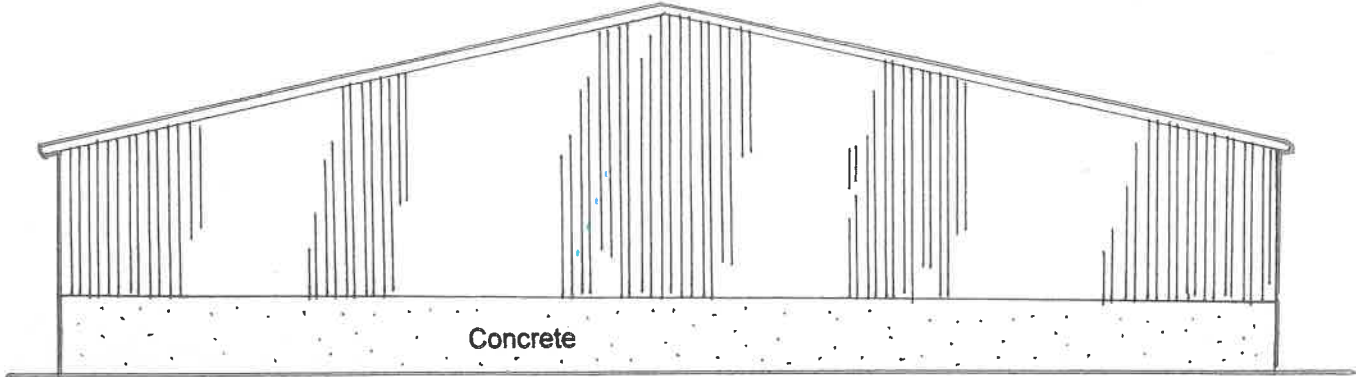
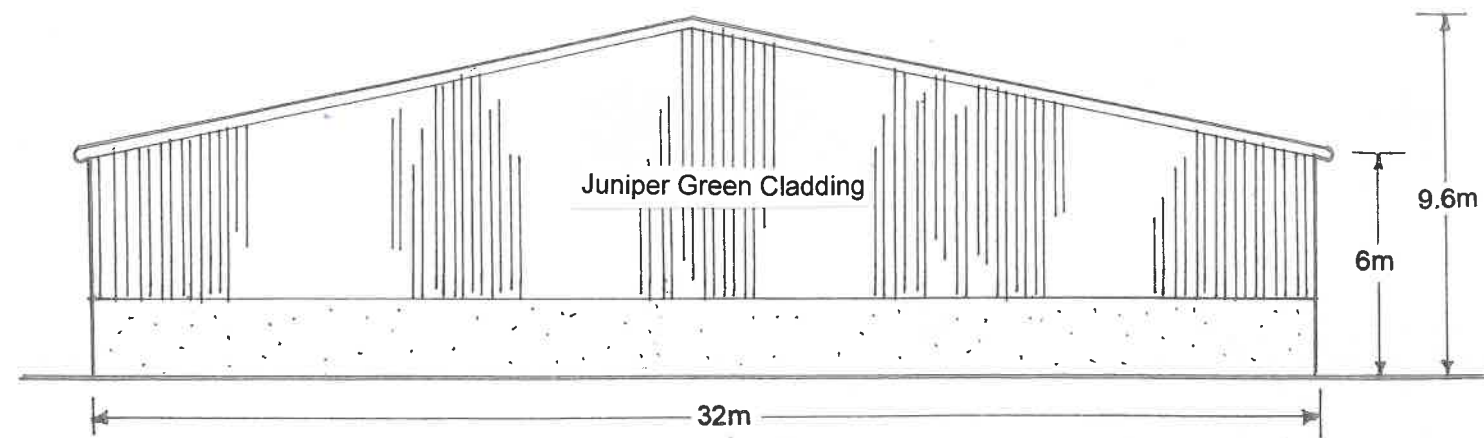


Compton Farm



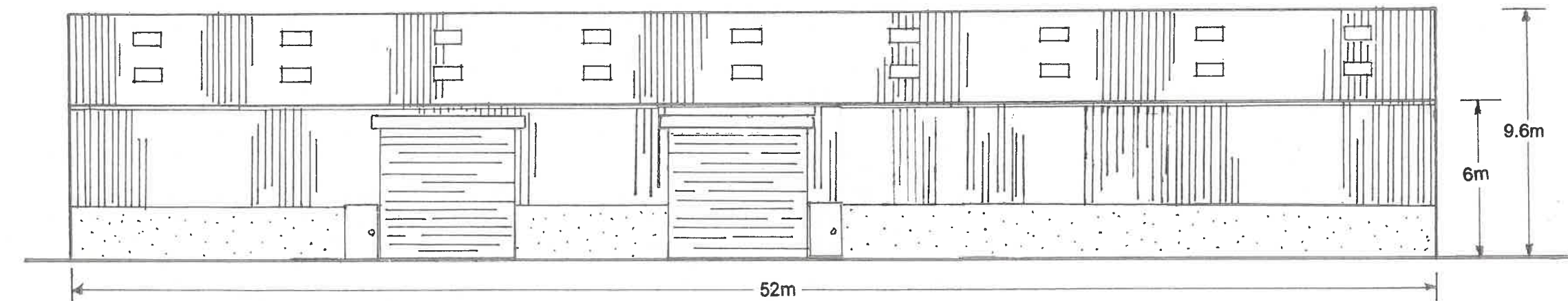
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TITLE	Proposed Site Block Plan		
SITE	Compton Farm		
CLIENT	Walkers Loggs		
NUMBER	KCC3879/03 03/25ec		
DATE	March 2025	SCALE	1:500 at A3
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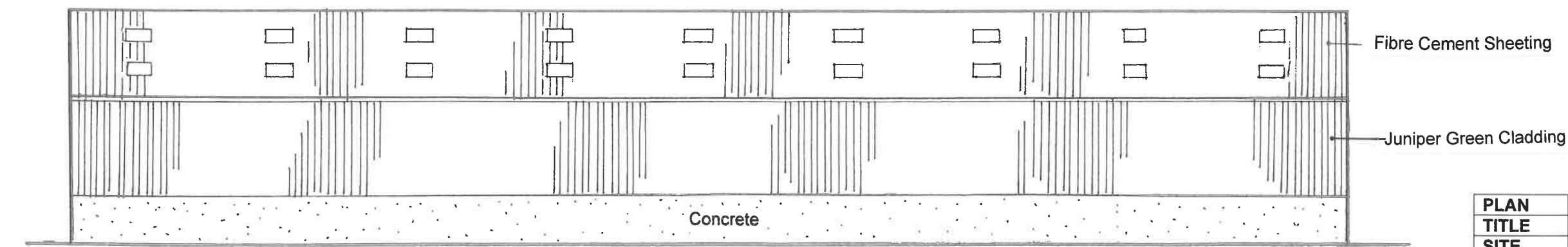


WEST ELEVATION

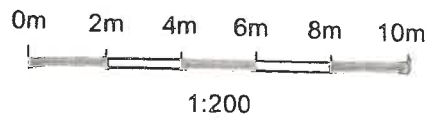
EAST ELEVATION



NORTH ELEVATION

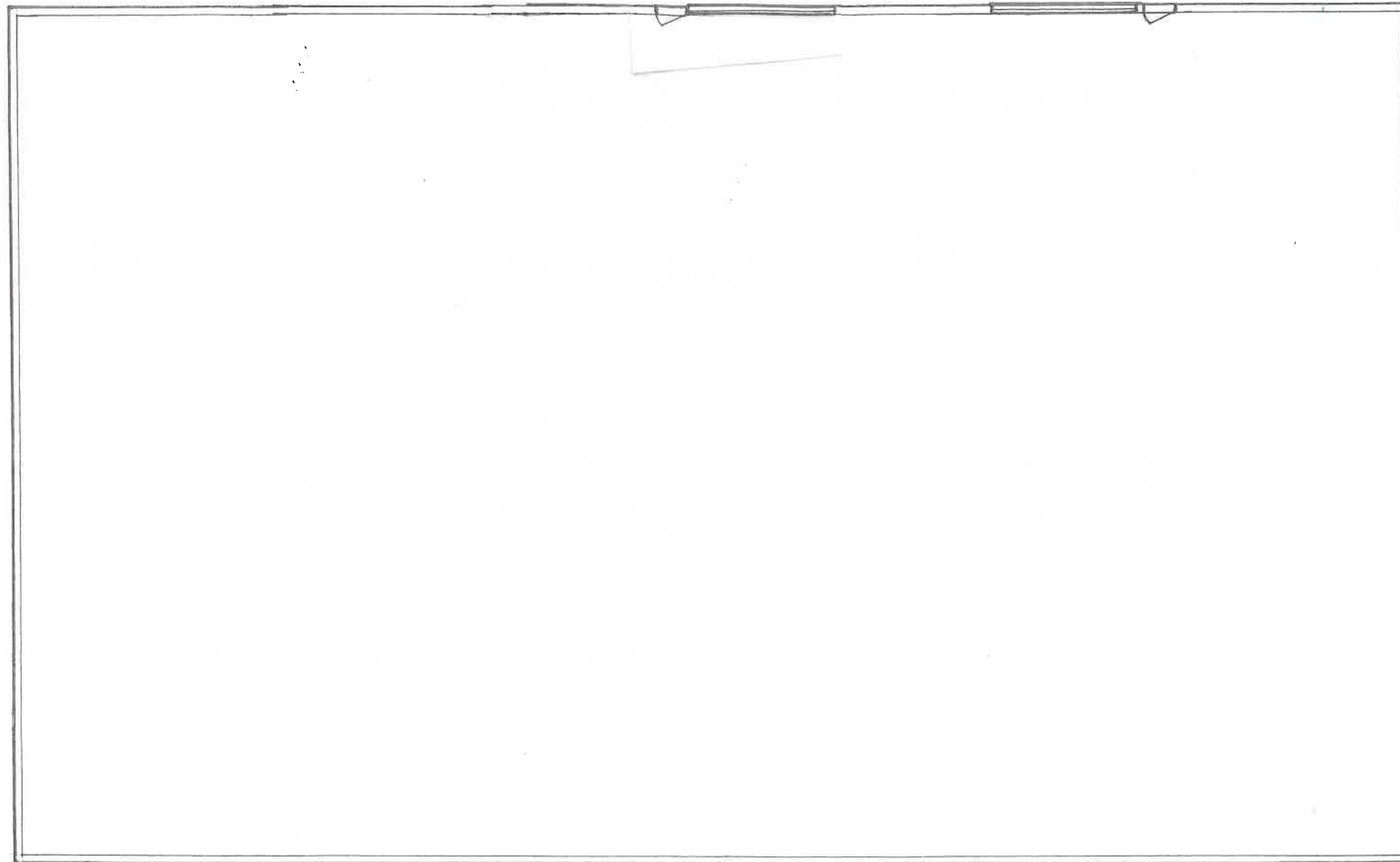


SOUTH ELEVATION



PLAN	KCC3879/06A		
TITLE	Proposed Elevations (Rev. A)		
SITE	Compton Farm		
CLIENT	Walkers Logs		
NUMBER	KCC3879/06A 03/25cb		
DATE	March 2025	SCALE	1:200 at A3
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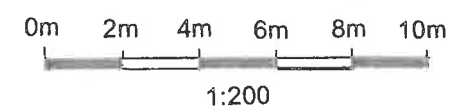
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32m

52m

FLOOR PLAN



PLAN	KCC3879/07A		
TITLE	Proposed Floorplan (Rev. A)		
SITE	Compton Farm		
CLIENT	Walkers Logs		
NUMBER	KCC3879/07A 03/25cb		
DATE	March 2025	SCALE	1:200 at A3
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Reform of planning committees: technical consultation

1. Purpose of this Report

1.1. The purpose of this report is to set out the Council's responses to the questions posed within the Reform of planning committees: technical consultation, published by The Ministry of Housing, Communities & Local Government (MHCLG) in May 2025.

1.2. The Council's Scheme of Delegation delegates responses on behalf of the Council to consultations from Government, so long as:

"(i) it is not possible to assess and present the matter to the PCttee within the prescribed time for response; or, (ii) the matter is considered to be of a relatively minor or straightforward nature not requiring prior debate by the PCttee. This report summarises the background and context of the technical consultation. It outlines the questions asked within the consultation in boxes, with the Council's proposes responses presented below each question."

1.3. Owing to the nature of the consultation and the direct impact it would have on the planning committee, in accordance with the Council's Scheme of Delegation, officers are seeking the committee's approval and input to the technical consultation.

2. Background

2.1. The Ministry of Housing, Communities & Local Government (MHCLG) published a technical consultation relating to reform of planning committees. This consultation is included in full in Appendix A of this report. MHCLG outline that *“This consultation seeks views on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees.”*

2.2. The Consultation asks a series of questions, linked to the published Planning Reform Working Paper - Modernising Planning Committees and relating to measures in the Planning and Infrastructure Bill, introduced into Parliament on 11 March 2025. These measures include:

- “- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;*
- a new power for the Secretary of State to control the size and composition of planning committees; and*
 - a new requirement for members of planning committees to be trained, and certified, in key elements of planning.”*

2.3. The MHCLG Consultation sets out that *“The Planning and Infrastructure Bill will, subject to parliamentary approval, give the Secretary of State the power, through regulations, to set out which planning functions should be delegated to planning officers for a decision and which should go instead to a planning committee or subcommittee.”* The Consultation proposes to introduce a scheme of delegation which categorises planning applications into two tiers defined within Paragraph 16 of the consultation.

Question 1: Do you agree with the principle of having a two-tier structure for the national scheme of delegation?

Proposed Council Response:

Distinguishing between application types within a national scheme of delegation is appropriate, however, this may represent an oversimplification of the system. It is acknowledged that it will be necessary for the scheme to create a distinction between application types. In principle, there is no objection to a two tier structure.

Question 2: Do you agree the following application types should fall within Tier A?

Applications for planning permission for:

- Householder development
- Minor commercial development
- Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

Proposed Council Response:

In principle, the suggested Tier A applications are appropriate. Consideration should be given to adding S.73 applications to those application types contained within Tier A.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

Proposed Council Response:

It is common for medium residential developments in rural areas to generate significant public interest ,which may still warrant consideration at Planning Committee. Including such decisions in Tier A may lead to the perception of less transparency in decision making . This would be of particular concern with cases such as medium sized developments in smaller settlements, where such proposals could lead to significant local impacts and concern.

Question 4: Are there further types of application which should fall within Tier A?

Proposed Council Response:

S.73 applications where the original scheme was a Tier A development.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Proposed Council Response:

Yes. It is essential that any national scheme of delegation includes a mechanism to enable Tier A applications to be considered at Planning Committee. Rural districts such as the Cotswolds experience a high number of smallscale major development and minor residential development which can often generate a significant amount of public interest; and can include balancing a number of contentious considerations and constraints including heritage and landscape impacts. It is essential that a mechanism exists to capture those applications that require the transparency in decision making.

Options could include:

- *Ward Cllr Referral - a common existing practice where a local ward councillor can request that an application be determined by the planning committee. This could be based on certain exceptional circumstances set out within the Scheme of Delegation,, and considered as part of the gateway test referred to later in the consultation.*

- *Chief Planning Officer Referral - the Chief Planning Officer (possibly in conjunction with the Chair of the Planning Committee) could have a discretionary power to refer an application to committee if it meets a gateway test for exceptional circumstances.*

The exceptional circumstances test could include: Where an application raises complex or contentious interpretations of local or national planning policy that require a broader democratic debate (departures) and or; if an application significantly conflicts with a recently adopted or emerging Neighbourhood Plan.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Proposed Council Response:

The proposed gateway test is a reasonable approach although, a mechanism would be necessary to ensure transparency in the decisions made. A more robust approach would be the use of a review panel, with a wider group of participants such as the Chair, Vice-Chair, Local Ward Cllr and Chief Planning Officer. This would enable a more robust approach, whilst also ensuring local voices are represented in the decision-making process.

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- Householder applications
- Minor commercial applications
- Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer.

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Proposed Council Response:

Yes.

Question 8: Are there further types of application which should fall within Tier B?

Proposed Council Response:

No.

Question 9: Do you consider that special control applications should be included in:

- Tier A or
- Tier B?

Proposed Council Response:

Tier A - subject to the caveats that this should exclude applications where the applicant is the local authority, a councillor or officer.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

Proposed Council Response:

It is agreed that S.106 decisions should follow the treatment of its associated planning application. S.106 agreements not linked to planning applications should fall within Tier B and be subject to the gateway test.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

Proposed Council Response:

Generally, enforcement decisions should fall within Tier A. An option could exist for larger scale, high profile cases to fall within Tier B. This should be subject to clear criteria and should

reflect the public interest and need for transparency associated with such a case. Including enforcement cases within Tier B would require additional training for members and this should be addressed as part of the outcome of this consultation.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

Proposed Council Response:

There is no objection to planning committee's having a maximum of 11 members.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

Proposed Council Response:

N/A

Question 14: Do you think the regulations should additionally set a minimum size requirement?

Proposed Council Response:

Yes – in order to ensure that all applications receive a fair and consistent assessment at Committee and that political balance is maintained, a minimum number of members should be required. This could simply take the form of a set minimum number, or a 'core group' for each committee.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

Proposed Council Response:

Generally, there is support for the suggestion of a national certification for planning committee members. However, it is clear that there will always be a need for locally contextualised training and guidance to also be provided. As such, whilst a national certificate would be beneficial and would support LPA's in terms of the resources required for training, some form of hybrid arrangement that includes localised training would be the most effective solution.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

Proposed Council Response:

Any revision to the thresholds for quality of decision making performance management should be accompanied by a thorough review of the quality of the Planning Inspectorates decision making. It is the experience of Cotswold District Council that the decision making of PINS is often flawed and inconsistent. It is essential that any such measures are fair and transparent.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

Proposed Council Response:

Any proposed increase in the threshold must be accompanied by a review of the quality of decision making by the Planning Inspectorate. Additionally, it is essential that the following matters are taken into consideration when review the performance thresholds:

- Resource and Capacity - Many LPAs are already under significant financial and staffing pressures. Raising performance thresholds without addressing these constraints could result in a reduction in delays in decision making, owing to the increased risk for the LPA to make the correct decision without additional resources to facilitate this. MHCLH has acknowledged the need for additional support (e.g. Planning Skills Delivery Fund), but this may not be sufficient or*

evenly distributed and requires LPA's to provide training which placed greater pressure on resources.

- *Inequality – linked to the former point, such a change would disproportionately impact under resourced LPA's. A 5% threshold also does not account for case complexity or context, potentially penalizing authorities that take a valid stand on nuanced planning decisions and/or that have more heavily constrained districts/borough's/counties.*
- *Less flexibility, greater risk and slower decisions - A lower threshold may incentivize LPAs to refuse fewer applications, even when refusal is justified, to avoid the risk of being overturned at appeal. To avoid being overturned, LPAs may feel pressured to over-justify decisions, leading to longer reports and more cautious reasoning and a longer appeals process.*

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

Proposed Council Response:

Any such impacts are likely capable of being managed, however, the following should be taken into consideration as part of the outcome of this consultation:

- *Delegation of decisions to officers and smaller, more technical committees may reduce opportunities for public engagement, especially for groups who already face barriers to participation*

Question 19: Is there anything that could be done to mitigate any impact identified?

Proposed Council Response:

Ensuring transparency in decision making remains a core principle of a National Scheme of Delegation.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

Proposed Council Response:

No.



Ministry of Housing,
Communities &
Local Government

Open consultation

Reform of planning committees: technical consultation

Published 28 May 2025

Applies to England

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Scope of the consultation

Topic of this consultation

This consultation seeks views on reform of planning committees.

Scope of this consultation:

This consultation seeks views on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees.

Geographical scope

These proposals relate to England only.

Impact assessment

An impact assessment has been completed for the enabling powers relating to these proposals. It can be found online at: [Planning and Infrastructure Bill publications \(https://bills.parliament.uk/bills/3946/publications\)](https://bills.parliament.uk/bills/3946/publications)

Basic information

Body/bodies responsible for the consultation:

Ministry of Housing, Communities and Local Government

Duration

This consultation will last for 8 weeks from 28 May 2025.

Enquiries

For any enquiries about the consultation please contact:

planningcommittees@communities.gov.uk

How to respond

You may respond by completing an [online survey](https://consult.communities.gov.uk/planning/reform-of-planning-committees-technical-consultati) (<https://consult.communities.gov.uk/planning/reform-of-planning-committees-technical-consultati>).

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

Alternatively you can email your response to the questions in this consultation to planningcommittees@communities.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Planning Committees Consultation
Planning Development Management
Ministry of Housing, Communities and Local Government
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post-code)
- an email address
- a contact telephone number

1. Introduction

1. Planning is principally a local activity, because decisions about what to build and where should be shaped by local communities and reflect the views of local residents. That is why the government is determined to ensure every area has an up-to-date local plan developed through significant resident engagement, and it is why the government believes that planning committees have an integral role in providing local democratic oversight of planning decisions. It is however vital that in exercising that democratic oversight, planning committees operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions.

2. In the King's Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development. In December 2024, we published [Planning Reform Working Paper - Modernising Planning Committees](https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees) (<https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees>) to seek views on 3 proposed actions to reform planning committees:

- introducing a national scheme of delegation so there is greater consistency and certainty about which decisions go to committee;
- requiring separate, smaller committees for strategic development so there is more professional consideration of key developments; and
- introducing a requirement for mandatory training for all planning committee members so they are more informed about key planning principles.

3. Through embarking on these reforms, and as expressed in our working paper, we want to encourage better quality development that is aligned with

local development plans, facilitates the speedy delivery of the quality homes and places that our communities need, and gives applicants the reassurance that in more instances their application will be considered by professional officers and determined in a timely manner. This will allow committees and the elected representatives that sit on them to focus their resources on those applications where local democratic oversight is required.

4. Our objectives for these reforms are to:

- a) encourage developers to submit good quality applications which are compliant with plan policies;
- b) allow planning committees to focus their resources on complex or contentious development where local democratic oversight is required and a balanced planning judgement is made;
- c) ensure planning committee members get the training and support they need to fulfil their duties effectively; and
- d) empower planning professionals to make sound planning decisions on those cases aligned with the development plan.

5. As part of our engagement on the working paper we held 8 workshops and meetings with key stakeholders including local planning authorities and chairs of planning committees. We also received over 160 written responses to the working paper. Independently, the Planning Advisory Service undertook a survey on planning committees which attracted over 130 responses. The findings of that survey can be found on its website at [Modernising Planning Committees National Survey 2025](https://www.local.gov.uk/pas/applications/planning-committee/modernising-planning-committees-national-survey-2025) (<https://www.local.gov.uk/pas/applications/planning-committee/modernising-planning-committees-national-survey-2025>).

6. This engagement following the publication of the working paper provided us with invaluable insight from those working across the sector as well as views from the general public. Our workshops, facilitated by the Planning Advisory Service, gave us access to a cross section of planning authorities from across the country, including districts, unitaries and counties. We also met with council members, chairs and vice chairs of planning committees and networks representing the development industry and local government. These sessions along with the written responses to the working paper indicated a broad consensus that, while local democratic accountability of planning decisions is important, the decision making of planning committees can be improved significantly and that government intervention would help to drive up performance. The key findings were:

- most respondents could see the case for a scheme of delegation to provide more consistency and certainty, but there were differing views about the structure of such a scheme;

- there was little support for separate strategic development committees, however, there was strong support for smaller committees generally to improve the quality of debate;
- there was strong support for mandatory training of planning committee members to improve their understanding of planning.

7. After careful consideration of the responses, the government has included the following measures in the [Planning and Infrastructure Bill](https://bills.parliament.uk/bills/3946) (<https://bills.parliament.uk/bills/3946>) which was introduced into Parliament on 11 March 2025:

- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
- a new power for the Secretary of State to control the size and composition of planning committees; and
- a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

8. The measures in the Bill are enabling powers and the detailed provisions will be set out in regulations to be brought forward following Royal Assent for the Bill. This consultation seeks views on what detailed provisions should be included in the regulations.

9. The Bill measures relate to a local planning authority's development management functions. Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out a list of such planning functions which must be non-executive (and therefore usually fall under the responsibility of the planning committee). There are however a number of omissions to this Schedule and we intend to update it as part of these reforms. We recognise that some planning committees may discharge certain plan making functions (e.g. the approval of supplementary planning documents) which fall under Schedule 3 of the regulations which covers functions which must not be the sole responsibility of the executive. We do not intend to regulate these functions.

10. These reforms apply to England only.

11. These reforms will not affect the statutory framework for the ability of members of the public to make representations on planning applications. Local planning authorities must still consult and consider representations when determining planning applications regardless of whether the decision is made by committees or officers.

2. Delegation of planning functions

12. The Planning and Infrastructure Bill will, subject to parliamentary approval, give the Secretary of State the power, through regulations, to set out which planning functions should be delegated to planning officers for a decision and which should go instead to a planning committee or subcommittee^{[\[footnote 1\]](#)}.

13. It is currently the case that all local planning authorities have their own scheme of delegation, but these vary widely across the country with a lack of consistency on the types of applications going to committee. In particular we see some committees unnecessarily considering large numbers of applications consisting of largely minor and technical details. This creates uncertainty and confusion for applicants, particularly those businesses and developers who deal with local planning authorities across the country. We are seeking to change this approach and build on the good practice of many councils in introducing a national scheme of delegation.

14. The measure is intended to ensure that planning committees can work as effectively as possible and focus on those applications for complex or contentious development where local democratic oversight is required. It is also intended to give greater clarity and consistency about who in a local planning authority will make planning decisions.

15. While the responses to the working paper indicated broad support for greater clarity and consistency on the delegation of planning functions, there were differing views on the structure of such a scheme. The key points were:

- many respondents were concerned about it creating new legal risks, being inflexible to deal with local circumstances, and leading inadvertently to more applications going to committee;
- concern that there would be reduced political oversight of locally important applications;
- the option of a scheme based on compliance with the development plan was felt to be too subjective and would not therefore achieve the objective of providing greater certainty;
- there was strong support to remove objection-based delegation criteria on the basis that they artificially encourage objections, lead to non-planning based decisions and create delays to otherwise acceptable development.

16. Having taken account of the responses, the government is proposing to introduce a scheme of delegation which categorises planning applications into two tiers:

- **Tier A** which would include types of applications which must be delegated to officers in all cases; and
- **Tier B** which would include types of applications which must be delegated to officers unless the Chief Planner and Chair of Committee agree it should go to Committee based on a gateway test.

17. The principle of a two-tier categorisation reflects common practice in existing schemes of delegation operated by individual local planning authorities. We think it is appropriate to have this triage process to ensure the scheme of delegation can operate in all areas and for varying scales and types of development. Large unitary authorities will deal with a significantly higher number of applications than smaller district authorities, and county councils deal with different types of application and we need to ensure that there remains an opportunity for locally important schemes to have appropriate democratic oversight. This approach will replace the many different approaches across the country, including where individual councillors can call in any application to be considered by committee.

18. We have proposed a power in the Planning and Infrastructure Bill to publish statutory guidance to support local planning authorities in implementing the regulations on the scheme of delegation.

Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

Tier A applications (must be delegated in all cases)

19. In all cases Tier A applications must be delegated to officers. We think that these types of applications should generally be technical in matter, or about minor developments. These types of applications consist of the majority of applications, where a very high proportion would be delegated to officers under the current system – however there are examples of all types being considered by committees.

20. We propose the following types of applications would be in Tier A. This is in recognition that they are either about technical matters beyond the principle of the development or about minor developments which are best handled by professional planning officers:

- applications for planning permission for:
 - Householder development
 - Minor commercial development

- Minor residential development
- applications for reserved matter approvals
- applications for s96A non-material amendments to planning permissions
- applications for the approval of conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for Lawful Development Certificates
- applications for a Certificate of Appropriate Alternative Development

21. The definition of minor residential development above covers, broadly, residential development for up to 9 dwellings. We are exploring the idea of creating a new category of medium residential development which could cover developments between 10 and 50 dwellings and we have [published a working paper on this \(https://www.gov.uk/government/collections/planning-reform-working-papers\)](https://www.gov.uk/government/collections/planning-reform-working-papers). Our intention is not to include all applications for medium residential development in Tier A. We recognise that the inclusion of these applications within Tier A would mean very few residential development applications in some areas could be scrutinised by committee.

22. However, we are keen for views whether there are certain circumstances where medium residential developments could be included in Tier A. For instance, given the scale and nature of residential development in large conurbations such as London, we could specify medium residential development in these conurbations should be included in Tier A (as well as minor residential development), while in other areas, only minor residential development would fall within Tier A.

Question 2: Do you agree the following application types should fall within Tier A?

- applications for planning permission for:
 - Householder development
 - Minor commercial development
 - Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan

- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

Question 4: Are there further types of application which should fall within Tier A?

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Tier B applications

23. The starting point for Tier B is that all applications should be delegated to officers, subject to a gateway test through which the chief planning officer (or equivalent officer in LPAs without a chief planning officer) and chair of planning committee must mutually agree that they should go to committee if they are to depart from the assumed delegation.

24. In many instances, for example, applications for large-scale development that would have a lasting impact on the community, it will be self-evident that an application would benefit from democratic debate and scrutiny by way of committee. For other applications it may not be so clear and we consider that the triage process will be an effective tool to ensure that planning committee members are able to spend appropriate time on development that most impacts their communities. It will also ensure that objections which are not based on planning matters can be handled appropriately and not automatically trigger committee consideration as is the case in a number of areas.

25. We propose that the following types of applications should be in Tier B in recognition that it may be appropriate, in some circumstances, for these applications to be subject to committee scrutiny.

Type of decision	Rationale
Applications for planning permission not in Tier A	Planning permission is the key consent and there will be examples of applications in most categories of different development where committee scrutiny is warranted as the issue will be about the principle of development. This will include all significant new housing and commercial developments. It will enable controversial or complex applications to be considered by committee.
Notwithstanding Tier A, any application for planning permission where the applicant is the local authority, a councillor or officer	This type of application is included to ensure that there can be open scrutiny of applications closely linked to the local authority itself.
Section 73 applications to vary conditions	This type of application is included as, although there will be many instances where officers should consider the variation, there will be some applications which would alert the principle of development which require committee scrutiny. Significant changes to mineral developments are, for instance, made through section 73 applications [footnote 2] .
Review of mineral planning conditions	Certain categories of mineral sites are subject to a review of their conditions to ensure these are still.

26. We are also interested in whether we should set criteria by which decisions to take applications to committee should be considered. In triaging applications in Tier B, the following options could apply:

- where the application raises an economic, social or environmental issue of significance to the local area
- where the application raises a significant planning matter having regard to the development plan

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- Householder applications
- Minor commercial applications
- Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Question 8: Are there further types of application which should fall within Tier B?

Special control applications

27. We would welcome views on whether special control applications (e.g. relating to tree preservation orders, listed building consent, advertisement control) should fall within Tier A or Tier B. In most cases these applications can – and do – get delegated to planning officers, but where they are sensitive or are linked to more substantive applications for planning permissions there may be a case for them to be considered at committee.

Question 9: Do you consider that special control applications should be included in:

- Tier A or
- Tier B?

Section 106 and planning enforcement

28. Section 106 functions are not executive functions and therefore fall into the remit of planning committees. We propose that section 106 decisions should follow the treatment of its associated planning applications (for

example where the application is in Tier A, so too should the exercise of judgement as to which section 106 obligations to require be delegated to officers).

29. Planning enforcement functions (including enforcement of section 106 obligations) are in practice largely delegated to officers however there are some large scale, high profile and locally contentious enforcement cases which may warrant additional democratic oversight through the planning committee.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

3. Size and composition of committees

30. The working paper sought views on whether it would be beneficial to introduce a requirement for local planning authorities to have smaller, dedicated committees to deal with strategic development applications.

31. Most respondents to the working paper felt that such a requirement was unnecessary as local planning authorities already had the power to form such committees and were doing so where it was needed. There was, however, strong support for having smaller committees generally to improve the quality of debate while recognising the need for political balance.

32. In light of the responses, the government does not intend to take a power to require strategic development committees at this time. We will instead use guidance to encourage local planning authorities to adopt such an approach where it would be beneficial.

33. We are, however, seeking a power in the Planning and Infrastructure Bill for the Secretary of State to set out requirements on the size and composition of committees^{[\[footnote 3\]](#)}.

34. Engagement and best practice indicate a committee of 8-11 members is optimal for informed debate on applications^{[\[footnote 4\]](#)}. We recognise that there is a need for some local flexibility to take account of political balance requirements and meeting abstentions. We are therefore, proposing to set a

maximum of 11 members in the regulations. We will use the statutory guidance to provide a steer on best practice so that 11 members does not unintentionally become to be seen as the requirement. Committees may be smaller if that works best locally.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

Question 14: Do you think the regulations should additionally set a minimum size requirement?

4. Mandatory training for planning committee members

35. The government recognises that many local planning authorities in England already train their members, and there is good take-up of the membership training offered by the Planning Advisory Service. However, the approach to training is inconsistent and varies across the country. A recent survey by the Planning Advisory Service shows that 45% of respondents indicate they do not have a good understanding of planning and planning processes following a form of training, which indicates that there is scope for a more consistent and qualitative approach to training.

36. Our working paper therefore, sought views on introducing mandatory training for committee members. The proposal was strongly supported and we are taking this forward, subject to Parliamentary approval, in the Planning and Infrastructure Bill.

37. In terms of content, industry engagement showed broad support for a combination of national content (e.g. National Planning Policy Framework, other statutory guidance and regulations) and content driven by local context (including the local development plan). The local planning authority will have a role to play in the training process, as many do already. We will use best practices of these for further guidance.

38. Industry engagement was supportive of a hybrid form of training: a mixture of online and face-to-face elements to reflect committee members' circumstances. There was a strong emphasis on ensuring the training demystified planning jargon as far as possible, recognising that members have other responsibilities and are not expected to be planning experts.

39. We will work with local government and the wider planning sector to develop a national planning committee package which seeks to meet these ambitions following the outcome of the Spending review.

40. One key feature (which is incorporated into the Bill's provisions) is the need for a member to have some form of training certification to ensure they can only make committee decisions if they have been trained. There are two basic options:

- a national certification scheme which would be procured by MHCLG and involve an online test for certification; or
- a local based approach where the local planning authority provides certification

41. Our preference is for a national certification scheme as it ensures independence and reduces the burden on individual local planning authorities, however it is likely to mean that the certification is based on national content only. We are aware of different views on this matter and would like to hear views before developing the training package with the sector.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

5. Delegated decision making

42. Alongside our reforms to modernise planning committees we are committed to ensuring that delegated decision making is effective and as consistent as possible across the country. That is why we are taking steps to:

- introduce an overhaul of the local plans system to ensure that each area has an up to date local plan in place, making them simpler to understand and use so that communities can more easily shape them and will allow for an easier application of local plans to decision making
- consult on a set of National Decision Making Policies and a revised National Planning Policy Framework later this year that will create a clearer policy framework for decision making
- to support skills and resourcing by empowering local planning authorities to set their own planning fees to cover costs of delivering a good planning applications service

43. We also have an existing framework to measure the decision making performance of local planning authorities. The planning performance regime covers decision making by both committees and delegated officer, looking at quality of decision making by measuring the proportion of total decisions overturns at appeal (as well as speed of decision-making). As part of our work to modernise the planning system and ensure it is delivering the outcomes communities want, we could consider reviewing the thresholds in the performance regime to support high quality decision making across both committee and officer decisions.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

6. Public Sector Equality Duty and Environmental Principles

44. We would like to hear about any potential impacts of the proposals in the consultation on businesses, or of any differential impacts on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding the final policy approach in due course.

45. Similarly we would like to hear about any impacts identified under the 5 environmental principles set out in the Environment Act 2021.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

Question 19: Is there anything that could be done to mitigate any impact identified?

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles

identified in the Environment Act 2021?

7. Glossary

1.	Application for Householder Development	This refers to applications for planning permission for works or extensions to a single dwelling, such as extensions, loft conversions, or garden buildings.
2.	Application for Minor Commercial Development	These applications involve small-scale commercial projects, less than 1,000 square meters of floor space or a site of less than 1 hectare.
3.	Application for Minor Residential Development	This includes applications for small-scale residential projects less than 10 dwellings.
4.	Applications for Reserved Matter Approvals	These are applications submitted following an outline planning permission, where details such as layout, scale, appearance, access, and landscaping are provided for approval.
5.	Applications for s96A Non-Material Amendments to Planning Permissions	These applications are for minor changes to an existing planning permission that do not materially affect the permission, such as slight alterations to the design or layout.
6.	Applications for the Approval of Conditions	These are applications to discharge or comply with conditions attached to a planning permission, ensuring that specific requirements are met before development proceeds.
7.	Applications for Approval of the BNG Plan	These involve the approval of a Biodiversity Net Gain (BNG) Plan, which outlines measures to enhance biodiversity as part of a development project.
8.	Applications for Approval of Prior	These applications are for developments that fall under permitted development rights but still require prior approval from the local

	Approval (for Permitted Development Rights)	planning authority for certain aspects, such as impact on transport or flooding.
9.	Applications for Lawful Development Certificates	These are applications to confirm that an existing or proposed use of land or development is lawful and does not require planning permission.
10.	Applications for a Certificate of Appropriate Alternative Development	These certificates are issued to confirm that alternative development would have been appropriate for land that is subject to compulsory purchase.
11.	Applications for Section 73	These applications are to vary or remove conditions attached to an existing planning permission, allowing for changes to the approved development without submitting a new planning application.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic

confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/ministry-of-housing-communities-local-government/about/complaints-procedure) (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-local-government/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk or by writing to the following address:

Data Protection Officer
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street

London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share [special category](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1>) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

MHCLG may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

dataprotection@communities.gov.uk or

Knowledge and Information Access Team
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for two years before it is deleted.

1. Note that these reforms do not apply to national park authorities and development corporation planning committees due to the different structure of their committees and the types of applications they deal with.
2. This approach would also apply to Section 73B applications if the reforms in the Levelling Up and Regeneration Act 2023 are implemented.
3. Note that these reforms do not apply to mayoral combined authorities, the Greater London Authority, national park authorities and development corporation planning committees due to the different structure of their committees and the types of applications they deal with.
4. The Planning Advisory Service recently undertook a survey of planning committees, noting that majority of committees are between 9 and 12 members: [Modernising Planning Committees National Survey 2025](https://www.local.gov.uk/pas/applications/planning-committee/modernising-planning-committees-national-survey-2025) (<https://www.local.gov.uk/pas/applications/planning-committee/modernising-planning-committees-national-survey-2025>).



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