

Outline application for the erection of 3 dwellings including details of access (some matters reserved) at Land Parcel Opposite Wheat Close Kennel Lane Broadwell Gloucestershire

Outline Application 23/00418/OUT	
Applicant:	Bromford
Agent:	Quattro Design Architects Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor David Cunningham
Committee Date:	13th December 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Residential Development in a Non-Principal Settlement
- (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (c) Access, Parking and Highway Safety
- (d) Impact on Residential Amenity

2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee at the request of Cllr Cunningham for the following reasons:

2.1.1 *'The village of Broadwell fulfils the requirements in the Local Plan to be designated as a non-principal settlement. The village is comprised of c100 dwellings and since 2011 has seen a c10% increase in the number of newly completed homes; in addition, there are 5 additional homes that have been approved and are currently being built. This represents roughly a 15% increase in the number of homes, with no recent housing needs requirement being identified, and with no additional provision of services. In light of the fact the Council can currently demonstrate a 7-year supply of housing land and that the modest size of the scheme is unlikely to generate significant economic benefits, the proposal does not appear to meet the requirements of Policy DS3 1.a.*

2.1.2 *Broadwell sits within the AONB and is adjacent to the SLA, The Moreton Vale. The site in question borders on to agricultural land. Although the space is currently used as a parking area, it's low-level nature and surrounding greenery significantly reduce its impact. The reserved matters for this application proposes up to 3no. two-story dwellings and the removal of some of the existing trees. This would constitute an extension of the visible built form in to the natural landscape and demonstrable harm to the views of the open countryside. This would be contrary to policies EN4, EN5, EN6 and NPPF 174 and 176.*

2.1.3 *As previously stated, Broadwell is a non-principal settlement and has limited access to services such as schools, business areas or shops, unless via private motor vehicles. Highways have recommended refusal of this application on those grounds and this would accord with Local Plan Policy INF3. The issue of parking in surrounding roads has been a major concern of residents, and although the applicant has stated that many users are not Bromford tenants, some are, and are charged for the upkeep of the site. Removing this area will undoubtedly exacerbate the unsafe parking situation in Wheat Close, which would pose a significant problem for access by emergency vehicles. Development where the cumulative impact of congestion or other undesirable impacts would be detrimental, are contrary to Local Plan Policy INF4. (photographs attached)*

2.1.4 *Although not a planning matter per se, the close commercial relationship between the applicant and Cotswold District Council should be noted. Where the Council is involved in the decision-making process that has influence over the commercial activities of a 'partner', the highest levels of transparency in to those decisions is of paramount importance; Nb. the applicant has stated that it is their intention to sell this land. As such, I feel it would be appropriate that any such review and decision be undertaken by members, via the open debate of a Planning Committee meeting.'*

3. Site Description:

3.1 This application relates to a communal parking area located on the north-eastern edge of the village of Broadwell. The application site measures approximately 600sq metres in size and is largely hard surfaced. The front (south-east) of the application site opens onto a metalled lane (Kennel Lane) which extends from the site south-westwards to the centre of the village. Post war residential development is located to the south-east of Kennel Lane. The north-eastern and north-western boundaries of the site lie adjacent to an area of trees beyond which is an agricultural field. The south-western boundary of the site adjoins the rear gardens of 3 post war dwellings and a parking area.

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

3.3 The application site is located outside Broadwell Conservation Area. The boundary of the conservation area is located approximately 45m to the south-west of the application site.

3.4 The boundary of Moreton-in-Marsh Surrounds Special Landscape Area is located approximately 320m to the north-east of the application site.

3.5 The site is located within Flood Zone 1.

4. Relevant Planning History:

4.1 CD.3081 Proposed layout of 12 Marley concrete garages. Construction of vehicular access. Permitted 1962

4.2 CD.3081/A Extension to existing garages/parking spaces to provide additional hard standing. Permitted 1969

4.3 19/00719/NOTDEM Demolition of block of 6 x concrete single garages. Prior Approval Not Required 2019

5. Planning Policies:

- DS3 Small-scale Res Dev non-Principal Settle
- 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
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- 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: Recommend refusal. Comments incorporated in Officer report.
- 6.2 Drainage Engineer: No objection subject to condition.
- 6.3 Environmental and Regulatory Services Contamination: No objection subject to ground investigation condition.
- 6.4 Tree Officer: Request submission of an arboricultural impact assessment and a tree protection plan at the Reserved Matters stage.
- 6.5 Thames Water: No comments

7. View of Town/Parish Council:

7.1 Response received on the 11th April 2023:

7.1.1 'Broadwell Parish Council (BPC) are writing to lodge an objection against the outline planning permission for three dwellings on the current parcel of land opposite Wheat Close, adjoining Kennel Lane, as owned by Bromford Housing Association (BHA). This parcel of land is used as a parking area for residents and was initially created for this intended use. As we understand, the parking area has been used as such since the 1990s.

7.1.2 BPC express concern surrounding the ongoing issue of parking on Wheat Close at present, which would be exacerbated with the removal of the existing parking area.

On-street parking on Wheat Close is limited, with approximately five cars being able to park along the Close, yet this includes mounting the pavement. The parking situation on Wheat Close at present creates issues for emergency vehicle access, delivery access for those who need food delivery, and care assistant access toward the end of the Close. There is a significant and pressing concern that the removal of the car parking area could cause substantive delays to emergency calls and have the potential to block access for emergency vehicles through displaced parking. The on-street parking is extremely limited and to have the number of cars from the parking area being displaced to parking on the road would create difficulties and reduce visibility to other vehicles turning and leaving the close.

- 7.1.3 There are 21 properties along Wheat Close, of which 9 houses have driveways. This leaves 12 properties which do not have off-road parking, some of which are BHA tenants. Additionally, the houses which are now privately owned were sold with the parking area present with an understanding that this would be used by residents of Wheat Close, as is stated by the sign on the entrance to the parking area. It is noted from the outline application that BHA has not indicated a proposal to create parking provisions elsewhere. However, there are limited options to provide suitable parking which would be in keeping with the AONB status of the village, and which would not encroach on current residents' privacy and amenity.*
- 7.1.4 Furthermore, the lack of available parking on Wheat Close and Kennel Lane could displace parking to other areas of the village, thereby causing difficulties elsewhere in the locality.*
- 7.1.5 The transport survey was conducted during working hours, at which time the number of cars stated as utilising the car park (six) was lower than typically seen. During evenings and weekends there are at least nine cars in the car park, but usually more. A member has taken regular counts of cars parked in this area if you require further facts. The assessment also suggests that there are transport links and suitability to cycle or walk to Stow-on-the-Wold and Moreton-in-Marsh. Transport links from the village are not suitable for daily use, with there being a limited bus service. Additionally, the suggested cycle route to Moreton-in-Marsh is along a main 60mph road (A429) with no cycle lane or safe walking route. Finally, the cycle route to Stow-on-the-Wold can be a partial mix of 60mph road and footpath (Monarchs Way), however, this is a steep incline of approximately 1.5 miles, and therefore also not suitable for the average individual.*
- 7.1.6 This land is a village community asset and is the only available parking area for residents of Wheat Close without impacting emergency access, carer access, displacing parking, or impeding highway access and reducing visibility. As such, BPC is lodging a strong objection against this proposal.*
- 7.1.7 It was noted that on average there are 1.45 cars per household stated by the national statistics in England. If this is the case, if Bromford Housing removes the ability for their residents to park on this land, they are not providing parking for 12 of their properties. If we take the average figure above, this amounts to approximately 17.4 cars displaced that will not have a place to park.'*

7.2 Response received on the 16th August 2023

- 7.2.1 *'We express our ongoing concerns regarding the proposed development and its potential impact on parking and traffic within the Kennel Lane and Wheat Close areas. The Parish Council, in its commitment to the well-being and safety of our community, requests your attention to the following matters:*
- 7.2.2 *We invite Highways to conduct an inspection during out-of-hours and weekends, when the main parking activities take place, in order to gain an accurate understanding of the parking situation. Our intention is to provide evidence that the plans and traffic consultation submitted do not accurately reflect the parking reality during peak periods. We believe that such observations will be essential to ensure that the proposed development adequately addresses the real-time parking demands.*
- 7.2.3 *The surrounding housing comprises a significant number of elderly residents, who are particularly vulnerable in emergency situations. We hold grave concerns that the proposed development may cause obstruction to access for emergency and service vehicles in parts of the road due to the existing parking conditions. Safety is crucial and that the proposed development does not compromise access for essential vehicles.*
- 7.2.4 *The Parish Council over time, has consistently received expressions of concern from residents regarding parking and traffic difficulties in Kennel Lane and Wheat Close. We were trying to identify new areas to be used as parking to alleviate the current situation. If the parking area is replaced for this development, it will only exacerbate the situation. It is evident that the existing challenges have not been adequately addressed. We urge the planning authority to consider these concerns seriously and ensure that the proposed development takes meaningful steps to alleviate making the parking and safety issues in this area more significant.'*

8. Other Representations:

8.1 20 letters of objection and 1 general comments received.

8.2 Main grounds of objection are:

- i) Loss of car parking spaces.
- ii) Adverse impact on the privacy of 1, 2 and 3 The Leasows.
- iii) This parcel of land is regularly utilised by residents. During peak times there are far more than 6 cars parking in the car park.
- iv) Parking along Wheat Close is not sustainable to accommodate the volume of cars which currently park in the car park. Currently, parking within Wheat Close is a concern for emergency vehicle access to the end of the close. Displacing vehicles from an existing allocated parking area will simply exacerbate this situation.
- v) Light pollution. Impact of lighting on wildlife.

- vi) This area has been used for parking ever since the new houses were built on Kennel Lane. Initially there were five garages here. These fell into disrepair and were therefore unable to be used properly. Since they have been taken away the whole area has been able to be properly used for parking. As it is a residential area and people are out at work during the day, it is much busier at night.
- vii) It is almost essential to have a car if you live in Broadwell. There is very little public transport available. It would be dangerous to cycle to Moreton on the Fosse and extremely difficult to cycle up the long, steep hill to Stow. Residents need cars and they need somewhere to park their cars.
- viii) This is a very valuable amenity.
- ix) There are approximately usually around 20 cars parked on this land overnight. Clearly the applicant has only visited the site during the day, when most owners are out at work.
- x) The parking mostly serves residents of Wheat Close, where there are at least five dwelling without road frontage at all. This is clearly shown on the location plan.
- xi) The loss of parking will damage the green amenity in the Village. The Village is not well served by public transport that is operating on a few selective days only. Cycling to Moreton in Marsh requires being mixed with the high speed traffic on the Fosseway, where there have been many recent fatalities.
- xii) There are approximately 15 houses who only have this car park area as a space to park their car or cars. There is no space for them to park their car at their house as they don't have a driveway and there is no space to park on a verge / road outside their house. These houses are either 1) accessed via footpaths, with no road frontage, or 2) the lane past their house is only wide enough for one car and so prevents them for parking on the road. It is a well documented issue in our village that parking adjacent to their houses causes road blockages and inaccessibility which would have cause serious issues for the access of emergency vehicles. With a car parked on the roadside, you wouldn't be able to access properties with a fire engine, ambulance or rubbish lorry. It would be a huge problem if these 15-20 cars would no longer be able to park in the communal car parking area.

8.3 General comments are:

Parking along Wheat Close is not sustainable to accommodate the volume of cars which currently park in the car park. Currently, parking within Wheat Close is a concern for emergency vehicle access to the end of the close. Displacing vehicles from an existing allocated parking area will simply exacerbate this situation.

9. Applicant's Supporting Information:

- Design and Access Statement

- Drainage Strategy Technical Note
- Highways Technical Note
- Visibility and Parking Survey Technical Note

10. Officer's Assessment:

Proposed Development

- 10.1 This application seeks Outline permission for the erection of 3 dwellings. The applicant is seeking to establish the principle of development on the site. Details relating to the means of access to the site form part of this application. However, details relating to Appearance, Layout, Scale and Landscaping are reserved for subsequent Reserved Matters application, should Outline permission be granted.
- 10.2 An indicative layout plan has been submitted with this application. It shows the creation of a 2 storey terrace of 3 dwellings fronting onto, and set back approximately 12m, from Kennel Lane. A total of 8 car parking spaces are positioned between the front elevation of the terrace and the aforementioned highway. Each dwelling is shown as being provided with a rear garden.
- 10.3 Vehicular access to the site will be via the existing car park entrance which opens onto Kennel Lane to the south-east.

(a) Residential Development in a Non-Principal Settlement

- 10.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.
- 10.5 New build residential development can be acceptable in principle within settlements subject to the settlement constituting a Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031. In such circumstances, the following policy is applicable:
- 10.6 Policy DS3 Small Scale Residential Development in Non-Principal Settlements
- 1. In Non-Principal Settlements, small-scale residential development will be permitted provided it:*
- (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.*
 - (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;*
 - (c) complements the form and character of the settlement;*

(d) *does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period*

- 10.7 In considering whether a village such as Broadwell constitutes a Non-Principal Settlement, Paragraph 6.3.4 of the Local Plan states that Policy DS3 *'applies to those rural settlements in the District that have reasonable access to everyday services, facilities and/or employment opportunities, either within the settlement itself, at a Principal Settlement, or at a neighbouring rural settlement'*.
- 10.8 Further clarification can be found in 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 in 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'*.
- 10.9 In addition to the above, Paragraph 79 of the National Planning Policy Framework (NPPF) is also of relevance and represents a significant material consideration. It states that *'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'*.
- 10.10 The village of Broadwell contains over 100 dwellings and also hosts a public house, a church and a village hall. The village is considered to be of a size and form which can reasonably be classed as a Non-Principal Settlement for the purposes of Policy DS3. It is noted that the residents of the village are reliant on the use of the private motor car to undertake a number of day to day activities. However, it also has to be noted that Policy DS3 and paragraph 79 of the NPPF offer support for new residential development in locations such as Broadwell on the basis that such development can support the vitality of such villages, their community and other nearby settlements. Historically, villages in the District have developed and grown through the introduction of small scale residential schemes.
- 10.11 With regard to Policy DS3, the erection of family homes has the potential to benefit existing facilities in the settlement and to add to the vitality of the community. The erection of 3 dwellings is considered to be small scale in the context of the village as a whole. The development is also considered to be of a proportionate scale to the settlement. The level of development is considered not to have an adverse cumulative impact on the settlement when combined with other residential development permitted in the current Local Plan period. The Council's Residential Land Monitoring Statistics August 2023 state that there has been 9 completions in Broadwell parish since April 2011. As of April 2021, there was 5 outstanding residential commitments in the parish. It is of note that a number of the permissions relate to sites/properties located outside the village rather than within the village itself, with approximately 4 of the completions being within the village. The level of development now proposed is considered not to represent a disproportionate enlargement of the settlement nor to adversely impact on services or infrastructure. It is considered that the proposal does

not conflict with criteria a, b or d of Policy DS3. Criterion c will be addressed later in this report.

- 10.12 The site does not represent an isolated location in the countryside and, as such, the guidance in Paragraph 80 of the NPPF concerning isolated homes in the countryside is considered not to be applicable to this proposal.
- 10.13 Gloucestershire County Council (GCC) Highway Officers have raised an objection to the application on the grounds that the application site is not located within reasonable walking and cycling distance of a range of services or facilities, including public transport services. GCC Highway Officers therefore consider that future occupiers of the development would be reliant on the use of the private motor car to access most day to day facilities and services. Whilst these comments are noted, the response from GCC has not taken into consideration the fact that the village of Broadwell is considered to constitute a Non-Principal Settlement for the purposes of the Cotswold District Local Plan. The Local Plan is supportive of small scale residential development in such locations, with such development forming part of the Council's development strategy. As set out previously, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the Local Plan examination process considered the sustainability of Non-Principal Settlements, such as Broadwell, and determined that small scale development, such as that now proposed, was acceptable in principle in such locations. It considered that Local Plan Policy DS3 outweighs the concerns raised by GCC Highways in this instance.
- 10.14 Overall, it is considered that the application site is located within a Non-Principal Settlement, wherein the erection of new build open market housing can be acceptable in principle.

(b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

- 10.15 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).
- 10.16 The following Local Plan policies are considered relevant to the proposal:
- 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.'*

10.17 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *'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.'*
2. *'Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'*

10.18 In terms of national policy, Paragraph 174 of the National Planning Policy Framework (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*'.

10.19 Paragraph 176 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.*'

10.20 The application site occupies an edge of village location adjacent to a lane leading into and out of the centre of the settlement. The site is readily visible from the lane where it passes the site. However, it is not readily visible from further afield by virtue of existing vegetation and the presence of existing buildings to the south-west and south-east. The site is currently used as a parking area and, until recently, was occupied by 6 lock-up garages. The site constitutes previously developed land. Paragraph 120 c) of the NPPF states that planning decisions should '*give substantial weight to the value of using suitable brownfield land within settlements for homes...*'

10.21 The site is seen in context with existing village development. Existing trees adjacent to the site provide a buffer between the site and the open countryside to the north-east of the settlement. The application site therefore has a stronger physical and visual connection with existing built development than it does with the adjacent agricultural landscape. The site is therefore considered not to represent an important open space or a transitional area of open space that contributes positively to the setting of the village within the AONB landscape. The introduction of residential development onto the site is therefore considered not to be unacceptable in terms of the site's relationship with the wider AONB.

10.22 The indicative layout submitted with this application shows the creation of a terrace of 3 two storey dwellings fronting onto Kennel Lane. The proposed dwellings are set back 12m from the lane with a parking area to their front and gardens to their rear. It is considered that the site is of sufficient size to accommodate a development of the size proposed without appearing cramped or over-developed. The final design, size and position of the dwellings would be established at the Reserved Matters stage should Outline permission be granted. However, development of a size consistent with existing development in the locality would not appear incongruous or out of character with its surroundings.

10.23 It is considered that the proposed scheme will enable the sustainable re-use of an existing brownfield site. It represents a form of development that is considered

acceptable in principle in this location and one that could be undertaken without having an adverse impact on the character or appearance of the AONB or the form and character of the settlement. The proposal is therefore considered to accord with Local Plan Policies DS3, EN4 and EN5 and guidance in paragraphs 174 and 176 of the NPPF.

(c) Access, Parking and Highway Safety

10.24 The proposed development will result in the loss of an existing communal car parking area. It is noted that the site is currently used by a number of local residents to park their vehicles. A number of properties at Wheat Close to the south-east do not have access to off-road parking. As a consequence, a number of objections have been raised by local residents expressing concern about the loss of the existing parking area and the potential increase in on road parking that will result. In response to these concerns, it must be noted that the application site is not a public car park. It is in private ownership and the applicant can withdraw local residents' rights to park on the site at any time.

10.25 The applicant's Highway Technical Note states:

' the site is currently being used as an informal car park by local residents, with the previous use being five garages and informal parking. This informal facility will be lost as a result of the development proposals, therefore it is reasonable to give consideration to the impact of vehicles being displaced, although in planning terms there is no legal right for people other than those who own/rent the garages to enter the redevelopment site. It should be noted that there are no permissions in place for residents to use this area as car parking, and therefore this facility could have been removed at any time, with the displacement of cars not being considered through the planning system.'

10.26 In response to a request for further information from Officers, the applicant has advised:

'I can confirm that there is no formal agreement with any residents to park on the site. There are no agreements retained for the demolished garages (all tenancy agreements were ended by Notice to Quit orders prior to demolishing the garages), the only agreement (service charge) in place to cover repairs on the site only attached to Bromford customers rental agreements, which will be removed upon sale of the site. All private owner titles have been checked and they have no legal right of way within their title documents, and they do not pay towards maintenance of the site.'

10.27 In light of the fact that existing residents do not have a right to park on the land and that the applicant can prevent access to the site regardless of the outcome of this application, it is considered that it would not be possible to sustain an objection to the current application on the grounds of loss of the existing parking arrangements. The indicative layout submitted with this application shows the provision of 8 parking spaces on the application site, which is considered to be acceptable for 3 dwellings. With regard to Kennel Lane itself, there are no parking restrictions along the lane and there is sufficient space for vehicles to park in a kerbside position along its length whilst still enabling vehicles to pass.

- 10.28 With regard to access visibility, GCC Highway Officers have requested the submission of a visibility splay plan in order to demonstrate adequate visibility from the site entrance onto Kennel Lane. The applicant has provided such a plan together with information regarding vehicle speeds along the lane. GCC Highway Officers have not provided a response to the additional information. However, the submitted plan indicates that the requisite visibility can be provided. Moreover, the level of traffic generated by 3 dwellings is considered not to be significantly higher than the established use of the site as a communal car park. There is no record of any accidents within the vicinity of the entrance arising from the established use.
- 10.29 Overall, it is considered that the proposed development can be undertaken without having an unacceptable adverse impact on highway safety or parking in accordance with Local Plan Policies INF4 and INF5.

(d) Impact on Residential Amenity

- 10.30 The indicative plans show that the site can accommodate 3 dwellings that will meet minimum floorspace standards and which can also be provided with adequate outdoor garden space. The proposed dwellings can also be positioned and orientated so as not to have an unacceptable adverse impact on the privacy, light or amenity of neighbouring residents or future residents of the proposed dwellings.
- 10.31 With regard to existing dwellings to the south-west, the dwellings shown on the indicative plan are positioned a sufficient distance from 1-3 The Leasows so as to avoid an unacceptable adverse impact on the level light enjoyed by existing residents. In addition, the final design of the dwellings determined at the Reserved Matters stage can ensure that no windows are introduced into the south-west elevation facing towards the rear elevations of 1-3 The Leasows.
- 10.32 It is considered that the site can be developed in a manner that would not have an unacceptable impact on residential amenity having regard to guidance in the Cotswold Design Code.

Other Matters

- 10.33 The site is located within Flood Zone I which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. The Council's Drainage Engineer has assessed the proposal and raises no objection subject to condition. The application is considered to accord with Local Plan Policy EN14.
- 10.34 The Council's Environmental and Regulatory Services Contamination Officer raises no objection subject to a condition requiring the completion of a ground investigation and appropriate remediation (if required).
- 10.35 The Council's Tree Officer raises no objection to the application. It is noted that a number of lower quality trees will be removed to facilitate the development. However, these are considered not to be of a value that merits protection. A condition is proposed which will require the submission of a detailed Arboricultural Impact Assessment and Tree Protection Plan at the Reserved Matters stage, thereby ensuring that trees to be retained will be protected during construction works. New tree

planting can also be secured as part of the landscaping details to be assessed as part of a future Reserved Matters application. The proposal is considered to accord with Local Plan Policy EN7.

10.36 The site is considered not to provide a suitable habitat for protected species. In order to secure biodiversity enhancements, it is proposed to add a condition requiring the installation of bat and bird nesting/roosting features as part of any future development in accordance with Local Plan Policy EN8.

10.37 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.

11. Conclusion

11.1 Overall, it is considered that the proposed development is in accordance with policy and guidance. It is therefore recommended that the application is granted permission.

12. Proposed Conditions:

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority by three years from the date of this decision notice.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be started by 2 years from the date that the last of the reserved matters is approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)

3. The development shall not be started before approval of the details relating to Appearance, Scale, Layout and Landscaping have been given in writing by the Local Planning Authority.

Reason: These are "reserved matters" and were listed in the application for later approval. This is only an outline planning permission and these matters require further consideration by the Local Planning Authority. This condition is imposed to comply with the requirements of the Town and Country Planning Act 1990 as amended.

4. This decision relates to the area outlined in red on drawing 6917-P-100

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

5. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

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

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15. It is important that these details are agreed prior to the commencement of development as any on site works could have implications for pollution and human health.

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

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14. If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

7. Prior to the installation of external lighting for the development hereby approved, a Lighting Design Strategy for Biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

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

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

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

8. Prior to the erection of any external walls of the development hereby permitted, details of the provision of bat roosting features (bat boxes/tubes/access panels) and nesting opportunities for birds (swift bricks, house martin cups, house sparrow terraces or starling boxes) shall be submitted to the Local Planning Authority for approval in writing, including a technical drawing(s) showing the types of features, their heights and locations within the site. The approved features shall be installed fully in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and permanently retained as such thereafter.

Reason: To provide additional opportunities for roosting bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. The details submitted at the Reserved Matters stage shall include an Arboricultural Impact Assessment and a Tree Protection Plan.

Reason: In order to ensure that adequate mechanisms are put in place to ensure the protection of important trees on the site in accordance with Local Plan Policy EN7.

Informatives:

1. Please note that the proposed development set out in this application will be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of the liability will be calculated when the related reserved matters application is determined. Further information about CIL is available at www.cotswold.gov.uk/CIL

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, hedgerows, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Clearance of suitable habitat should therefore be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.