

**Erection of 3 dwellings with associated access and landscaping at Woodleigh Brockhampton  
Cheltenham Gloucestershire GL54 5SP**

<b>Full Application 24/00386/FUL</b>	
Applicant:	Mr Turner
Agent:	SF Planning Limited
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Jeremy Theyer
Committee Date:	12 February 2025
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**UPDATE: This application was an Agenda Item (No.9) on the Planning and Licensing Committee of 15 January 2025. Due to the Case Officer being absent, the Committee resolved to defer consideration of this application to the Planning and Licensing Committee of 12 February 2025.**

**1. Main Issues:**

- (a) Background and principle of development
- (b) Sustainability of the location
- (c) Design and impact upon heritage assets
- (d) Landscape impact
- (e) Residential amenity
- (f) Biodiversity
- (g) Highway safety
- (h) CIL

**2. Reasons for Referral:**

- 2.1 The application is referred to Committee as the application was submitted by or on behalf of a close relative of a Member (Cllr Clare Turner) and the Constitution Scheme of Delegation (C4) requires such a decision to not be determined under delegated powers.

**3. Site Description:**

- 3.1 The proposal is for the erection of three dwellings within the rear garden area to Woodleigh, Brockhampton, which is a loose knit non-principal settlement located in open countryside.
- 3.2 The site is to the north of Brockhampton Park, with residential development to the west, south and east. The site is outside any development boundary defined in the Cotswold District Local Plan and is within the Cotswolds National Landscape (formerly known as the Cotswolds AONB). The boundary to the Brockhampton Conservation Area designated for the village runs to the south of the site and includes the dwellings to the south and south east.

**4. Relevant Planning History:**

- 4.1 92/00483/FUL: Erection of two houses and associated works. Refused 06.07.1992
- 4.2 92/01837/FUL: Demolition of existing horticultural sheds and greenhouses and the construction of one domestic dwelling. Refused 04.12.1992

- 4.3 02/00641/FUL: Resubmission of previously approved application to raise roof pitch to accommodate first floor extension and extension to garden area (partially retrospective).  
Granted 18.04.2002

**5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Principal
- 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
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

**6. Observations of Consultees:**

- 6.1 Conservation Officer: No objection to revised proposal, comments incorporated into the report
- 6.2 Biodiversity Officer: No objection subject to conditions
- 6.3 Landscape Officer: No objection subject to conditions
- 6.4 Drainage Engineers: No objection subject to condition
- 6.5 Tree Officer: No objection subject to conditions
- 6.6 Highway Authority: No objection subject to conditions
- 6.7 Natural England: No objection subject to mitigation for the Special Area of Conservation being provided

**7. View of Town/Parish Council:**

**7.1 Comments received 19th March 2024**

- 7.1.1 Sevenhampton Parish Council objects to this application as it fails to comply with CDC planning policies in a number of respects as described more fully in the numerous objections which have been lodged by villagers and the parish council adopts such objections. In particular, as stated in the decision in 20/01338/PLP, the village of Brockhampton is neither a principal nor a non-principal settlement and as such the proposed development is contrary to local plan policy DS4.
- 7.1.2 The Council is also very concerned about the risks inherent in the proposed development to the safety of local school children who use the school bus each day in

term time and who have to walk along this stretch of road which is unlit and has no pavement or walkway.

## 7.2 **Comments received 17th September 2024**

7.2.1 Sevenhampton PC has considered the revised application and sees no reason to depart from the views set out in its original objection on 19/3/24, namely that -

7.2.2 This application fails to comply with CDC planning policy in a number of respects as described more fully in the numerous objections lodged by villagers and which the PC adopts. In particular, as stated in the decision 29/01338/PLP, the village of Brockhampton is neither a principal or non-principal settlement and as such the proposed development is contrary to local plan policy DS4.

7.2.3 The Council is very concerned about the risks inherent to the safety of local school children who use the school bus each day in term time and who have to walk along this stretch of road which is unlit and has no pavement or walkway.

7.2.4 The Council would also adopt the views expressed to it by CC Paul Hodgkinson that the proposed development would cause harm to the AONB

7.2.5 The Parish Council object to this application.

## 8. **Other Representations:**

8.1 97 objections have been received, raising the following matters:

- site is in open countryside
- previous refusals for new housing in Brockhampton at 'Farthings'
- contrary to Policy DS4
- lack of facilities within the village
- semi-detached properties are out of character
- road safety
- pedestrian survey
- surface water drainage
- houses are too large
- impact upon residential amenity
- highway safety
- setting of conservation area and listed buildings
- no public transport other than a school bus
- 2 dwellings more suitable
- impact of lighting
- does nothing to enhance AONB
- creates a precedent
- proposal is only for making a profit
- should not rely upon services in Andoversford

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

- Planning Statement
- Design and Access Statement
- Transport Statement
- Tree Survey
- Ecological Survey
- Biodiversity Self-Assessment Form

- Great Crested Newt District Licensing Scheme
- Proposed Plans

## **10. Officer's Assessment:**

### **(a) Background and Principle of Development**

- 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.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.
- 10.2 Local Plan Policy DS3 (Small-Scale Residential Development in Non-Principal Settlements), allows for small-scale residential development in non-Principal Settlements where this:
- 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; and
  - d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.
- 10.3 Policy DS3 recognises that although many of the rural villages and hamlets within the district are not sustainable locations for residential development, some settlements have greater sustainability credentials. As such Non-Principal Settlements are those which 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.
- 10.4 The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that there are three overarching objectives to achieving sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
- 10.5 In addition to the above, it must also be noted that, even if the Council can demonstrate the requisite minimum supply of housing land, it does not in itself mean that proposals for residential development outside existing Settlement Boundaries should automatically be refused. The 5 year housing land supply is a minimum not a maximum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Settlement Boundaries identified in the Local Plan for residential development.

### **(b) Sustainability of the Location**

- 10.6 The supporting text to Policy DS3 guides the decision maker to make a judgement on the accessibility to everyday services, facilities and/or employment opportunities, where "reasonable access" helps to avoid unnecessary traffic movements and social isolation. Distance, quality of route, topography and pedestrian safety are important issues when considering the accessibility of services and facilities (Para 6.3.4). The Local Plan's development strategy seeks to promote sustainable patterns of development in the District and residential development in rural areas is directed to those locations where it will enhance or maintain the vitality of rural

communities. In the absence of special circumstances, the plan seeks to avoid permitting new isolated homes in the countryside. Policies DS3 and DS4 are central in this respect.

- 10.7 In terms of the sustainability of the location, Brockhampton is a settlement that is not well-served by day-to-day services and facilities. For this reason, it has not been included as one of the Principal Settlements in the Local Plan. Therefore, housing development in significant numbers and/or high density is unlikely to be supported in this location, however having regard to Policy DS3 and the NPPF it is proper that consideration is given to small-scale residential development on the merits of each individual case.
- 10.8 It should be noted that within the Sevenhampton Parish, the 2011 Census identified 333 people living in 158 households (source Sevenhampton Parish Council web site).
- 10.9 NPPF paragraph 83 states that 'To promote sustainable development in rural areas, 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.' To this effect, it should be noted that Andoversford, one of the Principal Settlements designated within the adopted Local Plan, is approximately 2.5 miles from the application site.
- 10.10 Reference has been made by objectors and the Parish Council to an application at 'Farthings', reference 23/01339/PLP, which was an application for 'permission in principle' for the erection of a single dwelling. This was refused, with Policy DS4 referred to within the reasons for refusal as the site was considered to be outside any Principal or Non-Principal Settlement. The report accompanying that decision (dated 9th June 2023) did characterise Brockhampton in the following terms:
- 10.11 'Brockhampton is a settlement with no designated settlement boundary and limited everyday facilities limited to the village hall and the Craven Arms public house, which has been temporarily closed since late 2022. It lies approximately 2.7km from the nearest Principal Settlement of Andoversford, and 6km from Cheltenham, and does not benefit from any public transport provision. Given this, Brockhampton is considered not to be a sustainable location for new residential development'
- 10.12 Though this conclusion was not central to the refusal of that application, and centred upon the application of Policy DS4..
- 10.13 Policy DS4 relates to residential development outside Principal and Non-Principal settlements, with only new residential development that may be considered acceptable being for proposals such as the conversion of a rural building, affordable housing upon an exception site, Gypsy/Traveller accommodation and housing for rural workers. This is in accordance with paragraph 88 of the NPPF.
- 10.14 Therefore, the judgement that has to be made upon applications such as that at Woodleigh is whether this site is within an area that would be considered acceptable for new residential development having regard to this strategy. Whilst acknowledging the decision for the Farthings site, it should be noted that this is located in an area of linear housing along the lane to the south-east of the main concentration of housing within the village. The application site at Woodleigh, by comparison, is within an area with housing development to three sides, to the west, south and east, with approximately 89 residential properties, including the apartments at Brockhampton Park, in this part of the village.
- 10.15 Prior to the adoption of the current Local Plan in August 2018, all applications for new residential development in the Brockhampton / Sevenhampton area would have been assessed

in respect of the policy now included within DS4. However, the addition of Non-Principal Settlements to the development strategy added an extra dimension to the policies controlling new housebuilding, where new small-scale development can be considered acceptable provided that the criterion within DS3 are adhered to.

- 10.16 It should be noted that the number of houses within this part of Brockhampton are larger in number than a number of other Non-Principal Settlements within the District where new residential development has been approved since the adoption of the current Local Plan, and where there is a Principal Settlement a short driving distance away.
- 10.17 One such example is application 24/00055/PLP for land south of 1 - 3 Corner Houses, Driffield, which was a 'permission in principle' application for 2 dwellings that Members permitted at the April 2024 meeting of this Committee. By way of comparison to Sevenhampton Parish, Driffield has 32 dwellings, with a Church, and no public transport.
- 10.18 The nearest Principal Settlement identified in the Local Plan is South Cerney, where the village centre is approximately 4 miles distant by road via the shortest route, whilst the nearest shops / facilities in Cirencester are the same distance away (Tesco / Aldi / McDonalds). Cirencester town centre (Market Place) is 4.6 miles using the shortest route.
- 10.19 There will, however, be a limit as to the number of dwellings that Brockhampton could reasonably and sustainably accommodate in accordance with local and national planning policy, however the erection of three dwellings is, on balance, considered to accord with Policy DS3 considering the size of the village, and to be consistent with other decisions made elsewhere in the District.

**(c) Design and Impact upon Heritage Assets**

- 10.20 The site is located within close proximity to The Grade II listed Brockhampton Park to the south of the site and associated listed buildings including The Clock House, Number(s) 3 and 4, Brockhampton Mews, The Coach House and Games House. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.21 The property is located on the boundary of Brockhampton Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.22 Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.
- 10.23 Paragraph 212 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. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 213 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 214 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 215 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

- 10.24 Paragraph 216 requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.25 Local Plan Policy EN2 (Design of The Built and Natural Environment) states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality. The design code has strict requirements stating the following:
- D.9 Careful study should be made of the context of any new development. Each site will have its own characteristics, and a specific landscape or townscape setting. Any proposed development should respond to this.
  - D.13 Traditional Cotswold street scenes contain buildings of a variety of scales and architectural styles. Together, however, there is a sense of rhythm, harmony and balance, and this should be continued in any new development. The particular character of existing streets should be respected, including gaps between buildings, which can often be important. New additions might add interest but should not appear out-of-keeping.
  - D.16 New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.
  - D.17 Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.
  - D.23 New designs should not draw on existing buildings that have been unsuccessful or have not respected local distinctiveness. Poor imitations of true vernacular architecture should also be avoided. At the same time there should not be blind copying or slavish replication of specific buildings or detailing. New vernacular proposals should be inspired by the best of the past, carrying the key qualities and essence of the Cotswold style, but also utilising new technologies and best practice to address the environmental, economic and social concerns of today.
- 10.26 Policy EN10 (Designated Heritage Assets) states:
- 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.
  - Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.
  - Proposals that 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.
- 10.27 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 From reviewing the historic mapping the area proposed for development once formed part of the Brockhampton estate with nursery buildings on site. The existing building Woodleigh is a relatively modern development and it set within a large garden with garage, outbuildings and mature hedges and planting. The site is on the boundary of the conservation area and within close proximity to the Grade II assets of Brockhampton Park.
- 10.29 The existing residential dwellings associated with the park are smaller in scale in the form of converted coach house, clock house and the adjoining single storey dwellings along the lane which are set into the historic boundary wall of the park. The semi-detached dwellings opposite the site are modest in their scale with simple traditional gable and central chimney gable, whilst the remaining buildings along this road are modern infill detached developments being noted on the 1960-1980 historic mapping which should not set a design precedent.
- 10.30 The character of the conservation area which is set west of the site and the listed park consists of modest developments which are a mix of terraces, semi detached and smaller detached dwellings.
- 10.31 The proposed development would include a pair of 3-bedroom semi-detached properties (Houses 1 and 2), and a detached 4-bedroom property (House 4). The design of each dwelling is considered to be acceptable having regard to the Cotswold Design Code, incorporating features such as chimneys, headers and cills to windows, and no eaves fascia. External materials would include natural stone to the walls, alongside areas of timber boarding, artificial stone and slate roofing, and painted timber windows and doors.
- 10.32 The proposal has been amended to re-orientate the position of House 3 such that, even though behind Woodleigh in relation to the highway, the properties maintain the linear form of development in relation to the road. These revisions are considered to have addressed the concerns expressed by Officers regarding the spatial character of the conservation area and now follows the existing settlement pattern from a conservation perspective. The application is also considered to have a neutral impact on the setting of designated heritage assets and as such the proposal is considered to be acceptable and in accordance with Local Plan Policies EN2, and EN11, Section 16 of the NPPF, and Sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- (d) Landscape Impact**
- 10.33 The site is located within the Cotswolds National Landscape (CNL) (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)). Section 85(A1) of the Countryside and



Rights of Way (CROW) Act 2000 (as amended) states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

- 10.34 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.
- 10.35 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.
- 10.36 Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 10.37 Paragraph 187 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside. Paragraph 189 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 10.38 The application site is located within the existing residential curtilage of Woodleigh, with residential development to the west, south and east. The proposed dwelling would, therefore, be seen in the context of this surrounding development, such that it would not be considered to be obtrusive in the wider landscape.
- 10.39 Therefore, the impact upon landscape character within the CNL is considered acceptable and in accordance with Policies EN2, EN4 and EN5 of the Local Plan and paragraphs 187 and 189 of the NPPF.

**(e) Residential Amenity**

- 10.40 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 135 (f) of the NPPF.
- 10.41 The relationship between the proposed dwellings and Woodleigh is considered to be acceptable, whilst the distance between habitable windows to the rear elevation of Houses 1 and 2 exceeds the 22m distance separation required by the Cotswold Design Code, notwithstanding the retention of the existing boundary treatment.
- 10.42 Therefore, it is considered that the proposal would result in little material impact upon the amenities of occupants of nearby properties having regard to the position of windows and any potential for overlooking across garden areas. The proposal therefore accords with Policy EN2 and Appendix D of the Local Plan, and paragraph 135 of the NPPF.
- 10.43 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.
- 10.44 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.
- 10.45 Local Plan Policy EN9 requires the consideration of the impact of development upon internationally designated wildlife sites.

- 10.46 The applicant has signed and returned a S.111 legal agreement to make a financial contribution to deliver mitigation consistent with the Cotswold Beechwoods SAC Recreation Mitigation Strategy (2023). On that basis, the Authority has reached the conclusion, based upon the best available scientific evidence, that there will not be adverse effects on the SAC, arising from the application, either alone or particularly in combination with other projects and proposals.
- 10.47 Therefore, the Council has no objections to this application on the grounds of the Conservation of Habitats and Species Regulations 2017 (as amended), insofar as this relates to adverse recreational effects on the Cotswold Beechwoods SAC.
- 10.48 With regard to protected and notable species and habitats, the ecology report confirmed the existing outbuilding and none of the trees to be removed provide opportunities for roosting bats. Therefore, this constraint does not need to be considered further.
- 10.49 The on-site pond was assessed as 'good' suitability for breeding great crested newts and the species' presence was established through eDNA analysis. The pond will be retained however, there is a likelihood of harm to individuals during works due to the proximity of the development to the identified population. Therefore, a licence will be required for works to proceed lawfully. A licence can only be agreed if the proposed development is able to meet the three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 55(2)(e))
  2. there must be 'no satisfactory alternative' (Regulation 55(9)(a)); and
  3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 55(9)(b)).
- 10.50 The applicant has submitted a district licensing report, confirming the site is eligible to be covered by the Council's district licensing scheme. The three planning conditions contained within the report must be attached to the planning consent in verbatim. It is considered that the district licensing scheme is likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned at a favourable conservation status in their natural range and as such, would meet Reg 55(9)(b) of the Habitats Regulations.
- 10.51 Therefore, this derogation test can be met by this application so long as the actions conditioned are implemented in full.
- 10.52 Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the Local Planning Authority. As the proposal is considered to accord with Local Planning Policy, all 3 derogation tests have been adequately assessed in accordance with Natural England guidance.
- 10.53 The report concludes that impacts to other protected species are not anticipated however, precautionary mitigation measures have been included within sections 5.3.1-5.4 of the report. These measures will need to be adhered to, ensuring badger, nesting birds, reptiles, hedgehog and common amphibian species are safeguarded during site clearance/construction works.
- 10.54 The application was submitted prior to the mandatory biodiversity net gain date (2nd April) for small sites. Therefore, the application is exempt from mandatory BNG. Despite this, the planning system should still aim to deliver overall net gains for biodiversity as laid out in Local Plan Policy

EN8 and paragraphs 187, 192 and 193 of the National Planning Policy Framework. The integration of bird and bat boxes are considered suitable in this location due to the presence of a pond and fruiting trees which provide foraging opportunities for these species.

- 10.55 With regard to lighting, the on-site pond and fruiting trees will provide opportunities for nocturnal species, including great crested newts and bats. Consequently, a lighting condition has been recommended, securing the adoption of a sensitive scheme if external lighting is required.

**(f) Highway safety**

- 10.56 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.57 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.58 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.59 The existing entrance would be adapted for access to the three proposed dwellings, with this being widened to be 4.5m in width. The road outside the site is subject to a 40mph speed limit, and whilst no response has been received from the Highway Authority to its consultation, your Officers consider that the traffic generated from three dwellings would be acceptable.
- 10.60 Turning to parking provision, each of the dwellings would have sufficient parking provided with the ability to manoeuvre within the site and leave in a forward gear. The plans also show two visits parking spaces to be provided.
- 10.61 Therefore, the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan, and Section 9 of the NPPF. Having regard to paragraph 116 of the NPPF, there is not considered to be an unacceptable impact on highway safety considering the traffic that would be generated if the established use of the existing buildings upon the site was to be recommenced, and that the residual cumulative impacts on the road network would not be 'severe'.

**(h) CIL**

- 10.62 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 The proposal is considered to be a small-scale of development that would accord with Policy DS3 of the Local Plan. Having regard to the amendments made to the layout of the proposed development, it is considered that the proposal accords with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.
- 11.2 The recommendation is for planning permission to be granted.

## **12. Proposed Conditions:**

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 3121-001-B; 3121-011; 3121-012; 3121-013; 3121-014 and 3121-015-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 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 windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

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

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

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

7. The timber boarding, oak posts and lintels shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

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

8. 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.

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

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

10. 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.

11. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority 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.

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

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

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

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

14. 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.

15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

a) Full details of any facilitation pruning.

b) Location and installation of services, utilities and drainage.

- c) Methods of demolition within the root protection area (RPA as defined in BS5837:2012) of retained trees.
- d) Details of construction within the RPA or that may impact on the retained trees.
- e) A full specification for the construction of any roads, parking areas and hard surfacing, including details of the no dig-specification and extent of the areas of the roads, parking areas and hard surfacing to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within RPAs is proposed, demonstrating that they can be accommodated where they meet with any adjacent hard surfacing or structures.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) Tree protection during construction indicated on the TPP with construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels, waste as well as any areas to be used for concrete mixing and fires.
- j) Details of arboricultural supervision and inspection by a suitably qualified arboriculturist.
- k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** Required prior to the commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies EN1 and EN7 and pursuant of Section 197 of the Town and Country Planning Act 1990.

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

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

17. The development shall be undertaken in accordance with the recommendations contained in sections 5.3.1-5.4 of the consultancy report (Bat Survey Report & Bat Mitigation Strategy, prepared by Windrush Ecology, dated September 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 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 180, 185 and 186 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

18. 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), so that it can be clearly demonstrated that areas to be lit will not 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 180, 185 and 186 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.

19. Prior to any above ground works of the development hereby approved being undertaken, details of the provision of 4no. integrated swift bricks on north or east-facing elevations and 4no. integrated bat roosting features (e.g. bat tiles, bat boxes or bat tubes) on south or southeast-facing elevations within the walls of the new dwellings 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 approved details shall be implemented prior to first use of the development hereby approved and thereafter permanently retained.

**Reason:** To provide additional nesting and roosting opportunities for birds and bats as biodiversity enhancements in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

21. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

22. The development hereby permitted shall not be first occupied until the proposed dwellings have each been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

**Reason:** To promote sustainable travel and healthy communities in accordance with Policy INF3 of the Cotswold District Local Plan.

23. Demolition or construction works shall not take place outside 7:30 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

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

24. Prior to the erection of any external walls of the new dwelling hereby permitted, details of the energy efficiency measures to be introduced into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed in the development fully in accordance with the approved details prior to the occupation of the dwelling hereby permitted.

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

**Informatives:**

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://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));
- 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>;
- and
- Non-statutory technical standards for sustainable drainage systems (March 2015).