

**Outline planning application for demolition of existing buildings and for up to 95 dwellings with associated access and infrastructure, all other matters reserved at Land North of Tops Nursery Broadway Road Mickleton Gloucestershire**

<b>Outline Application 25/03351/OUT</b>	
Applicant:	Newland Homes Ltd
Agent:	
Case Officer:	Martin Perks
Ward Member(s):	Councillor Gina Blomefield Councillor Tom Stowe
Committee Date:	13 May 2026
<b>RECOMMENDATION:</b>	<b>PERMIT subject to no objection from Biodiversity Officer and the completion of a S106 legal agreement covering affordable housing, self-build/custom build housing, financial contributions to Biodiversity Net Gain monitoring, secondary education and library services.</b>

**1. Main Issues:**

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage
- (h) Archaeology

**2. Reasons for Referral:**

- 2.1 This application has been referred to Committee as it falls into the major development category for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**3. Site Description:**

- 3.1 This application relates to the northern part of an existing commercial plant nursery/garden centre and an adjoining field located adjacent to the south-western edge of the village of Mickleton. The application site measures approximately 5.5 hectares in area and is relatively flat. It consists of 2 distinct

elements. The southern part of the site occupies part of an existing horticultural operation and comprises glasshouses, horticultural buildings, outdoor storage, areas of grassland and areas occupied by orchard trees. A single dwelling (Sunnybrook) also lies adjacent to the north-eastern boundary of the application site. A mobile phone mast lies adjacent to the southern edge of an existing woodland which extends through the centre of the site. The southern part of the site extends around the north-eastern, north-western and south-western edges of an area of land occupied by a garden centre business and 8 dwellings. The aforementioned garden centre includes a tea room, barbers and hardware store. The garden centre adjoins the B4632 Broadway Road, which runs to its south-east. The application site also adjoins the aforementioned highway to the north-east and south-west of the garden centre. A 21st Century residential estate lies adjacent to the north-eastern boundary of the southern part of the application site. Two residential properties (Haycroft and Meondene), agricultural buildings and agricultural fields are located to its south-west, with the respective dwellings being located approximately 10m from the application site.

- 3.2 The northern part of the site occupies an arable field and measures approximately 1.7 hectares in size. Agricultural fields are located to the north-west and south-west of the field. As with the southern part of the application site, a 21st Century residential estate adjoins the north-eastern boundary of the field. Two dwellings (Harefield House and Clevelys) and a barn are located to the south-west of the field. The respective dwellings are located approximately 20-25m from the site.
- 3.3 The application site is located outside, but adjacent to, Mickleton Development Boundary as designated in the Cotswold District Local Plan 2011-2031. The aforementioned boundary extends along the north-eastern boundary of the application site.
- 3.4 The site is located outside of the Cotswolds National Landscape (CNL). The CNL boundary extends along the south-eastern side of the B4632 Broadway Road which runs along the south-eastern boundary of the application site. Norton Hall Special Landscape Area is located approximately 220m to the west of the site. The application site itself is not subject to any particular landscape designations.
- 3.5 The site is located within Flood Zone 1.
- 3.6 Public Right of Way HMN12 extends in a roughly south-west to north-east direction through the centre of the application site. It also extends through the

field lying to the south-west of the site. Public Right of Way HMN11 also extends through the aforementioned field.

- 3.7 Public Right of Way HMN10 extends alongside the eastern boundary of the application site. It also extends in east-west direction through a field approximately 120m to the north of the application site.

#### **4. Relevant Planning History:**

##### **Application Site**

- 4.1 CD.5599 Outline application for the erection of commercial greenhouses (approx. 36,000 sq ft). Permitted 1975
- 4.2 16/04926/TELEC Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 16 for the erection of a 21m lattice mast, associated antennas, dishes and radio equipment cabinets within a fenced compound. Prior approval not required 2017

##### **Tops Plants/Nursery/Arbour House/Harborlow adjacent to application site**

- 4.3 CD.2288 Erection of a bungalow. Permitted 1958
- 4.4 CD.2288/A Vehicular access. Permitted 1867
- 4.5 CD.2288/C Outline application for an agricultural dwelling. Permitted 1969
- 4.6 CD.2288/C/Ap Bungalow. Refused 1969
- 4.7 CD.2288/C/AP/1 Erection of one bungalow. Permitted 1969
- 4.8 CD.2288/D Outline application for the erection of an agricultural worker's bungalow. Permitted 1977
- 4.9 CD.2288/D/Ap Erection of an agricultural worker's bungalow. Permitted 1977
- 4.10 CD.2288/E Continued use of existing building for sale of fresh produce. Refused 1980
- 4.11 CD.2288/F Continued use of existing building as a printing shop. Permitted 1982

- 4.12 CD.2288/G Erection of a single storey side extension and alterations to provide ancillary elderly person's annexe and enlarged living accommodation. Permitted 2007
- 4.13 10/04949/CLEUD Certificate of lawful existing use or development under Section 191 of the Town and Country Planning Act 1990 for the continued use of dwelling without complying with agricultural occupancy condition (f) of planning permission CD.2288/C. Issued 2010
- 4.14 14/04048/OUT Erection of a single dwelling (Outline application). Permitted 2014
- 4.15 14/04050/OUT Erection of a single dwelling (Outline application). Permitted 2014
- 4.16 14/04379/OUT Erection of a single dwelling (Outline application). Permitted 2014
- 4.17 15/02137/FUL Construction of 1 new 4 bedroom detached dwelling. Permitted 2015
- 4.18 15/02143/FUL Erection of 1no. 2 bedroom dwelling. Permitted 2015
- 4.19 15/02269/FUL Proposed replacement of three chimney flues on greenhouse boiler installation with two chimney flues. Permitted 2015
- 4.20 15/03926/FUL Demolition of derelict and defective glass houses and sheds. Construction of 1no. 4 bedroomed 1.5 storey detached house with garage. Permitted 2015
- 4.21 15/04549/FUL Proposed Tea Room ancillary to Nursery. Permitted 2015
- 4.22 16/02322/FUL Erection of a bungalow. Permitted 2016
- 4.23 16/02323/FUL Erection of a bungalow. Permitted 2016
- 4.24 16/04422/FUL Erection of a bungalow. Permitted 2016
- 4.25 17/01757/REM Erection of a detached dwelling (Reserved matters application pursuant to permission 14/04050/OUT. Approved 2017

- 4.26 18/03317/FUL Removal of Condition 5 (restriction of cooking to a microwave) of permission 15/04549/FUL - Proposed Tea Room ancillary to Nursery. Permitted 2018
- 4.27 18/04432/FUL Erection of a single storey log cabin to provide a barber shop. Permitted 2019

#### **Land to west and north of application site**

- 4.28 25/04010/OUT Outline planning application for the demolition of buildings and erection of up to 170 new dwellings, public open space, landscaping, sustainable drainage system (SuDS) and creation of associated vehicular access point to Broadway Road and other associated infrastructure. (Some matters reserved). Decision pending

#### **Land to north-east of application site**

- 4.29 25/02213/OUT Outline planning application for the erection of 60 dwellings with means of access. Foxwold House, Land South-west Of Broad Marston Lane. Decision pending

### **5. Planning Policies:**

- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF3 Sustainable Transport
- INF1 Infrastructure Delivery
- INF3 Sustainable Transport
- INF5 Parking Provision
- INF7 Green Infrastructure
- INF8 Water Management Infrastructure

## 6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions.
- 6.3 Gloucestershire County Council Community Infrastructure: Requests £133,517.60 to secondary 16-18 education and £18,424 to library services
- 6.4 Gloucestershire County Council Archaeology: No objection subject to condition.
- 6.5 Gloucestershire County Council Public Rights of Way: *' Public right of way HMN12 has been identified as traversing the centre of the proposed development site. The character of the route does not look like it will undergo significant alteration, with the eastern section remaining predominantly green and the western section continuing alongside built form.*

*It is recommended that particular consideration be given to pedestrian safety at the point where the route intersects the internal road network. A raised (humped) crossing at this location would provide an appropriate mitigation measure.*

*The submitted plan illustrates several potential connections from internal footways to adjoining land parcels. However, the most practical and beneficial for future residents would be a link from the site to public footpath HMN10, situated in the north-eastern corner of the site and indicated by the bold red mark on the accompanying plan below. Consideration should be given to incorporating this link within the design, as its absence may result in the creation of an informal desire line by users seeking access to the wider public rights of way network.'*

- 6.6 Severn Trent Water: No objection subject to condition.
- 6.7 Thames Water: *' Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.'* A condition relating to water supply has therefore been recommended.
- 6.8 Warwickshire County Council: No response to date.

- 6.9 Stratford-on-Avon District Council: *' Stratford on Avon District Council wishes to offer no representation to the proposed development.'*
- 6.10 Biodiversity Officer: Further information requested.
- 6.11 Environmental and Regulatory Services Air Quality: No objection subject to conditions.
- 6.12 Environmental and Regulatory Services Contamination: No objection subject to condition.
- 6.13 Environmental and Regulatory Services Noise: No objection subject to conditions
- 6.14 Tree Officer: No objection subject to conditions
- 6.15 Landscape Consultant: Comments incorporated into report.
- 6.16 Housing Officer: Comments incorporated into report.
- 6.17 NHS Gloucestershire: No response to date.
- 6.18 Active Travel England: *'Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.'*

## **7. View of Parish Council:**

Response received on the 9th January 2026:

### *' National Planning Policy Framework*

*7.1 The NPPF (December 2024) states that the planning system should contribute to the achievement of sustainable development including the provision of homes and supporting infrastructure in a sustainable manner.*

*7.2 Sustainable development requires ensuring land of the right type is available to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure. New homes must have accessible services and open spaces to support health, social and cultural*

*wellbeing. It also requires the protection and enhancement of our natural, built and historic environment.*

*7.3 It is MPC's contention that the proposed development at Mickleton is not sustainable development for the following reasons.*

*7.4 Impact on traffic along the High Street (B4632)*

*7.5 The number of vehicles travelling along the High Street has increased enormously over the last few years as a result of the recent developments at Oak Grange and Shepherds Fold as well as the large developments at Meon Vale and Long Marston Airfield. This can be evidenced from data recorded by the MPC camera on Stratford Road which records the number of vehicles coming into the village and from surveys carried out by local residents on traffic volumes through the village. This data indicates that the High Street is already classed as a very busy road for a rural village location with an average of over 500 vehicles an hour using the road during a typical weekday. The type of vehicles include not only cars but also farm vehicles and many large lorries.*

*7.6 The High Street is in a conservation area with many historic Grade 2 listed buildings fronting onto it. In places the road is reduced to single file due to parked cars. This particularly applies at the junction with Chapel Lane.*

*7.7 The road has a number of bends which makes crossing for pedestrians very difficult. There is only one zebra crossing which is at the far end of the village some distance away from where most pedestrians need to cross in order to access village amenities.*

*7.8 Furthermore, Stratford-upon-Avon and Warwick District Councils are currently consulting on creating new settlements in Warwickshire and the Long Marston Airfield site between Meon Vale and Willicote has been identified as a preferred site for the development of up to 10000 houses. If this goes ahead then these residents will need to use the B4632 through Mickleton in order to access the A46 and A44 going south/south-west which will increase the traffic through Mickleton considerably. Current estimates are that approximately 13% of traffic generated from the proposed Long Marston site will travel through Mickleton.*

*7.9 The High Street and other roads through the village were never designed to cater for the large increase in traffic which has occurred over the last few years. The basic infrastructure is the same as it was 50 years ago when the volume and type of traffic using the road was considerably lower and different.*

*7.10 The roads are already heavily congested due to recent development and this is having a detrimental effect on the character of what is a typical Cotswold village (albeit that part of the village is technically on the border of the Cotswolds National Landscape) and the historic buildings which line the road.*

*7.11 Although we accept that due to the location of the proposed development at Tops Nursery not all traffic will need to come through the centre of the village, there will still be a significant proportion which will. This will therefore add to the congestion along the High Street and the detrimental effect on the character of the village.*

#### *Modes of transport*

*7.12 Any suggestion or proposal that vehicle congestion can be alleviated by walking, cycling or use of buses or trains is not realistic in practice and will simply not happen.*

*7.13 As we will demonstrate later in this submission, there is no realistic alternative to vehicle use in order to access the following essential services all of which are located at least 3 miles away from the village and cannot in most circumstances be conveniently reached by other forms of transport:*

- Places of employment.*
- Medical practice.*
- Pharmacy.*
- Dentist.*
- Primary and secondary schools.*
- Post office.*
- Supermarket or large grocery store.*
- Gym or other leisure facility.*

*7.14 The nearest train station is at Honeybourne and there is no bus service to there. There is a sporadic bus service to Moreton-in-Marsh (where there is a train station) but it is totally impractical to co-ordinate the bus and train departure and arrival times so residents use their cars instead.*

*7.15 There is a bus service through the village but it is infrequent and unreliable. In practice the vast majority of residents who use the buses are those who are unable to drive. Residents who have a car will opt to use it rather than relying on a bus.*

7.16 *There are no dedicated cycle ways in the village and cycling on the road is too dangerous other than for very experienced cyclists. Cycling to access essential services outside of the village is not a practical option because they are too far away and can only be reached using busy roads.*

7.17 *The access to the proposed development at Tops Nursery is off the Broadway Road and there is no pavement from there into the village. Consequently it will not be possible for residents to safely walk or cycle into the village.*

7.18 *If this proposed development is permitted then the reality is that every household will need to use their vehicles regularly in order to access places of employment, schools and essential services. There will also be a consequential increase in delivery and service vehicles all of which will add significantly to the congestion in the centre of the village.*

#### *Lack of essential village amenities*

7.19 *The village does not have a medical practice, a pharmacy, a dentist or a post office. The nearest ones are 3 miles away at Lower Quinton and Chipping Campden. The medical practices are already operating at capacity which makes it very difficult to get appointments. The new developments at Meon Vale and Long Marston Airfield are also putting extra strain on the medical and dental practices at Lower Quinton.*

7.20 *If the proposed development was to proceed then it is highly likely that new residents would not be able to obtain adequate local medical and dental care, and certainly nothing would be available to them within the village.*

7.21 *The village does have a local convenience store, a butcher and a delicatessen but none of these are adequate for the weekly grocery shop. The nearest large supermarkets are 9 miles away at Stratford-upon-Avon and Evesham.*

7.22 *As part of its Local Plan Review - Preferred Options Consultation, Cotswold District Council commissioned a Settlement Role and Function Study (November 2025) ("SRFS"). This assessed the sustainability of each settlement in its region. Mickleton recorded a score of 8.3 (see Table 14 of the SRFS) which placed it 14th out of the 16 principal settlements in the region. This clearly demonstrates that Mickleton does not have the services and facilities to support further development.*

## Education

7.23 The village primary school is a single form entry and is already operating at capacity. It does not have the space to be enlarged so construction of additional classrooms is not an option which means that children living in the village may not be able to attend their local village school and will have to travel several miles each day (by car) to attend other primary schools in the area.

7.24 The secondary school at Chipping Campden which has a large catchment area is full and has a waiting list. The nearest alternative secondary schools are at Stratford-upon-Avon and Evesham so once again children may need to travel 9 miles each day to attend secondary school. We would suggest that this is not an acceptable situation for children already living in the village or those who move into the village.

7.25 The proposed development has been designed to attract families. Where are the children going to be educated because there is little to no vacancies within schools which are within easy reach?

## Employment

7.26 Mickleton is a rural village. The nearest centres of employment are at Evesham and Stratford-upon-Avon (both about 9 miles away) and even these towns do not have significant employment opportunities.

7.27 More major centres of employment are much further afield at Worcester, Cheltenham, Gloucester, Oxford, Coventry and Birmingham but none of these locations are easily accessible for people living in Mickleton.

7.28 As such we would argue that the proposed development at Mickleton is not likely to support growth, innovation and improve productivity and question whether there would be adequate local employment opportunities available for people moving into the development.

7.29 The working from home culture which arose due to necessity during COVID is now reversing as employers realise that productivity has been detrimentally impacted so any argument that employment opportunities can be satisfied by home working is not sustainable in the long term.

7.30 The SRFS also assessed the employment role of each settlement based on workplace population and employment density (see Table 12 of the SRFS). As a net exporter of working people and with an employment density of 139.5%.

*Mickleton recorded a score of 1 (on the cusp of a score of 0) which placed it as one of the least sustainable settlements for employment. This is yet further evidence that more development in the village is not sustainable.*

### Utilities

*7.31 Reports from Thames Water and Severn Trent cast some doubt on whether the current water and sewerage infrastructure in the village can support further development. Clearly no further development should be permitted in the village unless the relevant water authorities can categorically confirm that the current infrastructure will be upgraded to a level which can support the increased demands for water and sewerage services.*

*7.32 Similarly the village suffers from frequent power cuts, particularly in windy or stormy weather. Can the current electricity infrastructure support more development?*

### Impact on Landscape

*7.33 The proposed development is for up to 95 dwellings on a site which is on the edge of the village as you approach along the Broadway Road from the south-west. The site is surrounded by open countryside on all sides except the east.*

*7.34 In our opinion the size of the proposed development would dominate the landscape as you approach the village and is therefore not appropriate for an edge of village development which should be low density, incorporate large open spaces and trees and blend in unobtrusively with the surrounding countryside.*

*7.35 The development would also have a detrimental impact on the overall landscape of the area particularly when viewed from the open countryside to the north and west of the site.*

### Population Increase

*7.36 Between 2011 and 2021 the population of Mickleton increased by 38%. Taking account of all towns and larger villages within the Cotswold District Council's region, this was the second largest increase with only Moreton-in-Marsh recording a larger increase.*

*7.37 The population increase in other towns and villages within the region was much lower - for example the increase in Cirencester was only 6%. The total population increase across the whole of the CDC region was 9.6%.*

*7.38 It is quite clear that Mickleton has already incurred a disproportionate increase in population. It is simply not fair or reasonable for the village to continue to take the brunt of new development when it has already suffered large scale development over the last 10 years. If the proposed development is allowed to proceed then it is likely that this would result in the population of the village increasing by well over 50% since 2011 but with virtually no change to the village infrastructure and amenities.*

*7.39 Compared with other large villages in the CDC region, Mickleton has far fewer essential services and amenities yet it continues to be targeted for development. This is not sustainable development.*

#### Local Plan

*7.40 The CDC Local Plan 2011-2031 concluded that due to environmental constraints and the size of the village, recent growth and lack of developable and deliverable land, no further housing allocations would be made in Mickleton.*

*7.41 Although certain parts of the Local Plan now carry less weight due to the publication of the NPPF, this does not in any way alter the conclusions which CDC reached in the Local Plan about future development in Mickleton and the development boundary which should apply to the village. Those constraints still apply notwithstanding that central Government has increased CDC's housing target.*

*7.42 So if CDC concluded that development in the village was not sustainable when the Local Plan was published, why should it suddenly become sustainable now just because housing targets have altered?*

#### Conclusion

*7.43 The key question is whether the benefits of this proposed development outweigh the adverse impacts.*

*7.44 In practice what are the benefits? We would suggest that the only conceivable benefit is that it would increase the region's housing stock by 95 and create some affordable homes for those people who want to live in the*

*village but cannot afford to buy an existing property. It is difficult to see what other benefits would arise given the location of the site.*

*7.45 On the other hand and as already demonstrated, the adverse impacts include the risk of severe congestion within the centre of the village, additional strain on overstretched essential services such as medical and dental practices and schools and a detrimental effect on the overall character of the village and its landscape, the conservation area and the village's natural and historic environment.*

*7.46 The proposed development does not support growth nor improve productivity. It also does nothing to improve village infrastructure - on the contrary it puts additional strain on it. It harms rather than protects or enhances the village's natural and historic environment.*

*7.47 Mickleton is a rural village some distance away from local towns. It is not a town or a suburb and should not become one. Although parts of the village are not technically in the Cotswolds National Landscape it does border it and most visitors and objective people would see it as a typical Cotswolds village which needs to be protected. You only have to walk around the village to see that. It has already suffered extensive development, disproportionate compared with other nearby towns and villages. It cannot and should not be expected to accommodate further development.*

*7.48 In our view the adverse impacts of this proposed development would significantly outweigh the very limited benefit.'*

## **8. Other Representations:**

8.1 Approximately 35 objections, 1 support and 4 general comments received.

### **8.2 Main grounds of objection are:**

- i) Mickleton has had more than its fair share of development over the past few years with no improvement to the village infrastructure.
- ii) No doctors, school at full capacity, poor public transport and very busy road network.
- iii) Traffic levels have increased dramatically in recent years, and the road now experiences a continuous, non-stop flow of vehicles throughout the day.

This rise in traffic has already resulted in heightened noise levels, reduced safety, increased speeding and an overall decline in the quality of life for residents.

iv) The road infrastructure in this part of the village is already operating beyond safe and sustainable capacity. Any further housing development will inevitably introduce additional vehicle movements, placing yet more pressure on roads that are not suitable for increased congestion. The cumulative impact of further development would worsen what is already on the brink.

v) Approving this application would place unacceptable additional strain on the village's transport network, which is neither designed nor equipped to absorb further growth. The proposal risks fundamentally altering the nature of the community and eroding the safety and wellbeing of existing residents.

vi) Mickleton has a history of more homes without the facilities to go with it. The village has already absorbed a 38 per cent population increase since 2013. Whilst it may be the case that a small number of houses for local people from Mickleton may be appropriate, a development of this scale is not. The right homes in the right places is important.

vii) Mickleton does not appear to fit the term 'Principal Settlement' other than having space around it. The current population is around 2000, Stow on the Wold around 2000 and Chipping Campden 2400. The latter two are towns and have town centres with numerous facilities and car parking to match.

viii) The amenities that Mickleton currently has are barely coping with the population increase seen over the past 10 years. Key facilities lack parking which can cause severe congestion at certain times.

ix) During peak times parking on footpaths at key facilities to allow traffic to flow, is becoming a common occurrence at narrow spots.

x) The primary school is located in a very congested location at peak times and a travel survey carried for the MAID action group on 5.11.25 recorded nearly 231 car movements outside the primary school between 8.00 and 9.00a.m.

xi) No footpath/cycle way has been shown linking the Broadway Road to the High Street, this seems very unusual for such a large development. People will inevitably be walking along this road to the site especially when accessing school buses and walking towards Hidcote. It is not safe to do so, especially when dark.

xii) Hardly any consideration has been given to traffic issues in the village and even less to how people will travel to their places of work.

xiii) In planning application 25/02213/OUT the CPRE states that 'Mickleton is poorly served by public transport and local services, leading to a high dependency on private cars. There are no realistic opportunities for sustainable travel such as walking, cycling, or public transport to nearby towns such as Chipping Campden or Stratford-upon-Avon'. In planning application 25/02213/OUT GCC Highways 20.10.25 also states: 'Cycling beyond the village is unlikely to be attractive to casual cyclists due to the local topography, narrow lanes, traffic levels and perceived speeds'. The Design and Access statement relating to the application rightly promotes sustainable communities with alternative travel methods, however in reality the options for Mickleton are compromised. The comments from consultees in 25/02213/OUT back this up.

xiv) The primary school is at or near capacity and in planning application 25/02213/OUT the GCC Community Infrastructure Team say that primary pupils will need to travel to schools outside Mickleton.

xv) Using the train station at Honeybourne also needs further investigation. Realistically it is unlikely that residents will cycle there for business travel. Does it even have spare car parking space available?

xvi) The reports state 'The made ground found across the site has been deemed chemically and/or physically unsuitable to remain beneath areas of soft landscaping, provision of a suitable thickness of capping soils may be required. The cover thickness is anticipated to be up to 600mm in private gardens and 300mm in common areas of soft landscaping survey carried out suggests contamination is evident and burying the top soil at depth of 600mm and using extra strength plastic pipes seems to be the solution.' In order to protect and encourage protected species wouldn't it be better to remove the contaminated soil completely.

xvii) Following developments in recent years our population is not far short of Chipping Campden which is a town not village and has plentiful services apart from the post office already mentioned ( surgery, pharmacy, library etc etc ). Mickleton has no such facilities so residents need to travel to get them, again adding to congestion on roads, pollution etc. Public transport, such as it is, does not meet needs now let alone if the population rises with this development. An expansion of around 60% would be a massive change in a relatively small village and endanger its existing character.

xviii) No one takes an holistic approach here. The village is in Gloucestershire but the huge Long Marston development in Warwickshire is just down the road and many of the residents there like us use Chipping Campden for services like the post office etc. The village simply does not have the space , infrastructure or facilities to cope with this development and we urge you to reject it.

xix) The plan itself is quite sympathetic to the area though we question that there is room for 95 houses. It is good that part of the development will sit on brownfield areas, and from that point of view it would be a benefit to the village. However, there are grave questions about the supply of water and electricity to site, as already the area suffers from outages and problems with water supply. Sewage too is a real concern, as this is already causing much difficulty in Willersey and Honeybourne where our sewage already goes to.

xx) There also seem to be concerns about water run-off, and the high water table on the proposed area to be built on. We would suggest extensive study be carried out on this, as failure to understand the ramifications of the build on the water table and run-aways could cause substantial problems for the rest of the village.

xxi) The village's own traffic counts already indicate that the main road through the village is at breaking point, and this situation will only worsen by allow another 200 cars into the local system.

xxii) The village relies on cars to exist. Everyone needs cars to go to the doctor, the dentist, a large supermarket, the cinema and major leisure activities, and this has pit s huge strain on the transport infrastructure. We have buses but these do not run at convenient times with very few journeys to Stratford or Evesham, and no link to our nearest railway station at Honeybourne.

xxiii) We do need additional 'affordable homes' in the village to house our own children, and those who want to come back to the village they were born in. These are shown on the Application, but any approval of the Application must include a cast iron guarantee that these will be built, and that they will be affordable in the true sense of the word.

xxiv) Build the infrastructure first is key to the Village being able to accept large scale additional building. In particular we need a pharmacy and doctor/dentist availability in the village. We need an expanded school to cope with children in any new development. Chipping's secondary school already has a 40 pupil witing list.

xxv) The road problem is the most difficult. It is absurd to make the statement that these 95 new houses will have little effect on it. When you add the vans, lorries and coaches that will come to service this number of houses you are looking at a vehicle every 5 or 6 seconds passing through the village from 6 am to 7 pm. What chance of even crossing the road then.

xxvi) The village has already suffered overdevelopment with an increase in population between 2011 and 2021 of 38%. We do not need any more houses.

xxvii) Recent developments in Mickleton have already increased the population by 30%. This application should be viewed alongside other development applications within the village together with road layouts, power supplies, water, drainage and sewerage which all need to be considered holistically not piecemeal. This is a submission ahead of the proposed increase of 60% housing in CDC' for Mickleton, an unwelcome overdevelopment of our village with no new amenities offered.

xxviii) The application says the local bus service is 'regular and convenient'. Not if you want to go to school, college or work in Stratford. There is no bus between 6.30 a.m. and 9.00a.m. The last buses back to Mickleton from either Stratford or Moreton in Marsh leave both the stations at 6.30.p.m. - no good for a night out, late train parents evening, shift work etc.. The buses, when running, often have 2 and 3 hour gaps between services There is no public transport to our nearest train station at Honeybourne which has a very small car park. Stratford Station and Moreton in Marsh stations are 40 to 45 minutes away by bus.

xxix) Why are three pedestrian links required between the development and Arbour Close/Porter Close? Apart from the existing PRoW, the two new links will involve destruction of established hedgerow - which was highlighted in the Design and Access Statement in Newlands planning application for its Arbour Close/Cotswold Edge development as "The existing network of hedgerows and vegetation form the basis of the green infrastructure network." The link close to Broadway Road will also destroy part of the community orchard established by Newland in its Arbour Close/Cotswold Edge development. It is perverse that the developer is now destroying or harming resources that formed a key part of its earlier development.

xxx) If three pedestrian links are provided, will each have a surface suitable for use by all potential users including pedestrians, wheelchair users, cyclists, pushchairs and horse-riders?

xxxi) There are no plans to include a pedestrian route along the Broadway Rd into the village, just links to public rights of way, which will mean people from this development will drive the short distance to reach the shop, butchers etc. Parking will then become more difficult in the village centre and crossing the road safely in the centre of the village will become more hazardous. There are no safe cycle routes out of the development to the school nor the centre of the village.

xxxii) Mickleton is being disproportionately targeted by developers and the Council because the majority of the village falls outside of the National Landscape. Since the 2016, the village has taken more than its fair share of housing and the proposal is now for a further 500-600 houses which will add more than 50% to the size of the village. Mickleton is a village and over development will ruin the feel of the village and convert it into another featureless "housing estate". No evidence has been provided to suggest that there is a requirement for such an increase level of housing within Mickleton.

xxxiii) A recent survey by residents showed an average of 1 vehicle travelling through the village centre every 7-9 seconds and a number of incidents of dangerous and inconsiderate driving. The road is not suitable for this volume of traffic nor the numerous heavy goods vehicles. Any increase in traffic volumes by any new developments will cause further issues.

xxxiv) The report on 'Building for a Healthy Life' is a lengthy document which makes a number of statements about how good the plans are whilst admitting at every stage that these plans are not in place nor is there any understanding of the actual site and the environment that these 95 houses are being placed.

xxxv) The indicative plan is wasteful of land, having many garages, that are not counted towards parking provision by GCC. In addition the extent of terraces appears limited. The 2 storey part of the development also makes no use of the roof, as floorspace, by incorporating dormers that are a common CDC feature. Using space in the roofs, has the effect of narrowing properties, and increasing density. With the current maximum number of units, the application should be refused, as it does not make efficient use of the land.

xxxvi) The latest pedestrian/cycle route plan shows a cycle route joining the existing footpath. However, it is unclear how this will assist cycle access into the village without using the 'main' road, as the road that the path comes out onto is a dead end road, the only access for cyclists would be via Pound Lane onto the main road. The other paths through the village are pedestrian only, not cycle routes.

xxxvii) Widening the existing path, lighting etc would destroy the nature of the path, disrupting birds/bats/insects etc.

### 8.3 **Main grounds of support are:**

i) *' Taking a holistic view of the level of need, that exists following the December 2024 NPPF, I agree to the principle of residential. Under the existing Local Plan, no residential allocations were included in this Principle Settlement. This is in contrast to around a 25% residential allocation in some Principal Settlements. In some Principal Settlements residential has grown by around 35%. I agree to the Principle of residential. However, with high level of need, Reg 18 nowhere near providing need, in the Preferred Scenario, my objection is effective use of land is not being made The number of units equivalent, should be 35 dph. The latest consultation on the NPPF, further emphasis higher density, making effective use of the land. If the number of units remains, planning permission should be refused, as effective use of land is not being made of the land. That is a valid reason for refusal.'*

### 8.4 **General comments are:**

i) I note that Mickleton is one of the proposed Strategic level growth locations in the current Local Plan Consultation.

ii) If the principle is agreed, only having 95 units would be an inefficient use of the land, in contradiction to the NPPF, which also emphasis the need for higher residential density. That is achievable by appropriate layout on and design.

iii) The existing historical guide of 30 units per Hectare, is no longer appropriate for existing circumstances, where the need for residential within CDC has been doubled.

iv) This site should be developed to a density of 35 units per Hectare, using the CDC net site area for 5.5 Hectares. The number of residential units should therefore be close to 124 units, that being 35 units per Hectare, not what has historically been the case of 30 units per Hectare (net).

v) As only 95 residential units are proposed, even if the principle of residential is considered appropriate,. the as application should be refused, as it would be making inefficient use of the land for residential, as there is the potential for more residential units than only 95.

vi) Limited weight can be afforded to the Cotswold District Council Local Plan Review (Preferred Options, November 2025), which remains subject to consultation and has not yet been tested through examination. While it is acknowledged that part of the application site has previously been identified under the adopted plan as having potential for expansion, and that the emerging plan anticipates further growth in Mickleton, this context heightens rather than diminishes the need for a cautious, plan-led and evidence-based approach to decision-making.

vii) The scale of growth currently proposed for Mickleton through the emerging Local Plan Review - up to 590 additional dwellings, equating to approximately 62% growth and one of the highest proportional increases proposed across the district - raises significant concerns regarding overdevelopment and cumulative impact. These concerns have been set out in detail in separate representations submitted to the Council in relation to the Local Plan Review. While those matters sit outside the determination of this application, they form important background context when assessing whether further development at this stage would be appropriate, sustainable and proportionate.

viii) In this regard, the proposal must be assessed not only on its individual merits, but also in terms of its potential to act as an enabling or gateway development for additional schemes that are either currently in preparation or have already been submitted. Approval of this application could materially alter the planning context by establishing a new development edge, access arrangements and infrastructure assumptions that may subsequently be relied upon to justify further adjoining development. This risk is a material consideration and is directly relevant to NPPF paragraph 15, which seeks to ensure that decisions are genuinely plan-led and that development is not delivered in a piecemeal or uncoordinated manner.

ix) The proximity of the site to existing residential properties, including those immediately adjoining the western edge of the village, further reinforces the need for careful scrutiny of impacts relating to amenity, character and the setting of the settlement. In such circumstances, it is particularly important that any proposal demonstrates, through robust and complete evidence, that impacts have been fully assessed and can be appropriately mitigated. When assessed against the National Planning Policy Framework, a number of fundamental matters remain unresolved.

x) The Local Highway Authority has requested that the application be deferred, identifying deficiencies in the submitted Transport Assessment and

expressing concern regarding pedestrian safety, accessibility and the sustainability of travel modes. In particular, inaccuracies relating to the stated distance to bus stops, the absence of continuous footways along sections of Broadway Road, and the Authority's conclusion that the development would be predominantly car-based indicate that the proposal has not yet demonstrated compliance with NPPF paragraphs 110 and 113, which require safe and suitable access for all users and prioritisation of sustainable transport modes.

xi) Environmental Health has advised that the application is currently unsupported by essential technical evidence, including a site-specific Noise Impact Assessment, an Acoustic Design Statement and a Construction Environmental Management Plan. Given the proximity of the B4632 and nearby commercial activity, and the relationship of the site to existing dwellings, the absence of this information prevents a robust assessment of likely impacts on residential amenity. This is directly relevant to NPPF paragraph 135(f), which seeks to ensure a high standard of amenity for existing and future occupants, and paragraph 187, which requires development to be appropriate for its location.

xii) In addition, Thames Water has confirmed that the existing water supply infrastructure is currently unable to accommodate the proposed development without network reinforcement or an agreed phasing strategy. In the context of the wider growth pressures being promoted for Mickleton, this raises legitimate concerns regarding infrastructure capacity, delivery timing and cumulative impact, which are material considerations under NPPF paragraphs 20 and 188.

xiii) Taken together, the outstanding consultee objections and requests for deferral indicate that the proposal has not yet demonstrated that it would constitute sustainable development as defined by NPPF paragraph 11. While it is acknowledged that, if development is to come forward in Mickleton, this site may represent a comparatively less intrusive option than some alternatives, this consideration carries limited weight when set against unresolved technical matters and the risk of facilitating further unplanned expansion.

xiv) Accordingly, while recognising the emerging policy context and the site's previous identification under the adopted plan, the application appears premature. The implications of approving this development - both in terms of its direct impacts and the precedent it may establish in the context of substantial further growth proposed for Mickleton - should be carefully and thoroughly considered before any planning decision is taken.

xv) If the development is to proceed it is important to implement that the indicated landscaping and preservation of woodland and trees between the existing Cotswold Edge Development and this further development by Newlands Homes as shown on the drawings submitted with application. It provides a physical and visual separation of these urban developments, preserves a local habitat for wildlife in the area and supports the proposed open space provision on the development.

xvi) The making of appropriate tree preservation orders and section 106 financial contribution from the developer would help secure the maintenance of the trees and woodland into the future.

## 8.5 **Weston Sub Edge Parish Council**

*8.5.1 Weston Sub Edge Parish Council wishes to register serious concerns regarding the proposed development of up to 95 dwellings on land north of Tops Nursery. The Parish Council fully supports the objection and detailed response submitted by Mickleton Parish Council, and wishes to add the following additional concerns.*

*8.5.2 We are particularly concerned that a proportion of the traffic generated by this development will inevitably pass through Weston Sub Edge in order to access surrounding villages and the wider road network. The roads within Weston Sub Edge are narrow, rural in character, and primarily serve a farming community. They were not designed to accommodate increased traffic volumes, particularly from additional residential development of this scale.*

*8.5.3 The Parish Council is concerned about the following issues:*

*8.5.4 The increase in traffic volumes and associated noise disturbance;*

*8.5.5 Highway safety, including the absence of continuous or safe footpath provision, forcing pedestrians to share narrow carriageways with vehicles;*

*8.5.6 Environmental impacts arising from increased vehicle movements through the village.*

*8.5.7 The lack of footpaths and safe pedestrian routes is of particular concern. Increased traffic without appropriate pedestrian infrastructure presents a clear risk to residents, walkers, and vulnerable road users, and is inconsistent with the principles of safe and sustainable development*

8.5.8 *In addition, Weston Sub Edge Parish Council shares Mickleton Parish Council's concerns regarding traffic flow within Mickleton itself. Mickleton High Street is narrow, frequently experiences congestion and bottlenecks, and lies within a historic environment. Increased traffic associated with this development would be likely to exacerbate congestion, detract from the character and appearance of the village, and potentially cause harm to historic buildings. It does not appear that these cumulative impacts have been adequately assessed or mitigated as part of the planning process.*

8.5.9 *Furthermore, the Parish Council is very concerned that local infrastructure is already operating at or beyond capacity. Schools, GP surgeries, and dental practices serving the area are under significant pressure, and there is no clear evidence that sufficient capacity exists to support an additional development of this size. The absence of secured infrastructure improvements further undermines the sustainability of the proposal.*

8.5.10 *Taken together, Weston Sub Edge Parish Council considers that the proposed development would result in unacceptable traffic, highway safety, infrastructure, and environmental impacts on both Mickleton and neighbouring villages, including Weston Sub Edge. These impacts further reinforce the conclusion that the development does not constitute sustainable development.'*

## 8.6 **Gloucestershire Wildlife Trust**

5-page letter received, which set out the following recommendations:

### ' Recommendations

8.6.1 *The retained priority woodland should be treated as the organising element of both ecology and GI. Buffers should be widened wherever possible and supplemented with understorey shrubs, woodland edge planting and a clear management regime that keeps rear garden boundaries set back from root protection areas. Given the LNRS mapping and the way this woodland connects to further priority woodland immediately beyond the boundary, its long-term integrity and dark, undisturbed character should be non-negotiable.*

8.6.2 *Retention and enhancement of both orchard areas is strongly recommended. These compartments are likely the single largest drivers of habitat unit loss in the metric and their removal is not justified given the availability of layout options. Retaining them would greatly reduce the need for off-site offsetting and preserve a distinctive piece of local character. If necessary, the scheme should accept a modest reduction in dwelling numbers,*

*likely in the region of eight to ten units, in order to secure the orchards and create a more ecologically robust structure. Where orchard trees are in poor condition, replacement on a like-for-like or enhanced basis as traditional orchard should be required, rather than wholesale clearance.*

*8.6.3 Species-rich grassland creation should be significantly expanded, changing as much proposed amenity grass as possible within public open space into low nutrient meadow with differentiated cutting regimes. This is particularly important around the woodland edges, along SUDS margins and within the larger northern field parcel, where a continuous meadow block could be delivered rather than a series of small fragments. Hedgerows should be designed as the default form of rear and side boundary treatment wherever security and privacy considerations allow, with native species mixes and regular standard trees to create a continuous bat-friendly network*

*8.6.4 A detailed lighting strategy is essential and should be secured by condition. This strategy should follow the bat survey's recommendations by keeping light levels at woodland edges and hedgerows at or below 0.2 lux on the horizontal plane and 0.4 lux on the vertical plane, using warm white, low-intensity LED fittings, well-shielded columns or wall-mounted downlighters and short-duration PIR controls where appropriate. The aim should be to preserve dark corridors around the woodland and across key hedge lines, given the use of these areas by Brown Long-eared and Lesser Horseshoe bats.*

*8.6.5 An outline Construction Environmental Management Plan should be pursued at this stage. This should cover protection of woodland and hedgerow root zones with fenced exclusion areas, timing of vegetation clearance to avoid the bird nesting season, precautionary protocols for amphibians and hedgehog, pollution prevention measures for the SUDS and receiving water environment, and clear procedures for dealing with unexpected ecological issues during works.*

*8.6.6 A long-term Landscape and Ecological Management Plan should then govern the management of woodland, orchards, grassland and hedgerows over a minimum of thirty years. It would be reasonable to require occasional review of bat activity along woodland edges after occupation to ensure that lighting and management assumptions remain valid.*

*8.6.7 Finally, the BNG position needs to be revisited. The starting point should be redesigning the layout and GI so that on-site units approach or exceed the mandatory 10 per cent uplift, rather than assuming off-site offsetting from the outset. Only once on-site opportunities have been exhausted in line with the*

*mitigation hierarchy should off-site solutions be considered, and any such provision should ideally be secured within Gloucestershire so that it supports the county's Local Nature Recovery Strategy.*

*8.6.8 Taking the above together, the current scheme provides a basic GI structure but does not yet deliver an acceptable ecological outcome given the presence of priority woodland within the site and the strong LNRS woodland context. Without significant revision to retain the orchards, widen woodland buffers, expand species-rich grassland and secure robust lighting, CEMP and management mechanisms, it is difficult to conclude that the proposals achieve either meaningful biodiversity net gain or good practice in relation to nature recovery.'*

## **8.7 Cotswolds National Landscape Board**

13-page letter received, which includes the following comments:

*'8.7.1 The application has been informed by a Landscape and Visual Impact Assessment (LVIA, MHP, September 2025). We consider that the scope and methodology is sound, and viewpoint selection is representative and generally agree with its conclusions.*

*8.7.2 In terms of impact upon landscape character, the site lies outside of the CNL designation, and the development would generally accord with the LS&G. As such impacts upon the landscape character of the CNL itself would be indirect and as such we consider that the impact of the proposal would be negligible in landscape character terms.*

*8.7.3 In terms of visual impact, key views from within the CNL are viewpoints 11 and 12. Viewpoint 11 is located on the Heart of England Way, a promoted route. From these viewpoints, views towards the site are filtered by intervening vegetation however the rooftops of the nursery buildings are partially visible in somewhat intermittent views.*

*8.7.4 We agree with the LVIA's assessment that the high sensitivity receptors on these footpaths would experience a low/negligible nature of change in views resulting in a minor adverse effect. The main change would be the minor extension of built form across the northern part of the site, however much of this development would be single storey dwellings as well as landscaped public open space. Enhanced planting through the site would aid in breaking up the impact of any new built form.*

*8.7.5 The CNL, in particular the Escarpment, forms the backdrop to views from several viewpoints, particularly viewpoints 8 to 10 as well as from the right of way running through the site (viewpoints 4 to 7), though it is noted that views, particularly from the latter right of way, are heavily screened and filtered by intervening vegetation, buildings, earth mounds and supply storage stacks. Nonetheless, views to (as well as from) the Escarpment are one of the CNL's identified 'special qualities' as outlined at Section 4 of the CNL Management Plan.*

*8.7.6 We agree with the LVIA's assessment that receptors using the footpath through the site would experience a moderate beneficial effect by completion as views of the machinery and piles of storage material would be replaced by new dwellings with the landscaped setting of the site, attenuation pond and public open space. Views towards the CNL would not be more significantly impacted compared to the current baseline. Whilst the development would appear as a prominent addition in the foreground of views from the footpath to the north where the Escarpment is seen as a backdrop to the view, views of the Escarpment would be retained above the rooflines of the new dwellings. The taller dwellings are generally located in the area currently occupied by buildings with single storey dwellings proposed on the northern part of the site and development being pulled away from the northern boundary and further filtered through proposed planting.*

*8.7.7 Mitigation and enhancement measures are outlined at Section 9 of the LVIA and are generally supported, in particular the retention and enhancement of hedgerow and treed boundaries and new tree planting along the northern boundary and restoration of the northern hedgerow which to an extent reinstates historic field patterns.*

*8.7.8 In addition to the mitigation and enhancement measures proposed by the LVIA, we have further recommendations which should be reflected within any subsequent reserved matters submission, should, without prejudice, the LPA be minded to grant planning permission. These would accord with the Board's Management Plan policies and guidance and, in view of the duty outlined at s.85 of the Countryside and Rights of Way Act 2000 (see Appendix 1 below), would seek to further the conservation and enhancement of the natural beauty of the CNL, including its special qualities to ensure that the duty could be adequately discharged:*

- Materials, in particular roof tiles, should be muted in tone and reflect local building styles and materials to reduce the visual impact of the scheme for receptors located within the CNL.*

- *A Lighting Strategy should be developed and submitted as part of the pursuant reserved matters and/or discharge of condition applications in line with our advice below.*

*8.7.9 On balance, we consider that, if the mitigations and enhancements outlined within the submission are secured and delivered through any reserved matters applications and subsequent discharge of conditions (including a LEMP) and the recommendations outlined above are reflected in the reserved matters scheme, the proposal would conserve and enhance the natural beauty of the CNL and its setting, would generally accord with the Landscape Strategy and Guidelines and would be sensitively located and designed to avoid and minimise adverse impacts on the CNL. Any minor adverse effect on intermittent views from within the CNL would be outweighed by the benefits of the proposal, especially the 40% affordable housing (38 homes) to be provided on site, particularly given the current shortfall in housing within Cotswold District which results in the invocation of the NPPF's 'tilted balance' (paragraph 11d)).*

*8.7.10 As such we consider that it would accord with Policy EN5 of the Cotswold Local Plan, as well as paragraph 189 of the NPPF and policy CE1 of the CNL Management Plan.*

*8.7.11 For avoidance of doubt, along with our recommendations relating to lighting below which could also be addressed through reserved matters submission and a discharge of conditions application, we consider that in the context of this proposal and considering what is proportionate and reasonable in this regard, the proposal would seek to further the purpose of CNL designation in line in terms of the duty at s.85 CRow Act 2000, referred to above and in Appendix 1.*

*8.7.12 Without prejudice, if the LPA is minded to permit this application, it should provide proportionate, reasoned, and documented evidence to demonstrate how it sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the LPA should provide evidence to show why it is not practicable or feasible.'*

## **8.8 CPRE North Cotswolds District Committee**

*8.8.1 'CPRE recognises that the revised housing targets have left the district vulnerable to speculative development on sites that are not supported by appropriate infrastructure and fall outside the scope of the existing local plan.*

### The Site and its Surroundings

8.8.2 We acknowledge that this site (MK13) is identified in the Council's Strategic Housing and Economic Land availability assessment (SHELAA) as a site suitable for development.

8.8.3 The site is described in the applicant's Planning Statement as a 'hybrid of greenfield/brownfield land'. CPRE's national policy is to support a 'brownfield first' strategy as a general principle. However, this would always be subject to robust assessment of individual sites at local level. We note for example, the detailed report from the Biodiversity Officer and agree that a full review of the proposals for securing Biodiversity Net Gain should be undertaken.

8.8.4 The site is adjacent to the boundary of the Cotswolds National Landscape and within its setting. We see that the Cotswolds National Landscape Board does not object to this application, subject to certain recommendations, including a Landscape and Ecology Management Plan (LEMP).

8.8.5 That said, CPRE shares the concerns of the parish council, local residents and other consultees relating to lack of infrastructure and over-development.

### Provision of Infrastructure

8.8.6 We are aware that 'Infrastructure First' is a prominent ambition of Cotswold District Council. Development that is not plan-led is less likely to benefit from long-term infrastructure planning and is unlikely to provide infrastructure benefits. Local services, such as hospitals, doctors, schools, transport infrastructure and sewage treatment works would therefore be likely to be further stretched due to the lack of planned investment and new facilities. The application site is poorly served by public transport and local services, which will lead to a high dependency on private cars. There are no realistic opportunities for sustainable travel such as walking, cycling or public transport to nearby towns such as Chipping Campden or Stratford-upon-Avon. Mickleton does not have a medical practice, a pharmacy, a dentist or a post office. The nearest medical facilities are 3 miles away at Lower Quinton and Chipping Campden and these are already at capacity. The village primary school is at capacity with no room to expand and the secondary school at Chipping Campden is over-subscribed. We also note the request from Severn Trent that a Holding Objection is imposed on this planning application as the proposed development may have a detrimental impact on the surrounding Network and Treatment Works, with the potential to cause flooding or pollution.

### Employment Opportunities

*8.8.7 There are very limited employment opportunities in Mickleton and the number of local businesses has, in fact, declined. The nearest centres of employment are at Evesham and Stratford-upon-Avon , which are only easily accessible by car. CPRE would argue that the proposed development is not likely to support growth, innovation and improve productivity, which are the key requirements of sustainable development (National Planning Policy Framework para 8).*

### Conclusion

*8.8.8 It is important to emphasise that Mickleton is a rural village and, since 2011, has seen considerable development, increasing the population by some 38%. The cumulative effect of this recent development on the infrastructure of Mickleton has already had an adverse impact upon the village.*

*8.8.9 We would ask the council to carefully consider this development in the light of other applications within the village and together with the active consultation for significant expansion of the existing developments at Meon Vale and Long Marston.*

*8.8.10 We are particularly concerned about the potential cumulative impact on the village of application 25/04010/OUT, Outline planning application for the demolition of buildings and erection of up to 170 new dwellings, which would be adjacent to and wrap around this development.'*

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

- Arboricultural Implications Assessment and Arboricultural Method Statement
- Archaeological Desk-Based Assessment
- Dormouse Survey
- Biodiversity Net Gain Design Stage Report
- Biodiversity Metric Calculations
- Landscape and Visual Impact Assessment
- Dusk Emergence Surveys
- Design and Access Statement
- Desk Study and Ground Investigation Report
- Energy Statement
- Preliminary Ecological Appraisal

- Planning Statement
- Waste Management Plan
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment
- Reptile Survey
- Building for a Healthy Life Pre-Assessment

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

### **Proposed Development**

- 10.1 This application seeks Outline planning permission for the erection of up to 95 dwellings and associated works. Details relating to Access form part of this application. However, other details relating to Scale, Appearance, Layout and Landscaping are stated on the planning application form as being reserved for later approval should Outline permission be granted for this application. This application therefore seeks to establish the principle of development on the site rather than to obtain detailed planning approval for matters such as design or layout.
- 10.2 The submitted details include an illustrative layout plan which indicates that the proposed housing would extend around the north-western, north-eastern and south-western sides of an existing garden centre business and onto an agricultural field which is located to its north-west. As part of the proposal, it is proposed to remove a number of horticultural glasshouses lying to the north-west of the garden centre's retail area. New housing is proposed on the site of the buildings proposed for removal, as well as on storage areas, areas of grassland, scrub and on areas occupied by orchard trees. The housing proposed on the field to the north-west of the garden centre would extend beyond a woodland/line of trees that currently separate the field from the garden centre site. The existing field is set to grass.
- 10.3 Vehicular access to the proposed development would be via a new entrance located in the south-eastern boundary of the application site. It would open onto the B4632 Broadway Road. It would be located approximately 90m to the north-east of the main entrance into the existing garden centre. Pedestrian access is also proposed along the route of an existing Public Right of Way (HMN12) which runs in a south-west to north-east direction through the centre of the site. The existing route connects into an existing housing development located adjacent to the north-eastern boundary of the application site. A cycle path is also proposed to the south of the Public Right of Way. It would also extend into the existing housing development to the north-east of the

application site. The submitted illustrative layout plan also shows the creation of a potential pedestrian/cycle connection into Hamilton Close to the north-east.

**(a) Residential Development Outside a Principal or 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 planning application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.5 In addition to the above, it is noted that policies in the current National Planning Policy Framework (NPPF) (December 2024) represent a significant material consideration when assessing this application. It is also noted that the Government published a new draft version of the National Planning Policy Framework (NPPF) for consultation on the 16th December 2025. The consultation period for the aforementioned document expires on the 10th March 2026 and it is anticipated that a final version of the new NPPF will be released in Summer 2026. Whilst the draft NPPF is a consultation document, it is considered that the proposed policies within it are a material consideration and must be given a degree of weight at the present time. The relevant draft policies will be referred to in this report in addition to those policies in the existing NPPF.

10.6 The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031. It is also located outside a Non-Principal Settlement for the purposes of the aforementioned plan. The erection of new-build open market housing on the site is therefore covered by the following policy:

10.7 Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements

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

10.8 The supporting text to Policy DS4 also states *'6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal*

*Settlements is referred to as countryside, even if it is technically previously developed land.'*

- 10.9 The current scheme would result in the erection of new build open market housing outside a development boundary and is therefore contrary to the above policy.
- 10.10 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) and guidance in the Planning Practice Guidance (PPG) when reaching a decision. The NPPF and the PPG represent significant material considerations. In particular, it is noted that the December 2024 update of the NPPF, in combination with the updated PPG on Housing and Economic Needs Assessment, introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF and PPG, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8 year supply.
- 10.11 Prior to December 2024, the Council's 5 year supply was measured against the residual Local Plan housing requirement, which was 265 homes per year (based on the Housing Land Supply Report August 2023). However, the new standard method means that the Council's 5 year supply must now be measured against the standard methodology calculation of the number of homes needed in the district, which increased in December 2024 from 504 to 1036 homes per annum. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

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

*For decision-taking this means:*

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

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

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

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

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

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

10.14 With regard to the consultation draft NPPF and new housing outside settlements, it is noted that the aforementioned document replaces the criteria set out in paragraph 11 with a new policy which sets out the type of development that is acceptable outside settlements. In instances when a Council cannot demonstrate a 5 year supply of deliverable housing site, draft Policy S5 states:

## 10.15 S5: Principle of development outside settlements

*'1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*

*j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test<sup>28</sup>), and where the development would:*

*i. be well related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*

*ii. comprise major development for storage and distribution purposes which accords with policy E3.*

*2. In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. '*

10.16 In the case of applications such as the one now submitted, it is evident that the draft policy states that, where there is a shortfall in housing land supply, such applications should be well related to an existing settlement and be of a scale which can be accommodated taking into account the availability of existing or proposed infrastructure. Paragraph 1 of Policy S5 states that such applications should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed the national decision-making policies in the draft NPPF. These aspects of the proposal will be addressed in the following sections of this report.

### **Strategic Housing and Economic Land Availability Assessment**

10.17 An assessment of the application site was undertaken as part of the Council's Strategic Housing and Economic Land Availability Assessment (2021) (SHELAA).

The site assessment looked at the site in conjunction with other land lying to the north and north-east of current application site. The application site was given reference MK13. The SHELAA states: *'The wider site comprises four separate SHELAA site submissions, which have been amalgamated together to consider whether any development in this location would be suitable.'* and *'MK12, MK13, MK18 and MK20 have been assessed together to consider whether any strategic benefits could be gained by allocating one or more of the sites or whether any parts of the sites, which might otherwise be unsuitable for housing or commercial development, could deliver other elements of a scheme.'*

10.18 With regard to site MK13, the SHELAA states:

*10.18.1 'MK13: MK13 contains a plant nursery / garden centre (Tops Plants Nursery) in the central-southern part of the site. This garden centre accommodates several small businesses, including a café (Decades Tearoom) and a hair salon. The plant nursery also has several large greenhouses. A Public Right of Way (Mickleton Footpath 12) cuts east to west through the centre of the site. Adjacent to this public footpath is the storage area for the plant nursery, which is a visual detractor when passing through the site along the footpath. This area also contains a large telephone mast. The south-west of the site contains a small orchard and a grassed area. This is segregated from the agricultural land to the west by a conifer hedge. The south-eastern part of the site contains a bungalow (Sunnybrook), which is set back from Broadway Road by a large grassed area. This plot is segregated from the plant nursery by an outgrown hedgerow. Access is provided to Broadway Road via a track running along the eastern boundary of the site. The northern part of MK13 is a field in agricultural use. This is segregated from the plant nursery to the south by a dense overgrown hedgerow. There is also a copse of semi-mature trees located in the eastern part of the site, to the north of the public right of way. This field has been subdivided into three by post and rail fencing. The south-eastern and south-western boundaries of MK13 have an irregular shape, as these boundaries exclude several houses that have been built or have extant planning permission. The site is surrounded by arable farmland to the west; a large dwelling in extensive grounds to the north-west; pastoral farmland to the north; the recently completed 70 dwelling Cotswold Edge development to the east, which has a landscape buffer between the site and this development; and Broadway Road (B4632) to the south with agricultural land beyond.'*

#### Summary

*10.18.2 MK13: even more so than MK12, this site has also gained a fragmented character. The subdivisions and various developments have created a*

*patchwork of land uses which bear little resemblance to the two fields which once resided here. A substantial part of the site has a developed feel already or has been degraded by the storage of materials and waste. The northern part of the site, which is still an agricultural field, is more sensitive to development than the other parts of the site, namely due to the impact on the wider landscape. The southern part of the site, however, is reasonably well screened and already has residential development along most of the southern and western boundaries. The most significant constraint appears to be how the site can be developed whilst ensuring the plant nursery / garden centre business can remain viable. If this can be achieved, the development of this site may be a suitable candidate for allocation in the Local Plan.'*

#### 'Recommendation

*10.18.3 MK12, MK13 and MK18 are candidates for further consideration for allocation within the Local Plan. The allocation and masterplanning of these sites together would be more preferential than the sites coming forward individually. MK20 is unsuitable for housing development.*

#### Indicative capacity

*10.18.4 MK13: the density multiplier assumption indicates a capacity of 121 homes. However, the site is constrained by its shape and because of the proposal to retain and expand the plant nursery. A more cautious estimate of 100 homes is reasonable.'*

#### *'Summary*

*10.18.5 The development of any one of these sites would be a significant extension to Mickleton. However, it is logical and sound to consider them collectively, rather than seeing incremental and piecemeal development. In so doing, it will be possible to secure wider benefits and plan infrastructure and green infrastructure more strategically.'*

- 10.19 The SHELAA assesses the current application site in combination with adjoining land and considers the respective sites in a strategic manner rather than as standalone entities. The site numbers in the SHELAA are based on a strategic planned growth of the settlement which would also include infrastructure improvements and a holistic approach to the growth of the settlement.
- 10.20 The current proposal would not bring about improvements to existing infrastructure or services in the village. In this respect, the ad-hoc nature of the application weighs against the proposal. However, it is also noted that this

Council is currently in the process of producing a new Local Plan which would cover the period from 2025-2043. As part of this process, the Council issued a document titled ' Local Plan Review Preferred Options Consultation' in November 2025. The aforementioned document sought public feedback on 7 potential spatial strategies, each of which is aimed at addressing the Council's requirement to deliver 18,650 new dwellings in the new Local Plan period. Paragraph 2.15 of the Preferred Options Consultation states that '*the Council's preferred development is Scenario 5, as it builds on the current adopted strategy which has successfully delivered the development needs of the adopted Local Plan period until the introduction of the new housing target in December 2024.*' Scenario 5 could potentially deliver 14,660 homes which would be more than the other scenarios. It would involve the allocation of sites in Principal Settlements, Non-Principal Settlements and Village Clusters and would support Rural Exception Sites in Rural Settlements and the creation of a new settlement(s) and/or strategic extensions to existing settlements.

- 10.21 The Council is likely to submit its draft Local Plan for consultation (Regulation 19) in August 2026. The next step would then be an Examination in Public where an independent Inspector appointed by the Planning Inspectorate would assess the soundness and legal compliance of the Plan. The Inspector would also consider representations made in response to the Regulation 19 consultation. If the Plan is found to be sound it would then become the adopted Development Plan for the District.
- 10.22 The village of Mickleton is identified as a Principal Settlement in both the current Local Plan and the Preferred Options Consultation paper. Table 2 of the latter document sets out that Mickleton could deliver approximately 439 additional dwellings in the period up to 2043. Mickleton has therefore been identified as a location that could potentially accommodate larger scale residential growth in the new Local Plan period. It is noted that the village is less constrained in heritage and landscape terms than most other settlements in the District. In addition, land is available for development around the settlement which means that housing could reasonably be delivered to address the Council's current and future housing needs. These matters are considered to constitute a significant material consideration when assessing this application.
- 10.23 With regard to the delivery of 95 dwellings on this site, it is of note that Mickleton has been subject to a significant level of new housing development in the current Local Plan period. The Council's 'Cotswold District Housing Land Supply Report - May 2025' states that 264 dwellings have been built in the village in the period dating from the 1st April 2011 to the 31st March 2024. In addition, as of the 1st April 2024 extant permissions totalled 2 dwellings. This

equates to a total of 266 dwellings. The aforementioned figure is noticeably higher than other similar and larger sized settlements in the District such as Andoversford - 74 dwellings, Blockley - 59 dwellings, Chipping Campden - 185 dwellings, Kemble - 80 dwellings, Lechlade - 117 dwellings or Willersey - 97 dwellings. The village has therefore been subject to development pressure in the current Local Plan period, with the population rising to 2,214 in 2021. The village's population is therefore approaching that of traditionally larger settlements such as Chipping Campden which had a population of 2,379 in 2021 (Cotswold District Role and Settlement Function Study - November 2025). In addition, the growth of the village in residential terms has not been accompanied by any corresponding growth in employment, health or social infrastructure.

- 10.24 In addition to this application, it is of note that this Council has received a number of other applications for residential development adjacent to the village of Mickleton in the last 12 months. The applications include:

25/01621/OUT Outline application for up to 120 dwellings with all matters reserved with the exception of access. Land North East Of Mickleton. Withdrawn September 2025

25/02213/OUT Outline planning application for the erection of 60 dwellings with means of access. Foxwold House, Land South-west Of Broad Marston Lane. Decision pending

25/04010/OUT Outline planning application for the demolition of buildings and erection of up to 170 new dwellings, public open space, landscaping, sustainable drainage system (SuDS) and creation of associated vehicular access point to Broadway Road and other associated infrastructure. (Some matters reserved). Land North Of Broadway Road. Decision pending

- 10.25 It is evident that the village is coming under significant development pressure at the current time.

- 10.26 The existing village contains a primary school, church, village hall, 2 public houses, butchers, convenience store, garden centre and hotel. It offers bus services to Stratford-upon-Avon and Chipping Campden/Moreton-in-Marsh It does not provide a GP surgery, secondary school, leisure centre, employment estate. It is of note that a post office, GP surgery and community building (Joseph Webb Hall) have closed in the current Local Plan period.

- 10.27 With regard to the proximity of the application site to existing services and facilities, it is noted that the eastern boundary of the application site is located approximately 450m from the village's primary school and approximately 750m from the convenience store. Other services/facilities such as the butchers, public houses and village hall are within the latter distance. The routes to the aforementioned facilities are relatively flat and include pedestrian footways. Bus stops on the village's High Street could be accessed via the pedestrian footpath route proposed in the north-eastern boundary of the application site. They are located approximately 500m from the site boundary. Paragraph 4.4.1 of Manual for Streets (MfS) states that walkable neighbourhoods are typically characterised as having a range of facilities within a 10-minute walking distance (c.800m). It is noted that MfS also states that this is not an upper limit, and that walking offers the greatest potential to replace short car trips, particularly those under 2km. In the context of the aforementioned guidance, it is considered that the site can provide reasonable pedestrian and cycle access to the school and other services/facilities within the village.
- 10.28 With regard to the attractiveness and safety of the available routes, it is noted that the north-eastern route to the village centre avoids main roads and passes through residential areas. It is also relatively flat and is illuminated. It is considered that the application site provides good connectivity to existing services and facilities for pedestrians and cyclists and does offer alternatives to the use of the private motor car in this respect. Whilst it is noted that future residents would likely be dependent on the use of the private motor car to undertake trips relating to retail, healthcare and leisure, the rural nature of the District means that the availability of all such services within a single settlement within the District is very limited. As a consequence, it is necessary to offer a degree of flexibility in relation to sites such as this, which can offer good accessibility to existing services and facilities in the settlement, whilst also being within relatively close proximity to other settlements, such as Chipping Campden or Stratford-upon-Avon, which can offer a range of other services and facilities. In addition, future residents would have reasonable access to bus services to locations such as Stratford-upon-Avon, Cheltenham and Chipping Campden. It is considered that there would be a reasonable range of transport modes on offer for future residents of the development in accordance with the requirements of paragraph 110 of the NPPF which states that *'..... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'*. It is

also considered that Paragraph 83 of the NPPF is of relevance to this proposal 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.'*

10.29 The concerns of objectors regarding the amount of development now proposed, together with recent developments in the village and the limited infrastructure and services available in the settlement are noted. This is a concern that has been recognised previously by Officers when considering a proposal for 120 dwellings on land to the north-east of Mickleton in 2025 (25/01621/OUT). The aforementioned application was recommended for refusal and subsequently withdrawn by the applicant in September 2025. However, the aforementioned recommendation was made prior to the publication of the Preferred Options Consultation paper and its recommendation that Mickleton could accommodate over 400 additional dwellings in the new Local Plan period. It is therefore necessary to re-evaluate the level of growth that could reasonably be accommodated by the village and give weight to the direction of travel set out in the emerging Local Plan. In light of the accessibility of this site to existing services and facilities in the settlement, combined with the introduction of development on a site that has already been subject to development and the relatively modest level of development when assessed against the potential future growth identified in the emerging Local Plan, it is considered that it would not be possible to sustain an objection to this application on the grounds that it would represent an over-development of the village. In addition, the development of this site would not prejudice the potential release of other land to the north of the settlement for development. It would not therefore conflict with the aspirations of the emerging Local Plan or draft NPPF Policy S5 in this respect. In addition, the proposal is considered not to conflict with draft NPPF Policy TR3 which states that *'development proposals which could generate a significant amount of movement, in the context of the area within which they could be situated, should be in locations that are, or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes for residents and users, unless the nature of the use makes this impractical.'* Furthermore, draft Policy CC2 states that development should *'be located where a genuine choice of sustainable transport modes exists, and improve opportunities for walking, wheeling, cycling and public transport.'* and *'support good access to facilities to limit the need to travel, whether through the development's location, through development densities which improve*

*catchment populations for local services, or by incorporating community facilities and premises that support local employment opportunities.'*

10.30 In light of the information that is being released as part of the emerging Local Plan process and the potential future growth planned for the village, it is considered that the adverse impacts of the proposal on the settlement, its services and infrastructure and its rural character would not significantly and demonstrably outweigh the benefits arising from the delivery of additional housing, including affordable housing. This application is therefore considered not to conflict with paragraph 11 of the NPPF in these respects.

**(b) Housing Mix and Affordable Housing**

10.31 The following Local Plan policies are considered relevant to this application in terms of affordable housing, self-build/custom build housing and housing mix.

10.32 Policy H1 Housing Mix and Tenure to Meet Local Needs

1. *All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.*

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

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

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

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

### 10.33 Policy H2 Affordable Housing

1. *All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.*
2. *In settlements in rural areas , as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.*
3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*
  - i. *Up to 30% of new dwellings gross on brownfield sites; and*
  - ii. *Up to 40% of new dwellings gross on all other sites.*
4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.*
5. *The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.*
6. *Where viability is questioned or a commuted sum is considered, an open book assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.*

10.34 The application site occupies an area of agricultural land, as well as land used for horticultural purposes. S336 of the Town and Country Planning Act 1990 states that the definition of agriculture includes horticultural uses. S55 of the aforementioned Act also states that the use of any land for the purposes of

agriculture *'shall not be taken for the purposes of this Act to involve development of the land.'* In addition, Annex 2 of the NPPF excludes land which was last occupied by agricultural buildings from the definition of previously developed land. It is therefore considered that the site does not constitute previously developed land.

- 10.35 With regard to affordable housing, the proposed development seeks to provide 40% affordable housing (38 units) in accordance with the requirements of Local Plan Policy H2. The Council's Housing Officer states:

*' The details of tenure, number of bedrooms and size of units should be included in the negotiated S106 agreement; were the application in its current form be approved then an indicative mix would look like.*

*40% affordable housing of 95 dwellings = 38, and of these;*

*15 x social rent, 12 x affordable rent and 11 x affordable sale such as shared ownership or first homes.'*

- 10.36 It is considered that the scheme can deliver an acceptable level and mix of affordable housing in accordance with Policy H2, subject to the completion of a S106 legal agreement.

- 10.37 With regard to self-build/custom build housing, the delivery of 95 dwellings would require the provision of 5 serviced plots in accordance with the 5% requirement set out in Policy H1. This would be finalised as part of the S106 legal agreement process.

- 10.38 With regard to housing mix, it is considered necessary to ensure that a mechanism is put in place to secure an appropriate mix of affordable and market dwellings, as required by Local Plan Policy H1. It would not be possible to control the mix of the open market housing at the reserved matters stage, which is limited to matters relating to scale, layout, appearance, access and landscaping. The provision of larger, more expensive dwellings for open market sale can increase average house prices across the District, which can then increase the Council's housing needs and its housing affordability issues, both in the affordable and open market sectors. A higher average house price can mean that more persons fall into housing need. In contrast, the provision of smaller 1, 2 and 3 bed open market dwellings can more reasonably address such an issue. Figures from the Office for National Statistics indicate that the ratio between median house prices and median gross annual earnings in Cotswold District in 2024 (based on a 5 year average) was 14.64 times. In

comparison, the difference was 5.63 times in 1997. The provision of a high percentage of 4 and 5 bed dwellings simply adds to the price differential and does little to address the Council's issues relating to house price affordability.

- 10.39 The Council's Local Plan Partial Update Issues and Options Consultation document states that *'Building more and more houses to reduce house prices (or "Build, Build, Build", as Boris Johnson puts it) does not work, particularly in Cotswold District. There is much evidence to support this. Cotswold District has delivered significantly more housing than has been required in recent years, yet housing affordability has continued to worsen.'* With regard to potential future Local Plan policy, it goes on to state that *'smaller homes are generally more affordable, so a policy requirement could be introduced for a higher proportion of 1, 2 and 3 bedroom market houses, and fewer 4 and 5 bedroom houses.'* It is noted that Table A2.19 of the Gloucestershire Strategic Housing Market Assessment Update Final March 2014 states that 80% of new market accommodation required in Cotswold District in the period up to 2031 would be 1, 2 and 3 bed units, with just 20% being 4 bed dwellings and above. The latest Office for National Statistics (ONS) figures issued at the end of October 2025 project that the number of one-person and multiple adult households without dependent children would rise from 71.7% to 76.4% of all households by 2032, and that average household sizes would drop from 2.54 to 2.24 in the same period. There is therefore a growing need for smaller units. In order to ensure that an appropriate mix of open market housing is provided, it is considered that the matter is addressed by condition which would require 80% of the proposed dwellings to be 1, 2 or 3 bed units. Subject to this requirement it is considered that the proposal would accord with Local Plan Policy H1.

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

- 10.40 The application site occupies an existing garden centre site, an area of woodland and agricultural land. The site is not subject to any specific landscape designations. However, the northern boundary of the Cotswolds National Landscape (CNL)(formerly known as the Cotswolds Area of Outstanding Natural Beauty) runs along the south-eastern edge of the B4632 Broadway Road, which in turn, runs adjacent to the south-eastern edge of the application site.
- 10.41 Whilst the site is located outside the CNL, it is located in close proximity to it. Development within the site could therefore have implications for the setting of the designated landscape. The Council, in performing or exercising any functions in relation to, or so as to affect, the CNL *'must seek to further the purpose of conserving and enhancing the natural beauty of the area of*

*outstanding natural beauty.'* (S85(A1) of the Countryside and Rights of Way Act 2000).

10.42 The following policies and guidance are considered applicable to this proposal:

10.43 Policy EN1 Built, Natural and Historic Environment

*New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*

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

10.44 Policy EN2 Design of the Built and Natural Environment

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

10.45 Policy EN4 The Wider Natural and Historic Landscape

*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.*

10.46 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB)

*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.*

10.47 Policy INF7: Green Infrastructure

*1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.*

*2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*

*3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.48 In terms of national guidance, the following paragraphs from the NPPF are considered relevant to the proposal:

10.49 Paragraph 135 of the NPPF states that decisions should ensure developments:

a) *'Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.'*

d) *'are sympathetic to local character and history, including the surrounding built environment and landscape setting.. '*

10.50 Paragraph 187 of the NPPF states that planning policies and decision 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'*.

10.51 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.'*

- 10.52 On the basis that the site is not located within the Cotswolds National Landscape nor a Special Landscape Area, it is considered that the site does not constitute a valued landscape for the purposes of paragraph 187. Notwithstanding this, paragraph 187 b of the NPPF states that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. The current site is seen in context with the agricultural landscape lying to the north, south and west of the settlement. The field to the north is considered to contribute positively to the rural setting of the village.
- 10.53 It is noted that an initial landscape appraisal of the site was undertaken as part of the SHELAA assessment of site MK13. It states:

*'10.53.1 MK13: MK13 contains a plant nursery / garden centre (Tops Plants Nursery) in the central-southern part of the site. This garden centre accommodates several small businesses, including a café (Decades Tearoom) and a hair salon. The plant nursery also has several large greenhouses. A Public Right of Way (Mickleton Footpath 12) cuts 13 east to west through the centre of the site. Adjacent to this public footpath is the storage area for the plant nursery, which is a visual detractor when passing through the site along the footpath. This area also contains a large telephone mast.*

*10.53.2 The south-west of the site contains a small orchard and a grassed area. This is segregated from the agricultural land to the west by a conifer hedge.*

*10.53.3 The south-eastern part of the site contains a bungalow (Sunnybrook), which is set back from Broadway Road by a large grassed area. This plot is segregated from the plant nursery by an outgrown hedgerow. Access is provided to Broadway Road via a track running along the eastern boundary of the site.*

*10.53.4 The northern part of MK13 is a field in agricultural use. This is segregated from the plant nursery to the south by a dense overgrown hedgerow. There is also a copse of semi-mature trees located in the eastern part of the site, to the north of the public right of way. This field has been subdivided into three by post and rail fencing.*

*10.53.5 The south-eastern and south-western boundaries of MK13 have an irregular shape, as these boundaries exclude several houses that have been built or have extant planning permission.*

*10.53.6 The site is surrounded by arable farmland to the west; a large dwelling in extensive grounds to the north-west; pastoral farmland to the north; the recently completed 70 dwelling Cotswold Edge development to the east, which has a landscape buffer between the site and this development; and Broadway Road (B4632) to the south with agricultural land beyond*

*Landscape sensitivity:*

*10.53.7 MK13 evaluation: Low/Medium The parcel's landscape sensitivity to development is derived from its combination of rural and developed character and its location on the edge of the settlement. Over half of the parcel is developed and used as a plant nursery. The north of the parcel has an agricultural character that links it with the wider rural context. The adjacent settlement edge is present to the east and has an influence on the parcel. Due to development and activity within and adjacent to the parcel residential development is unlikely to appear as an incongruent addition to the local landscape. The boundaries are considered to be relatively weak. Development of the parcel would provide an opportunity to deliver robust Green Infrastructure features that also soften the transition between the settlement and wider landscape. The footpath that crosses the parcel would need to be accommodated within any proposal and could represent an attractive feature that promotes activity and connectivity with the wider landscape. The parcel should be considered within a wider strategy for the area so as not to provide inappropriate boundary features.'*

10.54 This application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which states the following:

*10.54.1 'It is recognised there is a contrast in character between the southern (largely developed parcel) and the northern parcel of land. The northern parcel is situated on the settlement edge, conforms to the existing pattern of settlement and has a degree of containment with opportunities for landscape restoration resulting in an overall minor moderate adverse impact for the northern parcel before mitigation, and an overall negligible/ slight beneficial impact for the southern parcel.'*

*'10.54.2 Residents of the adjoining properties are assessed to experience moderate adverse effects before mitigation, but this change will be experienced in the context of existing built form present on site and residential dwellings surrounding. Users of the nursery are assessed to experience minor adverse views.*

*10.54.3 Views experienced by users of the footpath running through the site are assessed to be moderately beneficial due to many detracting elements present on site and the opportunity to improve the setting of the footpath and introduce locally characteristic details.*

*10.54.4 5 Users of the footpath to the immediate north of the site are assessed to experience substantial adverse effects for a short section of footpath due to the introduction of development where currently little is seen and views afforded over the study site towards the National Landscape. Proposals will retain high level views over the development towards Baker's Hill. Effects will be experienced for a short section of footpath to the immediate north of the site and there are notable opportunities for mitigation and enhancement. Overall, the level of harm assessed to local and longer distance views from the development proposals is identified to be moderate/minor during both operation and construction and not pass the threshold of significant harm.'*

*10.54.5 'In summary, the development is likely to result in minor adverse-negligible landscape impacts and minor adverse visual impacts before mitigation. Once mitigation measures have established the overall residual landscape and visual effects are assessed to be negligible. The level of harm assessed to landscape and visual receptors falls below the threshold of significant harm.'*

10.55 In response, Officers consider that the application site is comprised of 2 distinct elements. The southern and central parts of the site form part an existing garden centre and its associated land/buildings. The northern part of the site consists of an agricultural field which is separated from the main body of the garden centre site by a woodland/line of trees. As a consequence, the field appears distinct in visual and landscape terms from the garden centre development to its south.

10.56 In terms of public views, the principal views of the site are from the B4632 to the south-east, Public Right of Way HMN12 which runs in a roughly east-west direction through the centre of the site, and from Public Right of Way HMN10 which runs around the eastern and northern edges of a field which borders the northern boundary of the application site. The aforementioned Public Right of Way is located approximately 130m from the application site where it runs along the northern edge of the respective field.

10.57 With regard to views from the B4632, it is evident that the existing garden centre, car park and associated buildings (including dwellings) are readily visible from the highway. However, it is also noted that the application site includes

green areas lying to either side of the garden centre, which are also visible from the B4632. At present, the green areas provide a landscape buffer between the garden centre and existing housing developments to the north-east, and between the garden centre and the open countryside to its south-west. As a consequence, the garden centre site appears distinct from the built area of the village to the north-east. It also acts as a transitional area between the main part of the settlement and the open countryside. With regard to the illustrative layout submitted with this application, it is noted that the applicant includes housing on parts of the existing green space. As a consequence, the green buffers that currently exist between the garden centre and existing village development/adjacent countryside could potentially be lost. In this respect, the proposal would result in the introduction of a notable increase in the presence of built development when viewed from the B4632. However, it is also noted that the final layout of the development would be established at the Reserved Matters stage should Outline permission be granted for this scheme. The applicant would need to demonstrate that the scheme provides adequate levels of green infrastructure in accordance with the requirements of Local Plan Policy INF7 as part of the Reserved Matters process. In this respect, it is considered that the site is of sufficient size to provide some flexibility in terms of the size, layout and arrangement of dwellings. It is therefore considered that a scheme could be devised which would limit the built presence of development alongside the B4632.

- 10.58 With regard to views of the site from the Public Right of Way that extends through the centre of the site, it is noted that the existing route passes alongside existing glasshouses, outdoor storage areas, a mobile phone mast and garden centre related infrastructure. The removal of the aforementioned buildings and storage areas would potentially open up the route. With suitable landscaping, it could represent a betterment for users of the Public Right of Way when compared to the existing arrangement. At present, the existing route through the garden centre provides little visual connectivity with the nearby countryside. It is therefore considered that the proposed development would be unlikely to cause adverse landscape or visual effects when experienced from the aforementioned Public Right of Way.
- 10.59 In contrast to the views experienced from the central Public Right of Way, views from the Public Right Of Way which runs alongside the field to the north of the application site are considered to be far more sensitive. The respective route offers extensive views southwards to the application site as well as to the east and west. The northern part of the application site has the character and appearance of an agricultural field and appears visually distinct from the developed land to its south. Moreover, contrary to the comments made in the

SHELAA report, the northern part of the site is not seen in context with any existing village development when viewed from the Public Right of Way to the north. Existing belts of trees to the south and east screen existing development with the result that the erection of any residential development on the northern part of the site would result in a very clear extension of built development into the open countryside. The northern part of the development therefore has the potential to appear as a standalone entity that would be visually distinct from existing housing in the settlement.

- 10.60 The Council has engaged a Landscape Consultant to assess the proposed scheme. The Consultant has advised the following in response to the illustrative plan initially submitted by the applicant:

*'Landscape Character*

*10.60.1 The site lies within the Mickleton Vale Fringe landscape character area, which forms part of the wider Unwooded Vale landscape associated with the northern Cotswolds. This landscape is defined by gently undulating agricultural land, a mixture of arable and pastoral fields, intermittent hedgerows and hedgerow trees, and compact nucleated settlements that sit as clear and contained forms within their rural setting. Openness, farmland continuity and the clarity of settlement edges are central characteristics of this landscape, contributing to a strong sense of rural coherence and tranquillity.*

*10.60.2 Within this broader context the application site exhibits two markedly different character conditions. The southern and central parcels contain the former horticultural complex, with glasshouses, storage areas and hardstanding creating a more developed and visually cluttered environment. Although these elements diverge from the traditional agricultural baseline of the Vale Fringe, they are partially contained by surrounding vegetation, offering scope for enhancement through redevelopment.*

*10.60.3 The northern parcel, by contrast, presents an open agricultural field with a simple structure defined by hedgerows and small tree groups. It aligns closely with the defining characteristics of the Mickleton Vale Fringe and contributes directly to the perception of rural openness and the established separation between Mickleton and the wider countryside. Its form, land use and continuity with surrounding farmland give it a higher sensitivity to change than the developed parcels to the south. This distinction is central to understanding the likely scale of landscape effects.*

*10.60.4 The LVIA considers the effects during Construction and Operation (Completion) and Residual (Mitigation proposals established and matured). The assessment is made on the various landscape character areas, as well as a site-based assessment of the site and immediate surroundings.*

*10.60.5 Several of the landscape receptors would experience direct and permanent change. This is particularly evident within the northern parcel where development will occupy much of the existing landscape, replacing open fields with built form and associated infrastructure. Although the LVIA concludes that landscape effects on the Mickleton Vale Fringe is negligible because of the scale of development in comparison to the scale of the landscape character areas, this approach does not reflect recent guidance.*

*10.60.6 As set out in LITGN-2024-01-GLVIA3-N&C paragraph 3( 3 ): "When taking account of geographic extent and duration, care should be taken to ensure that the resulting magnitude of effect judgement is not understated. The focus should be on what would be affected and where, not restricted to the proportion of a landscape character area or designated area affected."*

*10.60.7 In this case, the degree of change from open arable fields to a built extension, combined with the alteration to settlement setting, represents a higher magnitude of change than currently stated. On this basis, it is considered that the LVIA underestimates the magnitude of change and overall effects on the LCAs, particularly during construction and upon completion, when the introduction of new built form will fundamentally alter the existing character.*

*10.60.8 In terms of site-level landscape impacts, the applicant identifies that prior to the maturation of mitigation planting there would be a moderate adverse effect on the northern parcel, reflecting the loss of openness and the change to the existing rural landscape fabric. The LVIA then concludes that once structural planting has established and matured, the residual effects on the northern parcel would reduce to moderate-minor adverse.*

*10.60.9 However, this conclusion does not fully reflect the nature of the change proposed. The introduction of residential development within the northern parcel represents a fundamental shift in land use and landscape character, from open agricultural land to built form and associated infrastructure. Even with the introduction of additional planting, the transition from open farmland to residential development would constitute a high magnitude of change at a site-level. This is because mitigation measures can soften views and edges but cannot reinstate the existing agricultural character of the site.*

### Visual Amenity

10.60.10 The LVIA identifies PRow MF10 and WSF7 as key receptors, which is appropriate given their proximity and the open nature of views from the northern field. The assessment states that there will be a moderate adverse effect on Users of MF10 & WS7 because there will be notable alterations to key views. We note that these residual effects won't be achieved until at least year 15, which means there will be a substantial adverse impact on completion and for the early years when the residential parcel will appear very much as an isolated block of development in views which are currently made up of predominately countryside and the CNL valley slopes in the distance. On this basis, it is considered that the scale, layout and positioning of built form within the northern parcel should be revisited in order to reduce visual impacts.

10.60.11 The central and southern parcels, by contrast, already contain built form and are partially enclosed by vegetation. Visual change here is likely to have a neutral effect. Sensitive redevelopment could therefore improve the experience along much of MF12 provided that the alignment, enclosure and landscape treatment are carefully considered.

### Cumulative landscape and visual effects

10.60.12 It is noted that an outline planning application has also been submitted for land to the north-east of the site (ref. 25/02213/OUT). While the current proposal has been assessed in isolation within the submitted LVIA, the potential for cumulative landscape and visual effects arises when considering the combined influence of multiple developments around Mickleton.

10.60.13 The northern edge of the village is particularly sensitive in landscape terms, and the cumulative introduction of new built form in this area has the potential to alter the perception of settlement extent, rural openness and the transition between the village and the wider countryside. In particular, the combined effect of development to the north-east could result in a more continuous or expansive settlement edge, even if individual schemes are accompanied by mitigation planting.

10.60.14 On this basis, it is considered that a proportionate cumulative landscape and visual appraisal should be undertaken. This should examine how the proposed development would be experienced alongside other emerging schemes, with particular regard to changes in settlement form, landscape character and PRow user experience.

## Landscape Proposals

10.60.15 The submitted Public Open Space Plan illustrates areas of open space in the northern and eastern parts of the site, adjacent to existing woodland and tree belts. The Concept Plan places dwellings relatively close to the northern boundary. A more generous and multi-layered structure would provide a stronger transition, reduce visual prominence and respond directly to landscape character and visual amenity concerns. The drainage strategy remains focused on two principal attenuation basins. While these could provide capacity, their scale and location occupy a large proportion of the proposed open space, which may limit the usability of these areas. A more distributed SuDS approach across the site, incorporating smaller-scale features in line with the National SuDS Standards (2025), would better support landscape character, biodiversity and placemaking objectives.

10.60.16 There is limited information provided in relation to play provision within the scheme. Given the scale of development proposed, the inclusion of appropriately located and well-designed play space would be welcomed and should be considered if minded for approval.

## Conclusion

10.60.17 In conclusion, the southern and central parts of the site comprise previously developed land associated with the former nursery and are relatively well contained by existing vegetation, are capable of accommodating change without resulting in an encroachment into open countryside.

10.60.18 The northern parcel, however, remains the most sensitive part of the site in landscape and visual terms. It is characterised by open agricultural land that aligns closely with the defining qualities of the Mickleton Vale Fringe and contributes to the rural setting and separation of the settlement. Development within this parcel would represent a fundamental change in land use and settlement pattern, altering openness, landscape character and the perception of the village edge. As set out in this response, the LVIA underestimates the magnitude of change associated with this transition, particularly during construction and upon completion, and overstates the extent to which effects would reduce once mitigation planting has matured.

10.60.19 Some degree of landscape and visual change is inevitable, particularly within the northern parcel and in views where development would currently be perceived against a predominantly rural backdrop. While the submitted LVIA demonstrates that mitigation can soften the appearance of development over

*time, it does not fully address the change in character and the adverse effects within the northern part of the site. On this basis, while the principle of development at Tops Nursery is capable of being acceptable in landscape terms, this is contingent on changes to the northern parcel.'*

- 10.61 In response to the comments of the Landscape Consultant, the applicant has amended the illustrative layout in order to increase the amount of green space within the field in the northern part of the site. The submitted plans also state that housing the respective area would be 1 or 1.5 storey in height. In response, the Landscape Consultant has advised:

*10.61.1 'The revised arrangement represents a clear improvement. The increased separation from the northern boundary, repositioning of the attenuation basin and inclusion of additional structural planting respond positively to concerns regarding the strength of the settlement edge. The intention to deliver advance planting is also welcomed in principle, as this would assist in reducing landscape and visual effects earlier.'*

*10.61.2 That said, it remains important to recognise that development within the northern parcel will still result in a degree of adverse landscape and visual effect. The site currently forms open agricultural land that contributes to the rural setting of Mickleton, and the introduction of built form into this parcel represents a permanent change in character. While mitigation can soften and reduce effects over time, it cannot fully offset the shift in land use and settlement pattern unless the northern parcel were omitted from the scheme entirely. The revised layout reduces the extent of perceived encroachment, but some residual harm will remain.'*

*10.61.3 In relation to the SuDS example provided, we appreciate that attenuation basins are typically dry for much of the year and can form part of open space. However, the example shown appears primarily engineered to meet drainage requirements, with limited ecological diversity or multifunctional value. If a basin is to form part of the green infrastructure within this sensitive edge location, we would expect a more landscape-led and multifunctional design approach, incorporating varied landform, native planting and informal recreational value, so that it contributes meaningfully to green infrastructure rather than functioning solely as a drainage feature.'*

*10.61.4 Overall, the revisions are a positive step and move the scheme in the right direction. Ultimately, the acceptability of the northern parcel will depend on the quality and long-term delivery of the landscape buffer and open space strategy.'*

- 10.62 In light of the additional information that has been received, Officers consider that the development of the northern field would cause harm to the landscape and visual setting of the village. However, the harm is considered to be localised and of a magnitude which could be mitigated through the creation of a robust landscape scheme and a sensitive design approach. Such matters would be addressed as part of a Reserved Matters application. On balance, it is considered that the site could accommodate up to 95 dwellings in principle without causing a level of landscape and visual harm that would outweigh the benefits arising from the delivery of the proposed housing.
- 10.63 With regard to the impact of the proposed development on the setting of the CNL, it is noted that existing garden centre development and existing housing already have an influence on the relationship of the site to the designated landscape. The introduction of housing within the garden centre site is therefore unlikely to significantly change the relationship of the existing site to the CNL. When viewed from the higher land within the CNL to the south of the site, the garden centre site represents a minor component of a wider landscape view, which also includes the settlement of Mickleton. With regard to the field to the north, it is noted that existing woodland and trees would provide a degree of screening when viewed from vantage points in the CNL to the south. In this respect, the proposal should not have an adverse impact on the setting of the CNL. Views from the Public Right of Way to the north towards the CNL would largely place the development against a backdrop of existing trees rather than the rising land of the Cotswolds escarpment. It is also noted that the Cotswolds National Landscape Board considers that the development could be undertaken without causing harm to the setting of the CNL. In this respect, the proposal is considered not to conflict with Local Plan Policy EN5 and guidance in paragraphs 187 and 189 of the NPPF.
- 10.64 In the context of paragraph 11 of the NPPF, it is therefore considered that the landscape and visual impact of the scheme would not significantly and demonstrably outweigh the benefits arising from the delivery of the proposed housing.

**(d) Access and Highway Safety**

- 10.65 The proposed development would be served by a new vehicular access which would open onto the B4632 Broadway Road to the south-east. The proposed entrance would open onto a section of road which is subject to a 30mph speed limit. The aforementioned speed limit changes to a 60mph speed limit at a point approximately 30m to the south-west of the proposed entrance.

10.66 In addition to the proposed vehicular entrance, the applicant is also proposing to utilise Public Right of Way HMN12 which extends roughly through the centre of the site and which connects with existing housing development to the north-east of the garden centre. A separate cycleway/footpath is also proposed to the south of the woodland. It would also connect into the housing development to the north-east. A further pedestrian link is also proposed in the north-eastern boundary of the site, approximately 25m to the south of the proposed cycleway/footpath. Finally, a footpath connection into the Public Right of Way which runs to the north-east of the site is also proposed.

10.67 The following policies and guidance are considered applicable to this proposal:

10.68 Local Plan Policy INF4 Highway Safety

*'Development will be permitted that:*

*a. Is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*

*b. Creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*

*c. Provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*

*d. Avoids locations where the cumulative impact on congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*

*e. Has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.'*

10.69 In addition, criteria 1 a and b of Local Plan Policy INF3: Sustainable Transport states that development will be permitted where it:

*a. actively supports travel choice through provision, enhancement and promotion of safe and recognisable connections to existing walking, cycling and public transport networks ...;*

*b. gives priority to pedestrians and cyclists and provides access to public transport facilities taking account of the travel and transport needs of all people.'*

- 10.70 Paragraph 116 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*
- 10.71 Draft NPPF Policy TR6:3 states that *'all development proposals should be capable of proceeding without having a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or a unacceptable impact on highway safety, taking into account any mitigation measures proposed as well as any wider network improvements.'*
- 10.72 This application is accompanied by a Transport Assessment (TA) which includes information relating to matters such as vehicle speeds, traffic generation, access visibility, accessibility, pedestrian/cycle movements and highway safety.
- 10.73 With regard to vehicle speeds along the B4632, the TA includes the results of automated traffic counters. The recorded 85th percentile speeds are 39.2mph north-eastbound and 41.7mph south-westbound. The TA shows that the requisite visibility of 2.4m x 100m to the south-west and 2.4m x 103m to the north-east can be achieved.
- 10.74 With regard to traffic generation, the TA states that there would be 50 two way car trips in the AM Peak Hour and 47 in the PM Peak Hour.
- 10.75 The proposed vehicular entrance is considered to be of an acceptable design for the size and type of development that is being proposed. In addition, adequate visibility can be achieved from the entrance. The existing local road network is also considered to have sufficient capacity to accommodate the increase in traffic movements. Gloucestershire County Council (GCC) Highways raises no objection to the application. The scheme is considered to accord with Local Plan Policy INF4 and Section 9 of the NPPF in these respects.
- 10.76 With regard to pedestrian/cycle access and connectivity to existing village services and facilities, it is noted that the applicant is proposing to create dedicated cycle and pedestrian footways into the adjacent housing developments. The creation of such routes would ensure that future residents would not need to walk/cycle along the B4632 to the village. In addition, the

applicant has control over land connecting this site to the existing public highways in the housing developments to the north-east. It is therefore considered that pedestrian and cycle access to the village can reasonably be secured and implemented.

- 10.77 Works that affect the Public Rights of Way (such as re-surfacing/upgrading of paths) would require the separate consent of Gloucestershire County Council Public Rights of Way. As the existing Public Right of Way extending through the site is designated as a public footpath, it would not be possible for future occupants of the proposed development to cycle along the aforementioned route. The creation of a separate cycle route to the south of the woodland and other estate roads will allow cycle connectivity without causing conflict with the use of the public footpath.
- 10.78 It is considered that the proposed development can be undertaken without having an adverse impact on highway safety, Public Rights of Way or the operation of the local highway network. The proposal is considered to accord with Local Plan Policies INF3 and INF4 and Section 9 of the NPPF.

**(e) Impact on Residential Amenity**

- 10.79 The proposed development would be located adjacent to an existing garden centre, which also includes a variety of other businesses such as a hardware store, hairdressers, sweet shop and café. The aforementioned businesses would continue to operate should this development proceed. Officers have therefore had regard to the potential impact of existing commercial uses on future occupiers of the proposed development, as well as the potential implications that a residential development may have on the future operation of existing businesses. With regard to the latter, paragraph 200 of the NPPF states that planning decisions *'should ensure that new development can be integrated effectively with existing businesses and community facilities... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*.
- 10.80 The applicant has submitted a Noise Impact Assessment (NIA) with this application. The NIA has been assessed by the Council's Noise Officer who states: *'The Noise Impact Assessment suggests the initial site risk assessment noise levels of the majority of the site are low risk, with low to medium risk at*

*the southern boundary from road traffic noise.*' The Noise Officer has queried the fact that the noise survey was undertaken in January, which could represent a quieter part of the year. The applicant has confirmed that all commercial elements of the garden centre site were operating at that time. In response, the Noise Officer considers that this proposal should be subject to a condition which requires the submission of a follow-up NIA as part of a Reserved Matters application. It would assess the worst case scenario and set out measures to ensure good acoustic design and appropriate mitigation if required. In addition, the future positioning and layout of dwellings would be determined at the Reserved Matters stage. It is considered that the scheme could be undertaken in a manner that would protect future occupiers from unacceptable levels of noise or disturbance.

- 10.81 With regard to the agent of change matter, it is noted that a number of existing dwellings are located adjacent to the garden centre, which indicates that the 2 forms of development can co-exist in an acceptable manner. In addition, the types of activity undertaken on the garden centre site are not ones that operate over a 24 hour period, or are in themselves of a type which would need to be curtailed because of nearby residential development. It is therefore considered that the proposed development could be undertaken without prejudicing the operation of existing businesses on the garden centre.
- 10.82 In general terms, it is considered that the site is of sufficient size to provide adequate outdoor amenity space for individual dwellings. New dwellings could also be positioned so as to avoid have an adverse impact on the occupiers of existing dwellings near the site. The site is also of sufficient size to be able to accommodate a children's play area.
- 10.83 It is considered that the proposed development could be undertaken in a manner that would not have an adverse impact on residential amenity or on the activities undertaken within the existing garden centre. The proposal is considered to accord with Local Plan Policy EN15 and paragraphs 198 and 2012 of the NPPF in these respects.

**(f) Biodiversity**

- 10.84 The northern part of the application site is occupied by agricultural fields which are bordered by hedgerows and woodland. The southern and central parts of the site are occupied primarily by horticultural buildings and associated machinery, equipment and products. A woodland occupies the eastern part of the site and hedgerows extend along its eastern and western boundaries. Whilst orchard trees occupy parts of the site, the aforementioned trees have been

intensively managed as part of the garden centre operation. They do not therefore qualify as traditional orchard, or as a priority habitat.

#### 10.85 Policy EN8 Biodiversity and Geodiversity: Features, Habitats and Species

*1. Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.*

*2. Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.*

*3. Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.*

*4. Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.*

*5. Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity"(41) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.*

10.86 This application is accompanied by a Preliminary Ecological Appraisal (PEA). In response to the findings of the PEA, a detailed Dormouse Survey, Dusk Emergence Surveys and a Reptile Survey have been undertaken. The PEA summary states:

*10.86.1 'The grassland on site was identified as semi-improved neutral grassland. In order to qualify as a NERC Priority Habitat, grassland typically has to be unimproved (good semi-improved grassland can also qualify) and would have to be examples of grasslands such as lowland calcareous grassland or lowland dry acid grassland, habitats not found on site. The grassland was surveyed within the optimal period which did not find the grassland on site to be good semi-improved grassland and no further grassland surveys are deemed necessary.*

*10.86.2 There were two orchards on site and another area showing remnants of orchard. These are no longer managed but were formerly part of the nursery operation and intensively managed. They do not qualify*

*as traditional orchard, which is a NERC Priority habitat.*

*10.86.3 The semi-natural broad-leaved woodland is a habitat of more importance on site; however, does not classify as Lowland Deciduous Woodland which is a NERC Priority habitat.*

*10.86.4 The remaining habitats on site are common, of low to moderate ecological value and easy to replace.*

*10.86.5 Any impacts as a result of loss/changes to these habitats in terms of their vegetation are considered to be negligible.*

*10.86.6 The site provides potential habitat for a range of fauna. The following require further consideration/action:*

- Bats - Two buildings on site provide potential day roosting opportunities for bats and further dusk surveys are required. The site provides good bat foraging and commuting habitats and further bat activity surveys are required. Due to the number of trees on site, these were not inspected for potential roosting features and trees that are to be removal, subject to works or lighting should be subject to further inspection.*
- Dormice - The site provides potential Hazel Dormouse habitats some of which would be directly affected and other areas indirectly affected by the development. A Dormouse survey is required to determine presence/absence of this species.*
- Badgers and other mammals - Precautionary methods of working are advised with regards to potential passing of Badgers or presence of other common mammals.*
- Birds - No further surveys are required at this time but details of timings of works to prevent impact upon nesting birds and suggestions for enhancement are given.*
- Reptiles - The site provides areas of potential reptile habitat and further surveys are required.*
- Amphibians - The site provides areas of good terrestrial amphibian habitat and there are nine ponds within 500 m of the site, one of which appeared to no longer be present and four of which could not be accessed for inspection. The remaining four ponds could be accessed for inspection*

*which found one to be dry and the remaining three were subject to a Habitat Suitability Index (HSI) Assessment to determine their suitability for Great Crested Newts, as was a wet ditch within 500 m. The three ponds score above the 0.5 threshold at which further consideration is required and subsequent eDNA analysis of the Ponds 1, 2 and 3 in June 2023 returned a positive result for Pond 1. A District Licence Application will therefore be made.'*

10.87 In response to the above, the Biodiversity Officer has assessed the submitted details and concurs that's that the proposal is unlikely to have an adverse impact on a variety of species including badgers, birds, reptiles and other mammals such as dormice. However, further information has been requested in relation to bats and Great Crested Newts. The Biodiversity Officer has also advised that the central woodland is classed as a priority habitat. The applicant has now provided information confirming the latter. In order to minimise the impact of the proposal on the woodland, the applicant is proposing to direct the main footpath and cycle routes to the south of the respective habitat. Whilst the Public Right of Way extending through the woodland will be retained, the current proposal would ensure that alternative pedestrian and cycle routes are available as an alternative to the woodland route thereby avoiding the need to introduce new hard surfaced routes and lighting within the woodland. It is therefore considered that the scheme could be undertaken in a manner that would mitigate the impact of development on the priority habitat.

10.88 With regard to bats, the Biodiversity Officer has advised:

*10.88.1' Building 11 is to be demolished to facilitate the proposed development, which will result in the loss of the identified roost. The dusk emergence surveys report provides recommendations for mitigations and compensations which are largely sufficient. I am supportive of the proposed compensatory habitat creation for crevice dwelling bat species. However, as I am not supportive of the built form being so close to the eastern site boundary, the location of compensatory roosting features should be revised to be located on other suitable structures.*

*10.88.2 The bat activity surveys on site recorded the presence of five bat species, with most of the onsite activity attributed to Common Pipistrelle bats and observed in relation to boundary habitats and sheltered areas. I consider that the survey effort has sufficiently captured onsite bat activity, and that the recommendations within the report are sufficient.'*

10.89 With regard to Great Crested Newts, the Biodiversity Officer states:

*10.89.1 ' Nine ponds were identified within 500m of the site, and the site is within the amber impact risk zone as per the Great Crested Newt District Licensing Scheme. The PEA undertook HIS assessments on all accessible ponds, and states that eDNA analysis of ponds undertaken in June 2023 returned a positive result for GCN in pond 1. The report states that an application will be made to join the District Licensing Scheme. However, no demonstration that the applicant has joined the scheme, and thus secured appropriate mitigation, has been provided.*

*10.89.2 Therefore, evidence that the applicant has entered into the District Licensing Scheme is required to be submitted prior to determination to enable the LPA to review the proposals in light of the derogation tests as outlined in the ODPM Circular 06/2005 and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), and to ensure that the species concerned will be conserved at a favourable conservation status.'*

10.90 At the time of writing this report, discussions are ongoing between the applicant and the Biodiversity Officer in relation to bats and Great Crested Newts.

10.91 It is noted that Great Crested Newts and bats are European Protected Species. It is therefore necessary to have regard to ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017 (as amended), and consider the proposal against the 3 'derogation' tests, as set out in Regulation 55 of the aforementioned Regulations :

*'a) The preserving of 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:*

*b) There must be no satisfactory alternative:*

*c) 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.'*

10.92 If the applicant were to enter the Great Crested Newt District Licensing process (which is operated by NatureSpace and authorised by Natural England), then the derogation tests relating to the aforementioned species would be addressed as part of the aforementioned licence process. If the applicant were

to pursue the more traditional licence route with Natural England, then this Council will need to demonstrate that the proposal reasonably addresses the above mentioned tests. The loss of bat roosts would also require a separate licence from Natural England and would be subject to the 3 derogation tests.

10.93 At the present time, it is considered that the delivery of the new housing would represent an overriding public interest. In addition, the developed nature of the site and its proximity to a Principal Settlement means that it represents a sustainable location for new development and that there is no satisfactory alternative. Criterion c is currently being addressed as part of the ongoing surveys and discussions between the applicant and the Biodiversity Officer and would need to be satisfactorily addressed in order for this application to be granted planning permission. Officers will provide an update to Committee Members on the 13th May.

10.94 With regard to Biodiversity Net Gain (BNG), the Biodiversity Officer stated initially that the *'the submitted BNG information demonstrates the following: 30.72% net loss in area habitat units, 19.33% net gain in hedgerow units.'* In response, the applicant has submitted additional information, including updated calculations. The latest information states:

*10.94.1 'The proposed development and proposed landscape will result in a habitat net percentage change of -11.36%. This is a deficit of 4.79 habitat units to achieve a 10% gain. Trading rules are also unsatisfied.'*

*10.94.2 There is a hedgerow net percentage change of +17.14%. This is a gain of 1.13 hedgerow units which exceeds the required target of 10% gain and meets trading rules.'*

*10.94.3 There is a watercourse net percentage change of 0%. This is a deficit of 0.05 watercourse units to achieve a 10% gain.'*

*10.94.4 As a loss/insufficient gain for habitats and watercourses has been demonstrated, Biodiversity Offsetting will be required for habitats and hedgerows.'*

10.95 In order to meet BNG requirements, the applicant will need to provide off-site enhancements. The applicant's Biodiversity Net Gain Design Stage Report April 2026 states: *'Additional off-site land used by the developer or provided by an offsetting provider will need to be registered on the national biodiversity gain sites register before, or at the same time as, or after units are bought. A legal*

*agreement will be required to secure a site for BNG and set out who will undertake the BNG creation, enhancement and management for 30 years.'*

10.96 An update will be provided at the Committee meeting.

**(g) Flooding and Drainage**

10.97 The site is located within Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. The applicant has submitted a Flood Risk Assessment and Drainage Strategy to accompany this application. The aforementioned document indicates that surface water drainage would be addressed via the creation of on-site attenuation. It is proposed to create an attenuation basin in the northern part of the site. Water would be released at a controlled rate into an adjacent watercourse.

10.98 GCC Lead Local Flood Authority (LLFA) in its role as a statutory consultee for surface water drainage matters considers that the proposed drainage measures are acceptable subject to conditions. The proposed development is therefore considered to be able to deal with surface water drainage taking into account the impact of climate change.

10.99 With regard to foul drainage, Severn Trent Water has identified capacity issues in its existing network. Upgrades will therefore need to be undertaken in order to accommodate this development. A condition is therefore recommended that will require the submission of a foul drainage plan prior to the commencement of development.

10.100 Thames Water has also requested a condition covering water supply in order to ensure that adequate water can be provided to future occupants of the proposed development.

10.101 Subject to the attachment of the respective conditions, it is considered that the proposed development is acceptable in terms of foul and surface water drainage and water supply in accordance with Local Plan Policy INF8.

**(h) Archaeology**

10.102 With regard to archaeology, GCC Archaeology initially advised:

*'This geophysical survey identified several linear and curvilinear anomalies in the north of the application site that may be of archaeological origin, as well as*

*parallel linear anomalies suggesting ridge and furrow cultivation and unidentified anomalies. Based on this, the submitted Desk Based Assessment identified at least moderate potential for prehistoric and Roman remains within the proposal area. Due to standing structures and current site usage, not all of the proposed development area was available for survey. Based on the archaeological background above there is potential for archaeological deposits of unknown significance to be present within the application site, on which ground works and intrusions required for the proposed development may have an adverse impact.'*

10.103 Following further discussions with the applicant, GCC Archaeology has advised the following:

*10.103.1 'Based on the area of the site unavailable site for trenching pre-determination due to the combined coverage of buildings and tree cover, in this case it would be proportionate to allow trial trenching to further investigate the archaeological risk to take place through condition rather than prior to the determination of the application. It should be noted that if the trial trenching uncovers evidence for significant archaeology then further mitigation by archaeological excavation may be necessary.'*

*10.103.2 I advise that I have no objection in principle to the proposed development. However, I recommend that a programme of investigation is undertaken to identify and record any archaeological remains which may be adversely affected by ground works required for the construction of this scheme.'*

10.104 Subject to condition, it is considered that the proposed development can be undertaken without having an adverse impact on archaeology.

## **Other Matters**

10.105 With regard to the arboricultural impact of the scheme, the Tree Officer advises:

*10.105.1 'The site is not presently in a conservation area or impacted by any Tree Preservation Orders.'*

*10.105.2 I have reviewed the arboricultural implications assessment and arboricultural method statement (dated August 2025) submitted with the application. The information is thorough and BS5387 compliant.'*

*10.105.3 Most trees and tree groups on site are of lower arboricultural quality (as defined in BS5837). Current proposed site layout will see a significant proportion of trees on site retained. The arboricultural information submitted suggests site specific tree protection measures in relation to the current indicative site layout plan. At reserved matters stage when site plans are finalised, site specific tree protection measures will need to be re-submitted.*

*10.105.4 Individually identified trees and 7 tree groups will be removed to enable current site plans. Adequate on site new tree planting will be required to mitigate for this loss.*

*10.105.5 It is noted that a number of the tree groups on site could benefit from management such as removal of dead/poorer specimens and new tree planting. This should be included as part of finalised landscaping plans submitted at reserved matters stage.'*

10.106 The Tree Officer raises no objection subject to condition. The proposal is considered to accord with Local Plan Policy EN7.

10.107 With regard to contamination, the applicant has submitted a Desk Study and Ground Investigation Report with this application. The Council's Contamination Officer has advised:

*10.107.1 ' No asbestos was encountered across the site in any samples taken, however, the document mentions that an asbestos management plan will need to be undertaken prior to demolition due to the asbestos shed roofing. I concur with this but also argue that a completion report should also be conducted and submitted to the appropriate authority for review.*

*10.107.2 The document concludes that further remediation is required, and a remediation strategy should be finalised and submitted to the local authority. I concur with this recommendation; however, I believe the site has not been fully characterised through the findings of the intrusive site investigation. Where "hot spots" of contamination have been found, these will need to be investigated further as part of a remediation scheme for these areas. The contamination hotspot WS07 has not been delineated, and thus the extent of the arsenic contamination has not been fully determined. This is true for the PAH exceedances in WS01, WS04 and SP01-01 also. Whilst the extent of contamination could be contained within the source (shallow made ground in WS01/WS04 and stockpiled materials in SP01-01), the true extent of contamination is not known, and thus, the options appraisal in the subsequent*

*remediation report cannot be adequately evaluated with the best sustainability practices in line with the LCRM framework.'*

- 10.108 The Contamination Officer raises no objection subject to condition. It is considered that the proposed development can be undertaken in accordance with Local Plan Policy EN15.
- 10.109 The proposed scheme would result in the loss of a number of horticultural buildings associated with the existing garden centre. However, it is also noted that the garden centre has diversified in recent years. A number of other uses such as a hardware store, hairdressers, sweet shop and fruit and vegetable retailer are now present on the site. The viability of the site as a business is therefore not solely dependent on plants produced in the horticultural buildings proposed for removal. In addition, a number of existing glasshouses are to remain. This will enable the existing garden centre to still operate as a horticultural operation. It is therefore considered that the proposed housing and existing businesses can reasonably co-exist.
- 10.110 With regard to energy efficiency and climate change, the applicant has submitted an Energy Statement which indicates that the developer would adopt a fabric first approach, which would involve the incorporation of additional insulation in dwellings, in addition to features such as air source heat pumps and solar panels. The submitted Energy Statement indicates that the development would exceed current Building Regulation requirements in these respects. It is considered that the proposed development is seeking to reasonably address the impact of climate change.
- 10.111 With regard to financial contributions, GCC Community Infrastructure requests contributions of £133,517.60 to secondary 16-18 education and £18,424 to library services. Having regard to the size of the development it is considered that the requested contributions are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. The contribution request is considered to accord with Regulation 122 of the Community and Infrastructure Levy Regulations 2010. The aforementioned contributions would be secured through a S106 legal agreement.
- 10.112 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 It is considered that the proposed development would make a notable contribution to the Council's supply of housing land and the delivery of affordable housing. These aspects of the proposal are considered to weigh significantly in favour of the proposed scheme. Whilst the proposed scheme would result in an encroachment of development into the open countryside and increase the size of the settlement, it is necessary to take into account the emerging Local Plan's direction of travel and its identification of Mickleton as a potential as a focus of growth in the coming Local Plan period. Having regard to the requirements of paragraph 11 of the NPPF, it is considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh its benefits. It is therefore recommended that the application is granted permission subject to the recommendation set out at the top of this report.

## 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, Layout, Landscaping and Scale 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 drawings: 890-01 A, 890-AC 01 B and illustrative plans 890-05 G, 890-06-01 B, 890-07 A, 890-15 A,

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

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

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

6. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Concept Drainage Strategy Plan; 890-FRA-01-A). The SuDS Strategy must include a detailed design and a timetable for implementation. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.

**Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

7. No development shall commence on site until a Construction Phase Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall outline what measures will be used throughout the period of the construction of the development to ensure surface water does not leave the site in an uncontrolled manner and put properties elsewhere at increased risk of flooding. The construction phase shall be implemented in accordance with the approved plans.

**Reason:** To ensure the construction phase of the development has a satisfactory means of drainage that does not increase the risk of flooding from the site in accordance with Local Plan Policy EN14.

8. i) No development shall take place until 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.

ii) 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 written confirmation 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.

9. 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 nodig 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 any boundary treatments within RPAs.
- k) Methodology and detailed assessment of any root pruning.
- l) Details of arboricultural supervision and inspection by a suitably qualified arboriculturist.
- m) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in 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 & EN7 and pursuant of section 197 of the Town and Country Planning Act 1990.

10. No dwelling shall be occupied until confirmation has been provided to, and agreed in writing by the Local Planning Authority, that either:

i) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

**Reason:** The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Local Plan Policy INF8.

11. Prior to the commencement of development, a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall:

i) Include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and the capacity of any on or off-site storage;

ii) Include a timetable and programme for the provision of the foul sewerage infrastructure; and

iii) Demonstrate that, where connection to a public sewer is proposed, the additional foul sewerage discharge can be accommodated within the public sewer system without increasing the risk of flooding or backing up of the existing system on the site or elsewhere. The development shall be carried out in accordance with the approved details and the approved timetable and programme.

**Reason:** In order to ensure that the development hereby permitted is provided with a satisfactory means of foul drainage as well as reducing the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Local Plan Policies EN14 and EN15. It is important that these details are agreed prior to the commencement of development in order to ensure that the proposal will not have an adverse impact on foul drainage and to ensure that adequate infrastructure can be provided.

12. An application for Reserved Matters shall include a follow-up Noise Impact Assessment which shall be approved in writing by the Local Planning Authority. The assessment must be conducted by a suitably qualified Acoustician, accredited by the Institute of Acoustics (IOA). The report shall:

1. be an amendment of the Noise Impact Assessment (by rapport acoustics ref: January 2026 revision 2 dated February 2026), accounting for any design or layout changes.
2. assess 'worse case' noise from the neighbouring commercial site(s).
3. demonstrate full compliance with the relevant noise standards.
4. demonstrate that, upon completion of the development, good acoustic design will be used to ensure that the rating level assessed at external amenity spaces shall not exceed the background sound level.

**Reason:** In the interests of residential amenity and in accordance with Local Plan Policy EN15.

13. Prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce any adverse impact to the surrounding environment and community in terms of noise, vibration, dust and lighting. The plan must detail, at a minimum:

- i) Procedures for maintaining good public relations including a comprehensive complaints procedure.
- ii) All works and ancillary operations which may be audible at the site boundary, including hours of operation.
- iii) Deliveries and removals, including hours of operation.
- iv) Mitigation measures (as defined in 'BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites') and how they shall be used to minimise noise disturbance.
- v) Procedures for emergency deviation of the agreed working hours.
- vi) Control measures for dust and other air-borne pollutants.

vii) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

**Reason:** In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Local Plan Policy EN15..

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

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

15. An application for reserved matters shall include a drawing/schedule which sets out the proposed size and mix of dwellings and which shall include the number of bedrooms in each respective dwelling. No more than 20% of the dwellings shall have 4 bedrooms or more, with the remainder of the development being 1, 2 and 3 bedroom dwellings. The development shall be undertaken fully in accordance with the approved drawing/schedule.

**Reason:** In order to ensure that the development contains an appropriate mix of dwellings in accordance with the requirements of Local Plan Policy H1.

16. Prior to the commencement of the development hereby permitted (other than demolition, remediation and works associated with the provision of the vehicular site access) the principal site access from the B4632 Broadway Road (including visibility splays) shall be constructed and completed to at least bindercourse level in accordance with drawing 'Proposed Site Access 890-ACC-01 B'. The principal site access shall be completed to an adoptable standard fully in accordance with the aforementioned approved details prior to the first occupation of all the dwellings hereby permitted.

The construction of a temporary site access(es), together with details relating to its/their removal and the restoration of the respective land following the completion of the development hereby permitted, shall first be approved in writing by the Local Planning Authority and the development shall be undertaken fully in accordance with the approved details.

**Reason:** In the interests of highway safety in accordance with Local Plan Policy INF4.

17. Prior to the first occupation of the development hereby permitted, a timetable for the adoption of the estate roads and the completion of other roads, cycle paths and footpaths, including details relating to the future maintenance and management of the unadopted roads, cycle paths and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained/managed in accordance with those details thereafter.

**Reason:** In order to ensure that the road and footpath network is completed and thereafter maintained to an acceptable standard in the interests of highway safety and in accordance with Local Plan Policy INF4 and Section 9 of the National Planning Policy Framework.

18. Prior to commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved CMP. The CMP shall include but not be restricted to:

- i) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Advisory routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles;
- viii) Highway Condition survey;
- ix) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

x) Delivery and construction hours.

**Reason:** In the interests of highway safety in accordance with Local Plan Policy INF4. It is important that these details are agreed prior to the commencement of development as any on site works or construction/delivery traffic could have implications for the safe operation of the highway.

19. An application for Reserved Matters shall include a detailed scheme for the provision and future maintenance and management of Public Open Space, including the provision of a Local Equipped Area of Play, litter bins, benches, dog waste bins, associated hard and soft landscaping and a timetable for their completion.

The scheme shall thereafter be provided, maintained and managed in accordance with the approved details and timetables.

**Reason:** To ensure that future residents will have access to areas of open space and recreation and to ensure that such areas are provided and maintained to a satisfactory standard for the longer term in accordance with Local Plan Policies INF2 and EN2

**Informatives:**

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

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

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

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

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

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

Information on how to discharge the biodiversity gain condition can be found here: <https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

## 2. Noise

A good acoustic design process should be followed in accordance with Professional Practice Guidance on Planning and Noise (ProPG) to ensure that the internal noise criteria are achieved with windows open. In cases where the desired internal levels cannot be achieved with windows open, the development should be designed so that noise levels are minimised as far as practical with windows open. In addition, mechanical ventilation and cooling should be provided in accordance with ProPG, where it is justified to do so. Mechanical ventilation and cooling should be treated as an alternative to passive design measures. There should be installed in addition to minimising noise levels with windows open using passive means, for example building orientation, room orientation and facades treatments.

The commercial site rating level shall be assessed in accordance with the BS4142:2014+A1(2019).

3. If the trees are not in your ownership, you may require the permission of the owner before any works can be carried out. It is the applicant's responsibility to obtain the necessary permissions from the tree owner. It may be prudent to seek independent legal advice before proceeding.