

**Erection of 5 Holiday lodges and associated works at Land at Oakleaze South  
Cerney Road Siddington Cirencester Gloucestershire GL7 6HT**

<b>Full Application 22/00393/FUL</b>	
Applicant:	Mr Mark Pope & Miss Rebecca Arnold
Agent:	Ian Sullivan Architecture
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Evely
Committee Date:	7th February 2024
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

- (a) Principle of Development
- (b) Landscape Impact
- (c) Impact on Highway Safety
- (d) North Meadow SAC
- (e) CIL

**2. Reasons for Referral:**

2. Councillor Evely has provided the following comments:

'I would like the Review Panel to consider placing this application on the Committee's agenda.

The reason for this request is that the officers' recommendation conflicts with Policies 3 and 4 in EC11 'Tourist Accommodation' in the Local Plan.

I note that there was historic use of the site for touring caravans, but that this was at least ten years ago and prior to the adoption of the current local plan in 2018.

Officers accept that this is a 'balanced' decision and I would suggest that the Committee should determine whether on balance the application should be permitted or refused.'

**3. Site Description:**

- 3.1 Oakleaze is a detached property located on the western side of the South Cerney Road in Siddington Parish. The property benefits from off road parking and external amenity space wrapping around the property. The site also benefits from a detached workshop to the south of the plot, which is the subject of this application. The application site is located to the south of the property and was previously used as a touring caravan site, with 5 areas of hardstanding off an access drive.

3.2 The site is located outside any development boundary included within the Local Plan and is not subject to any landscape designation.

**4. Relevant Planning History:**

4.1 CT.1217/C: Extension over garage including the installation of two dormer windows, and the installation of a new dormer window on rear elevation of the existing dwelling. Granted 18.12.2000

4.2 21/01373/FUL: Erection of two-storey extension to front, dormers to rear and enclosed walkway. Granted 25.05.2021

4.3 21/03060/FUL: Alterations to existing outbuilding to form garage with leisure room in roof space. Granted 16.09.2021

**5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- EC11 Tourist Accommodation
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

**6. Observations of Consultees:**

6.1 Landscape Officer: Comments provided, incorporated into the report

6.2 Biodiversity Officer: No objection subject to condition

6.3 Highway Authority: No objection subject to condition

6.4 Natural England: No objection

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

7.1 Siddington Parish Council objects to this application on the following grounds:

- Overdevelopment.
- Lodge design does not follow the Cotswold Design Code and is inappropriate for this location.
- Safety and sustainability - the site is on a busy road, there are no safe footpaths from the site and no attractions nearby so all journeys will have to be by motor vehicles, thereby increasing traffic.

## **8. Other Representations:**

8.1 8 representations objecting to the application have been received, raising the following issues:

- highway safety
- impact upon other road users
- no footpath links
- no street lighting
- contrary to Policy EC11
- design contrary to Policy EC2

8.2 3 representations in support of the application have been received, raising the following issues:

- useful addition to the area
- lack of such facilities in the South Cerney area
- land was an award-winning caravan site
- holiday lodges more pleasing than caravans
- pleased to see site being re-instated for holiday use

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

- Planning Justification Statement
- HRA Screening Report
- Preliminary Ecological Appraisal
- Highways Technical Note

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

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

10.1 The application site is located to the western side of the South Cerney Road in Siddington and relates to an area of land to the south of Oakleaze. The site was used for the siting of touring caravans for a number of years, with historic aerial photos showing the site in use from at least 2000, with 5 areas of hardstanding provided. The timber shed that provided a site office remains in situ at the time of the site visit in February 2022. The use appears to have ceased by 2014.

10.2 Section 6 of the NPPF refers to supporting a prosperous rural economy, with paragraph 88 stating that: -

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

10.3 Local Plan Policy EC11 relates to 'Tourist Accommodation'

10.3.1 Part 3 of the Policy states that: -

Proposals for self-catering accommodation, will only be permitted where it:

- a. is provided through the conservation and conversion of existing buildings, including agricultural buildings; or
- b. is appropriately located within Development Boundaries.

10.3.2 Part 4 of the Policy states that: -

Exceptionally, proposals for new-build, short stay, self-catering units that are directly associated on-site with a tourist attraction and required to sustain the viability of the tourist attraction, will be acceptable.

10.4 The applicants have submitted supporting information regarding the use of the land as a touring caravan site, and that the provision of 5 accommodation cabins would replace this historical use of the caravans and would incorporate the existing services that were provided for the caravans, The supporting statement also emphasises the economic benefits from tourism.

10.5 Whilst the content of Policy EC11 is noted, when taking into account the historic use of the land for the siting of caravans, it is considered that, on balance, the proposal would be in accordance with the Development Plan and NPPF with regard to the provision of tourist accommodation and the resultant economic benefits.

**(b) Landscape Character**

10.6 Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.7 Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of the Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

10.8 Paragraph 180 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

- 10.9 The site and the surroundings are sensitive to change by virtue of the rural location. The encroachment of built structures, parking, surfacing, fencing and other associated paraphernalia would, therefore, impact upon the rural character of the site. The dimensions of the cabins are 7.4m length (excluding an area of decking) by 5.1m width, with a ridge height of 5.0m.
- 10.10 In terms of visual amenity, views of the site are restricted by virtue of the existing screening provided by the hedgerow planting, and it is acknowledged that the site is degraded in part with evidence of hard surfacing associated with the caravan use. Therefore, whilst the permanent use of the land and the intensification of development at the site would result in a level of landscape harm would not be significant, this harm would need to be set against the planning benefits of the scheme.
- 10.11 On balance, therefore, it is considered that the scheme would not be out of keeping with the immediate context and would not impact upon the character and appearance of the landscape, in accordance with Local Plan Policies EN2 and EN4 and the NPPF, in particular paragraph 180.

### **(c) Highways**

- 10.12 Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.
- 10.13 Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.
- 10.14 Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.
- 10.15 The existing vehicular access is considered to have insufficient visibility, when allowing for the road outside the site having a 40mph speed limit, and therefore a new access is proposed to the south which will achieve the required splays of 2.4m x 148m to the south and 2.4m x 157.6m to the north.
- 10.16 Therefore, subject to the conditions recommended, it is considered that the proposal would accord with Policies INF4 and INF5 of the Local Plan, in addition to Section 9 of the NPPF.

### **(d) Biodiversity and North Meadow SAC**

- 10.17 The Preliminary Ecological Appraisal prepared by Arbtech that accompanies the planning application provides a sufficient level of information to determine the ecological effects of the proposal. The PEA identifies amenity grassland, bare ground, oak and ash trees at corners of the site, Leyland cypress border, tall ruderal and species poor hedge.

- 10.18 None are recorded on priority habitat inventories although the oak are of site value offering moderate potential bat roosting. No protected or priority species are recorded for the site although the potential for hedgehog is noted, whilst edge habitats may be suitable for nesting birds and sheltering reptiles.
- 10.19 The site-specific risks to wildlife arising from development in this instance are considered to be small and adequate mitigation for any potential harmful effects of site development is presented along with proposals for biodiversity enhancement. Subject to the ecological measures as outlined being implemented there is no objection to the planning application.
- 10.20 With regards to the wider ecological constraints, the site is within the Outer Zone of Influence for the North Meadow and Clattinger Farm Special Area of Conservation (SAC), and as such the applicants have completed the Habitat Regulations process and paid the necessary financial contribution to mitigate the potential impact upon this internationally designated wildlife site.
- 10.21 The proposal therefore accords with Policies EN8 and EN9 of the Local Plan, and Section 15 of the NPPF.

**(e) CIL**

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

**11. Conclusion:**

- 11.1 The proposal accords with the policies within the Development Plan and the NPPF, which are not outweighed by other material planning considerations.
- 11.2 The recommendation is for planning permission to be granted.

**12. Proposed conditions:**

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

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

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: 001-C; 120-H; 121-H; 125-A; 126-A and 130-C.

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

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

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

4. Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other change of use permitted by any subsequent Order, the holiday lodges hereby permitted shall be occupied as holiday accommodation only and for the avoidance of doubt it shall not be occupied as permanent, unrestricted accommodation, second home or a principal or primary place of residence.

**Reason:** This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled, in accordance with the provisions of the NPPF and Cotswold District Local Plan Policies DS4 and EC11.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no buildings, extensions, means of enclosure or hardstandings shall be erected, constructed or sited in the application site, other than those permitted by this Decision Notice.

**Reason:** To ensure an appropriate level of control of any additional buildings or structures within the application site, in accordance with Cotswold District Local Plan Policies EN2, EN4 and SP5, and the provisions of the NPPF.

6. The development shall be carried out in full accordance with the mitigation and enhancement measures set out at Section 4 'Conclusions, Impacts and Recommendations' of the Preliminary Ecological Assessment (Arbtech, issue 2, 4/7/22). These shall be set out in a Construction Environmental Management Plan for Biodiversity (CEMP-B) submitted to the Local Planning Authority for its approval prior to works commencing.

**Reason:** To ensure biodiversity is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), the Protection of Badgers Act 1992, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

8. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 148 metres south and 157.6 metres north along the nearside vehicle track edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway.

These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

**Reason:** In the interests of highway safety according to PD 0.1 and 0.4 of the Local Transport Plan, Policy INF4 of the Local Plan and Section 9 of the National Planning Policy Framework.

9. The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

**Reason:** In the interests of highway safety according to PD 0.1 and 0.4 of the Local Transport Plan, Policy INF4 of the Local Plan and Section 9 of the National Planning Policy Framework.

10. Prior to commencement of the development hereby permitted a construction management plan shall be created and available for local planning and highway authorities. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- 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);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with Policy INF4 of the Local Plan, PD 0.4 and 01 of the Local Transport Plan and Section 9 of the NPPF.

11. Prior to the first occupation of the development hereby approved use the access shall be provided with bound hardstanding for the first 5 metres from the carriageway and with drainage to prevent highway run-off.

**Reason:** To minimise hazard for highway users according to Policy INF4 of the Local Plan, PD 0.1 and 0.4 of the Local Transport Plan and Section 9 of the NPPF.

12. Cycle storage shall be provided in accordance with the site plan and shall be retained thereafter.

**Reason:** To promote sustainable travel and healthy communities in accordance with Policy INF4 of the Local Plan, PD 0.4 and 01 of the Local Transport Plan and Section 9 of the NPPF.

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

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

#### **Informatives:**

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

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- Gloucestershire SuDS Design and Maintenance Guide (Nov 2015)

3. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require a verge crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway. Full Details can be found at [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk)

4. The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or part or part(s) thereof.

5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public:

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.