

Item: 4.3 and 4.4	Application: S.21/0236/OUT & S.22/0423/OUT
Address: Land Off, School Lane, Whitminster	

Natural England have provided further comments in respect of planning application S.22/0423/OUT. The comment raises objection to the proposed development. Essentially, Natural England argues that the development should contribute to the Cotswold Beechwoods Mitigation Strategy (2022), and that unless this is the case the developments would have a diverse impact upon the Cotswolds Beechwoods SAC. This comment is also relevant to planning application S.21/0236/OUT.

The timing of the planning application in relation to the Beechwoods Mitigation Strategy (2022) (BMS) has been addressed in paragraphs 12.2 and 12.3 of each respective report. Essentially, the BMS was adopted on 4<sup>th</sup> October 2022 (at the Environment Committee Meeting on 4<sup>th</sup> October 2022). The position of the Local Planning Authority at the time of preparing the officer report is that planning applications that were received prior to the adoption 4<sup>th</sup> October 2022 are not subject of the BMS (2022) and as such would be required to provide Home Information Packs and secured by an appropriately worded planning condition in the event of approval. Natural England has advised that the relevant point at which the BMS (2022) applies is at the point of decision – hence its objection.

Notwithstanding the above, Natural England have previously confirmed in writing (9<sup>th</sup> September 2022) to the Local Planning Authority that it should not apply the adopted Mitigation Strategy to planning applications received prior to 1st November 2022. This contradicts the objection received from Natural England. The applications under consideration were submitted prior to that date and as such the adopted Mitigation Strategy does not apply. Officers are therefore satisfied that the approach being taken in respect of the Cotswold Beechwoods SAC.

However, for the purposes of section 281 (6) of Wildlife and Countryside Act 1981, should the resolution at the Development Control Committee be to grant planning consent the LPA should notify Natural England 21 days prior to the issue of the planning permission with its reasons for doing so.

Officers are satisfied that no amendment to the recommendation is required relating to the adopted Cotswold Beechwoods Mitigation Scheme.

#### Agenda Item 4.3 – S.21/0236/OUT

Having regards to the above officers are satisfied that no amendment to the recommendation is required relating to the adopted Cotswold Beechwoods Mitigation Scheme.

#### Agenda Item 4.4 – S.22/0423/OUT

The following amendments are made in respect of the officer recommendation. For clarity 1) iv) has been added as it is incorrectly omitted from the printed committee report.

### **RECOMMENDATION**

- 18.1 That Members resolve to **GRANT** Planning Permission subject to the planning conditions as set out in this report, and
- 1) the applicant first voluntarily entering into appropriate legal agreements to secure the following Heads of Terms;
    - i) Affordable Housing –
      - a) 30% Affordable Units (with any residual part unit contribution as a financial sum)
      - b) This quantum to be secured as minimum 50% Rented and maximum of 50% Shared Ownership tenure type

ii) Library Services

Financial contribution (commuted sum) of £8,820.00

iii) Transport to School

Financial contribution (commuted sum) of £32,600.

iv) Severn Estuary Mitigation Strategy (2017)

a) Financial contribution (commuted sum) of £385 per dwelling, or;

b) A bespoke mitigation scheme is submitted to the Local Authority for consideration.

- 2) the applicant first demonstrating that the appropriate District Level Licencing Scheme (for Great Crested Newt Mitigation) has been entered into (through Nature Space) and delegated authority for officers to attach any relevant conditions of that license to the decision notice.
- 18.2 Authority is delegated to officers to prepare and seal the legal agreements referred to above and issue the decision to approve the planning application subject to identified conditions.
- 18.3 In the event that the 1) or 2) above is not secured within six months from the date of this planning committee, authority is delegated to officers to refuse to grant planning permission on that basis.