

Andrew Moody
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX



By email only to: Andrew.Moody@cotswold.gov.uk

20 December 2022

Dear Andrew,

APPLICATION NO: 22/03916/FUL

DESCRIPTION: Construction of 2no. padel courts and associated works

LOCATION: Elkstone Studios, Elkstone, Cheltenham, Gloucestershire, GL53 9PQ

The above planning application, which is for a development that would be located within the Cotswolds National Landscape¹, has been brought to the attention of the Cotswolds National Landscape Board².

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape³. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications⁴:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 7 High Wold;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 7 ([link](#)), including Section 7.2;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Tranquillity Position Statement ([link](#)) and Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

Having reviewed the application, the Board wishes to raise a **holding object** to this application as, for the reasons outlined in Annex 1 below, we do not consider that the application has adequately assessed potential adverse impacts on the natural beauty of the National Landscape and accordingly has not demonstrated compliance with Policy EN5 of the Cotswold Local Plan 2011-2031 and paragraphs 176 and 185c of the National Planning Policy Framework.

Cotswolds Conservation Board

The Old Prison, Fosse Way, Northleach
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The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk

Chairman:
Brendan McCarthy

Vice Chair:
Rebecca Charley

Please do not hesitate to contact me if you require any further information or wish to discuss this response.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Joyce', with a small dot at the end.

Simon Joyce

Planning Officer

simon.joyce@cotswoldsaonb.org.uk | 07808 391227

ANNEX 1. COTSWOLDS NATIONAL LANDSCAPE CONSULTATION RESPONSE IN RELATION TO PLANNING APPLICATION 22/03916/FUL

LANDSCAPE AND VISUAL/ DARK SKIES

We note that the applicant has provided no detailed assessment of either the potential impact of the proposal in respect of either landscape and visual matters or lighting and we are particularly concerned regarding the potential impact of the proposal, in particular the 8x6m high floodlight columns, upon the natural beauty of the National Landscape. Whilst the Council's Landscape Officer has raised concerns regarding lighting, suggesting these could be addressed via condition, we would request for the reasons outlined below that the applicant provides further information on these matters before the application is determined so that its merits and potential impacts can be assessed against relevant planning policy and guidance.

Dark skies are one of the 'special qualities' of the Cotswolds National Landscape and the applicant is encouraged to refer to the Cotswolds National Landscape Board's guidance in relation to artificial light and dark skies contained in our Dark Skies and Artificial Light Position Statement (and its appendices) referred to above.

Paragraph 185c of the NPPF states that planning decisions should ensure that new development is appropriate for its location and in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 001 of the Planning Practice Guidance (PPG) on Light Pollution (Paragraph: 001 Reference ID: 31-001-20191101) states that 'intrinsically dark landscapes' are those entirely, or largely, uninterrupted by artificial light. National parks ... can serve as good examples'. As AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the special qualities of the Cotswolds National Landscape, we consider it reasonable to treat the National Landscape as an 'intrinsically dark landscape' in NPPF and PPG terms. CPRE has published 'tranquillity maps' which includes 'England's Light Pollution and Dark Skies Map'; this indicates that the site is situated in the second darkest category.

Paragraph 176 of the NPPF requires 'great weight' to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Policy EN5 (Cotswolds AONB) of the Cotswold Local Plan states that, in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. The supporting text of Policy EN5 outlines how the Cotswolds AONB Management Plan is a material consideration in planning matters and that the design of new developments should reflect the analysis of the special qualities of the AONB and opportunities for enhancement as described in the AONB Management Plan and relevant landscape character assessments.

Policy CE5 'Dark Skies' of the AONB Management Plan states that proposals that are likely to impact on the dark skies of the Cotswolds National Landscape should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Measures should be taken to increase the area of dark skies in the Cotswolds AONB by (i) removing and (ii) reducing existing sources of light pollution.

Section 7.2 of the Cotswolds AONB Landscape Strategy and Guidelines for Landscape Character Type 7 (High Wold), within which the site is located, identifies the 'introduction of lit elements into

characteristically dark landscapes’ as a potential adverse landscape implication for an area which comprises another of the National Landscape’s ‘special qualities’. As such, the introduction of 8 x 6m high floodlights into what is a characteristically dark landscape would not be consistent with the Landscape Strategy and Guidelines and, by extension, the policies of the Cotswolds AONB Management Plan 2018-2023.

The applicant should also demonstrate that the proposal complies with Guidance Note 01/21 on The Reduction of Obtrusive Light, published by the Institution of Lighting Professionals (ILP) (which forms Appendix 2 of our Position Statement on Dark Skies and Artificial Light referenced above) and other relevant guidance. We would recommend that the relevant ‘environmental zone’ for which compliance should be assessed is Environmental Zone E1 which relates to AONBs. We note that applicant’s suggestion of a restriction on use of the floodlights to between 16.00 and 21.00 which we would support. We also note that the bund between the courts and the open countryside would be planted and landscaped, although no detailed plan has been provided for this and further information should be provided, including the proposed height at planting of the screening vegetation.

We recognise that these padel courts would be for local community use and whilst the Board recognises its duty to seek to foster the economic and social well-being of people living in the Cotswolds National Landscape, including their recreation, this is only in so far as is consistent with the great weight that must be given to the conservation and enhancement of the landscape and natural scenic beauty of the National Landscape

Without prejudice, should the Council be minded to grant planning permission, we would request that appropriate pre-commencement planning conditions which enable to above matters to be addressed are imposed in the interests of the conservation and enhancement of the landscape and scenic beauty of the National Landscape.

LOSS OF PARKING

The Board notes the Council’s Landscape Officer’s response to this application, stating that *“the baseline context of the site is that of parking places that serve the neighbouring commercial enterprises. This land use was permitted through application 22/01665/FUL. Given the proposed use of the site over the permitted use there is not considered to be a significant change in landscape terms”*. 22/01665/FUL was a change of use application for a barn to commercial use. We recommend that the Council and Gloucestershire County Council Highways should be satisfied that the loss of the parking area does not result in inadequate levels of parking being provided for the commercial uses on site which may subsequently trigger applications for the further expansion of the site in future.

NOTES:

- 1) Cotswolds National Landscape is the new name for the Cotswolds Areas of Outstanding Natural Beauty (AONB). The new name takes forward one of the proposals of the Government-commissioned 'Landscapes Review' to rename AONBs as 'National Landscapes'. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture.
- 2) The name used for the organisation associated with the AONB designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. The legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.
- 3) Section 85 of the Countryside and Rights of Way Act 2000.
www.legislation.gov.uk/ukpga/2000/37/section/85
- 4) The documents referred to in our response can be located on the Cotswolds National Landscape website under the following sections
 - a. Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023
www.cotswoldsaonb.org.uk/management-plan
 - b. Cotswolds AONB Landscape Character Assessment
www.cotswoldsaonb.org.uk/lca
 - c. Cotswolds AONB Landscape Strategy and Guidelines
www.cotswoldsaonb.org.uk/lsg
 - d. Cotswolds AONB Local Distinctiveness and Landscape Change
www.cotswoldsaonb.org.uk/ldlc
 - e. Cotswolds Conservation Board Position Statements
www.cotswoldsaonb.org.uk/ps1
www.cotswoldsaonb.org.uk/ps2