

PLANNING AND LICENSING COMMITTEE

13th September 2017

ADDITIONAL PAGES UPDATE

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 40 - 73

PLANNING AND LICENSING COMMITTEE

13th September 2017

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
07	17/02488/FUL CT.3894/M	Additional Information from Agent – Please see attached dated 12 th September 2017.
08	17/02241/FUL CT.6303	<p>The revised drainage details are lacking sufficient information to demonstrate compliance of the management of surface water. Insufficient information has been provided within the submission therefore the LLFA retain their objection on the current proposal. The following refusal reason has therefore been added to the application:</p> <p><i>'The applicant has provided insufficient information to demonstrate compliance with the management of surface water. Failure to comply with these requirements could lead to an increased risk of flooding elsewhere in conflict with the National Planning Policy Framework and in particular paragraph 103. The increased risk of flooding elsewhere is considered to be an adverse impact of the proposals that significantly and demonstrably outweighs the benefits having regard to paragraph 14 of the National Planning Policy Framework. This would conflict with the guidance contained within Section 10 of the National Planning Policy Framework.'</i></p> <p>LLFA Comments – Please see attached dated 7th September 2017.</p>

09	17/02263/FUL CD.0444/D	<p>Comment from County Councillor Paul Hodgkinson - 'I am writing to object to the application as County Councillor for the following reasons:</p> <p>I am regularly contacted by residents of the new Linden Homes estate about the issue of road safety. This evening I am chairing a public meeting of residents in Bourton to discuss road safety in this location – the second one this year and until these issues are sorted out it is not appropriate for any more houses to be given permission.</p> <p>The estate has been built as a 'shared space' but this is not working for the residents who live there. There are no pavements and already problems have arisen with parking of vehicles in designated visual spray areas on corners of the road.</p> <p>Children play on the road unsupervised. The development has no provision for visitor parking.</p> <p>The estate has many young families who complain about the 'shared space' set up - it is possible that traffic calming measures will need to be introduced'.</p>
11	17/02598/FUL CD.0802/P	<p>Agent – Please see attached Bat Survey Report dated 5th April 2016.</p> <p>Further Letter of Objection – Please see attached.</p>

From: Fergus Sykes
Sent: 12 September 2017 10:31
To: Mark MacKenzie-Charrington External
Cc: Mike Napper
Subject: RE: 17/02488/FUL Change of Use at Forum House, South Way, Cirencester

Hi Mark,

Please find attached an extract from the Snap Fitness Landlord pack which sets out the average hourly customer usage at their gyms.

This demonstrates that during the busiest hourly period, there would be an average of 19 customers using the gym. The site includes 18 parking spaces (including 1 disabled space).

Apologies but we do not have figures available on the anticipated number of customers which would drive, walk to the site etc.

However, given the site's use as a gym and its highly sustainable location within the commercial centre, it would be reasonable to expect a relatively high proportion of customers to walk or run to the gym or to use public transport.

Kind regards

Fergus Sykes

Senior Planner

Pegasus Group

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CLUB USAGE

(Indicative Usage Patterns)

TIME	MON	TUE	WED	THU	FRI	SAT	SUN	PEAK
12am-1am	0	0	2	1	1	2	0	2
1am-2am	0	1	1	0	1	1	0	1
2am-3am	0	1	1	0	0	0	0	1
3am-4am	0	0	1	1	1	2	0	2
4am-5am	0	2	1	2	0	0	0	2
5am-6am	9	11	13	17	5	1	0	12
6am-7am	7	7	7	8	7	13	1	13
7am-8am	5	6	13	3	7	9	1	13
8am-9am	9	2	3	3	2	6	7	9
9am-10am	3	2	9	5	5	4	6	9
10am-11am	1	3	1	3	3	12	5	12
11am-12pm	5	8	6	3	7	4	7	8
12pm-1pm	2	4	2	2	5	4	1	5
1pm-2pm	1	5	10	3	9	4	6	10
2pm-3pm	5	7	10	7	3	5	2	10
3pm-4pm	7	12	7	10	7	4	2	12
4pm-5pm	14	11	15	14	11	7	6	15
5pm-6pm	15	17	18	16	8	6	7	18
6pm-7pm	18	19	18	11	12	6	7	19
7pm-8pm	18	13	12	15	9	5	8	18
8pm-9pm	15	8	10	15	5	7	6	15
9pm-10pm	8	8	6	4	3	4	1	8
10pm-11pm	6	4	3	6	4	4	3	6
11pm-12am	3	1	2	4	4	3	2	4

■ DAILY PEAKS

SNAP FITNESS LANDLORD PACK
 WWW.SNAPFITNESS.CO.UK

43 Hemond
 17/02/2008/FUL
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Lead Local Flood Authority

Shire Hall
Gloucester
GL1 2TH

Alison Williams
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

email: naveen.tangri@gloucestershire.gov.uk

Please ask for: Naveen Tangri

Phone: 01452427472

Our Ref: C/2017/038659

Your Ref:
17/02241/FUL/LLFA

Date: 7 September 2017

Dear Alison Williams,

**TOWN AND COUNTRY PLANNING ACT 1990
LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION**

LOCATION: Elkstone Farm Elkstone Cheltenham Gloucestershire GL53 9PT
PROPOSED: Demolition of existing barns and construction of 5 dwellings (2 x 3 bedroom and 3 x 4 bedroom)

Objection

I refer to the above application response received by the Lead Local Flood Authority (LLFA) on 06th September, 2017 for comment on the management of surface water. On the basis of the documentation supplied to the Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system.

FRA states that runoff will be managed through appropriately sized soakaway plots (i.e. geocells) for the residential dwellings, and conventional ringed soakaways with a catchpit/silt trap just upstream for the highways. LLFA requires details of soakways .

According to paragraph 6.6.12 runoff rates and attenuation volumes are indicative only and should be investigated further during detailed design stage, along with the positioning of soakaways when a detailed layout is available.

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It is a full application so LLFA expects to see detail drainage design along with layout plan for all 5 dwellings at this stage of application.

Also Paragraph 7.5.2 states soakways and attenuation could be designed during detail design stage. LLFA again requires this information now as it is a full application. The runoff generated from access road and parking should also be taken into consideration whilst doing the drainage design.

Soakaway details along with calculation and their location in respect to dwellings is required by LLFA . LLFA also requires details of flow control devices with location on layout plan.

Exceedance Flow routes through development based on topography with flows being directed to highways and areas of public open space to be shown on the layout plan. Flow routes through gardens and other areas in private ownership will not be permitted.

The applicant's submission is lacking sufficient information to demonstrate compliance with these requirements. Insufficient detail has been provided in the submission and therefore the LLFA **objects** to the current proposal.

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

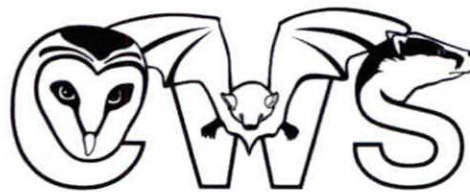
Yours sincerely,

Naveen Tangri

SuDS Engineer

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**Bat Survey Report for
Garage at Close Hill,
Naunton, Cheltenham,
GL54 3AA**



Cotswold Wildlife Surveys

5th April 2016

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SUMMARY

At Close Hill in Naunton, planning permission is being sought to demolish the garage and replace it with a new garage.

As this could impact on features typically used by bats as roosting places, a diurnal inspection was undertaken on 5th April 2016, to assess the building for signs of bat occupation.

All the internal and external structures, especially those associated with the roof and walls of the garage were examined.

In the upper floor, three clusters of c10, c5 and c10 old Brown Long-eared Bat *Plecotus auritus* droppings were noted. These are considered to be from a single, opportunist bat gaining access through the garage door when it had been left open, as there are no access points anywhere around the building.

As such, the likelihood of roosting pipistrelles *Pipistrellus sp* is considered to be negligible.

As the bat roost will be lost when the garage is demolished, suitable mitigation will be required.

A new bat loft will therefore be created against the west gable in the roof void of the new garage. This will have an approximate volume of 15.2 m³.

The bat access point will be via a gap under a ridge tile.

As it is anticipated that a Bat Low Impact Class Licence from Natural England will be required for the loss of the bat roost, nocturnal surveys will be undertaken during the summer of 2016 to inform the site registration for the licence.

There were no signs of nesting birds in or on the building.

1. INTRODUCTION

In early March 2016, Cotswold Wildlife Surveys was instructed by Tyack Architects on behalf of their clients Mr & Mrs Kendrick, to undertake a bat survey of the garage at Close Hill in Naunton. On 5th April 2016, a visit was made to the property to carry out a diurnal inspection of the building to check for signs of bat occupation.

The result of the survey is contained in this report.

In England, Scotland and Wales, all bat species are fully protected under the Wildlife and Countryside Act 1981 (WCA) (as amended), through inclusion in Schedule 5. In England and Wales this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions, and increases penalties.

All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations 1994, (or Northern Ireland 1995) (the Habitats Regulations), which defines 'European protected species of animals'.

The above legislation can be summarised thus (Mitchell-Jones and McLeish, 2004):

- Intentionally or deliberately kill, injure or capture (or take) bats*
- Deliberately disturb bats (whether in a roost or not)*
- Recklessly disturb roosting bats or obstruct access to their roosts*
- Damage or destroy roosts*
- Possess or transport a bat or any part of a part of a bat, unless acquired legally*
- Sell (or offer for sale) or exchange bats, or parts of bats*

The word 'roost' is not used in the legislation, but is used here for simplicity. The actual wording is 'any structure or place which any wild animal...uses for shelter or protection' (WCA), or 'breeding site or resting place' (Habitats Regulations).

As bats generally have both a winter and a summer roost, the legislation is clear that all roosts are protected whether bats are in residence at the time or not.

2. METHODOLOGY

In order to fully assess bat occupation of a particular site, the Bat Conservation Trust (2016) recommends that information gathered from a desk study of known bat records, and a daytime site walkover, is used to inform the type and extent of future bat survey work, potentially including nocturnal surveys.

The diurnal walkover provides an opportunity to check for signs of occupancy, such as droppings, scratch marks, feeding remains, carcasses, or even animals in residence, whilst nocturnal surveys (if required) allow numbers and species of bats to be confirmed. The latter are also used to determine the presence or absence of bats, where signs of bat activity are indeterminate or absent but likelihood of roosting is considered to be medium to high.

Roosting places vary depending on the species. Pipistrelles usually inhabit narrow cracks or cavities around the outside of buildings, but they will roost in similar niches inside larger barns. Typical sites include soffit spaces, gaps behind fascia boards and end rafters, crevices around the ends of projecting purlins, under warped or lifted roof and ridge tiles, or in gaps in stone and brickwork where mortar has dropped out.

Larger species such as Brown Long-eared Bats, Myotis bats (Natterer's *Myotis nattereri* and Whiskered/Brandt's *M. mystacinus/M. brandtii*), and Lesser Horseshoes *Rhinolophus hipposideros*, like to roost in the roof voids of buildings, and can often be found hanging singly or in small groups from ridge boards or roof timbers, especially where these butt up against gable walls or chimney breasts. They especially favour older structures with timber frames. Here they squeeze into tight crevices making them difficult to observe.

Diurnal walkovers can be carried out at any time of the year, but nocturnal surveys should only be undertaken when bats are out of hibernation and in their summer roosts. The recommended period is from May to September inclusive, with May to August optimum and September sub-optimum. The season can be extended into October, although particularly cold weather will render this inadvisable. Indeed, the air temperature at the start of each survey must be at least 10°C or above.

Visits will be a minimum of two weeks apart, and the number of surveys is dependent on the evidence found or the suitability of the site to bats.

Where bats are found, or there is evidence of bat occupation or activity, i.e. that bat use is confirmed, the number and timing of visits will be decided by the ecologist, and will be appropriate for the type of roost. In general at least two nocturnal surveys will be carried out, both of which can be emergence surveys, or one emergence and one dawn re-entry.

Where there is no evidence of bat presence, and no suitability for roosting, no nocturnal surveys will be needed.

For a site with no evidence but low suitability, just one nocturnal emergence survey is required, this to be in the optimum period.

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For medium suitability a minimum of two visits are needed, of which one must be in the optimum period, and one must be a dawn re-entry survey. With high suitability, three visits will be necessary, of which two must be in the optimum period. At least one of these must be a dawn re-entry survey, with the third visit either an emergence or a dawn re-entry.

For sites < 5 ha in size, and/or regularly shaped structures, at least two surveyors must be present, with more surveyors at larger sites and more complex buildings, e.g. those with multiple elevations and/or roof structures.

On 5th April 2016, a thorough inspection of the garage was made by Neil Musgrave (Natural England bat licence No. 2015-12094-CLS-CLS), including the exterior and interior walls, roof covering, roof void, eaves, gables, roof and ceiling timbers, window casements and door frames.

8x42 binoculars and a Clulight CB2 torch were used for the inaccessible/unreachable areas. On this occasion an endoscope was not used, as there were no crevices and cavities that could not be inspected with a torch or by use of binoculars from a ladder.

The result of the inspection is detailed in Section 3.

3. RESULTS

3.1 Location

Naunton is a small village located approximately 6.75 km southwest of Stow-on-the-Wold, to the north of the B4068 in Gloucestershire. Close Hill lies to the south of the village 75 west of The Black Bull Inn. The Ordnance Survey Grid Reference is SP 11829 23434 (Appendix 1).

3.2 Site Description

The survey site comprised a detached stone building with a pitched, tile roof (Figs. 1 and 2).



Figs. 1 & 2 Front and rear aspects of garage

To the front of the garage was a hard surfaced drive with large conifers on the boundary to the north and large mature trees in the distance to the east (Fig. 3).

The rear garden was laid to lawn with a large group of large mature conifers to the southeast and open fields to the south and west (Fig. 4).



Fig. 3 Mature trees to the east



Fig. 4 Rear garden

The fast flowing River Windrush was 15 m to the north of the site.

The layout of the site is shown in the aerial photograph in Appendix 2.

3.3 Building Survey

The daytime inspection was carried out on 5th April 2016, commencing at 09:30. The weather conditions during the time of the survey were recorded and are presented in Table 1 below.

Parameter	Value
Temperature (°C)	9.0
Cloud cover (%)	20
Precipitation	>1 SW
Wind speed (Beaufort scale)	0

Table 1 Weather conditions during the diurnal survey

The ridge of the pitched roof was fully intact and sealed, with no gaps or cavities, whilst all the roof tiles were tightly overlapping with none raised, broken, dislodged or missing.

Both roof slopes had a covering of moss (Figs. 5-8).



Figs. 5 & 6 Ridge and roof tiles to the front



Figs. 7 & 8 Roof and ridge tiles to the rear

The gables were finished with the roof ends cement sealed to the gable wall plates (Figs. 9 and 10).



Figs. 9 & 10 Sealed gables

The eaves were finished with timber boxed soffits tightly fitting against the walls on both sides (Figs. 11-14).



Figs. 11 & 12 Tightly fitting timber boxed soffits to the front



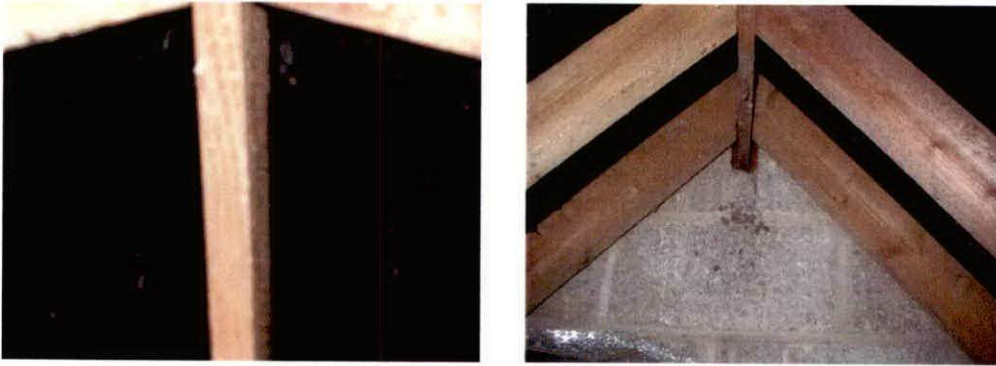
Figs. 13 & 14 Boxed soffits tightly fitting against the rear wall

The re-constituted block work was sound throughout, whilst all the window casements and door frames were tightly fitting with no gaps or crevices.

No signs of bat activity were found around the outside of garage.

Internally the building had a ceiling installed, this with gaps at eaves level allowing free access between the upper and lower sections. The upper floor was open to the tarred felt lined roof, the felt fully intact and un-torn.

The ridge and gables were lightly cobwebbed (Figs. 15, 16 and 17).



Figs. 15 & 16 Lightly cobwebbed ridge and gable end



Figs. 17 & 18 Lightly cobwebbed gable with bat droppings on the gable wall

On the east gable wall c10 Brown Long-eared Bat droppings were observed (Fig. 18).

In total three clusters of Brown Long-eared Bat droppings were counted; c10 on the gable wall, c5 on the floor mid way between the gable walls, and c10 on boxes just to the west of the droppings on the floor (Fig. 19).



Fig. 19 Brown Long-eared Bat droppings

Light penetrated the garage through the windows, this illuminating the upper floor through the gaps at eaves level.

The locations of the bat droppings are shown in Appendix 3.

4. CONCLUSIONS AND RECOMMENDATIONS

Bats tend to be seasonal visitors to properties, and are not usually in occupation all year round. The females normally form maternity colonies during May or June and then leave for adjacent trees and/or woodland during July or August once the young bats are able to fly and become independent. Here they will spend the winter months in hibernation before returning to the house or barn the following spring.

Male bats generally live alone and have a number of favoured roosts. During the summer they visit each of these for a few days at a time, before moving to their chosen hibernation site in mid-late October. Different species have different habits, but this seasonal movement is common to all.

Bats choose their roosts carefully. During the summer they look for sites which are warmed by the sun, and as a result are most often found on the south and western side of buildings.

Pipistrelles, our smallest and commonest bats, prefer to roost in very confined spaces around the outside of buildings, typical places being behind hanging tiles, weather boarding, soffit, barge and eave boarding, between roof felt and roof tiles or in cavity walls. As such they can be difficult to find, so the likelihood for roosting was also assessed.

This was considered to be negligible as no suitable external cavities or gaps were present.

Another bat frequently encountered in buildings is the Brown Long-eared. This is also a common species, but unlike pipistrelles, they prefer the dry, warm space of the loft or roof void, and can often be found hanging from roof timbers, especially rafters and the ridge board next to chimney breasts.

The location, shape, size and texture of the droppings on the upper floor were typical of Brown Long-eared Bat, and the animal was considered to have gained access through the garage door when it had been left open.

The small number of droppings suggested a single bat present for just two days.

As the bat roost will be lost when the garage is demolished, suitable mitigation will be required.

A new bat loft will therefore be created against the west gable in the roof void of the new garage. This will have an approximate volume of 15.2 m³.

The bat access point will be via a gap under a ridge tile.

As it is anticipated that a Bat Low Impact Class Licence from Natural England will be required for the loss of the bat roost, nocturnal surveys will be undertaken during the summer of 2016 to inform the site registration for the licence.

There were no signs of nesting birds in or on the building.

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A Method Statement

A.1 Summary

- Pre-demolition inspection of roof void of garage in late September/early October 2016;
- If a bat is found during the inspection or during destructive roof works, it will be captured by hand or hand-net and removed from the building. The bat will be placed in a temporary holding box to be released at the site later the same evening. This action will be undertaken by a licenced bat ecologist only. In the meantime the destructive roof works will continue to prevent re-occupation;
- Incorporation of a new bat loft in the new garage with access for bats via a ridge tile gap as per English Nature Option B;
- Undertaking of one year monitoring programme, in summer 2017 following completion of development. One visit in mid-July to check for signs of bat usage.

B Works to be undertaken by the ecologist

B.1 Capture and exclusion

As the development will take place at the end of the summer roosting period, an animal may be present when demolition works commence. As such, the destructive roof works will be supervised by a licenced bat ecologist.

If a roosting bat is discovered in the building during the works, and the night-time temperature is not below 7°C, all work will stop whilst the animal is captured by hand or hand-net, and removed from the building. The bat will be placed into a temporary holding box to be released at the site later the same evening.

If the temperature is below 7°C, the bat will be allowed to leave naturally when temperatures have risen.

If bats are absent, or an animal has been removed, any remaining destructive roof works will be carried out under supervision of a licenced bat ecologist to prevent re-occupation.

Before commencing any work on site, builders and contractors will be inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.

A copy of this method statement will remain available on site at all times. If a bat is discovered at other unsupervised times, work will cease immediately and the licensed ecologist will be called for advice. This advice will include leaving the bat to disperse of its own accord, or wait for the licensed ecologist to appear and move the bat.

Builders and contractors are explicitly forbidden from handling bats. Injured bats will be immediately taken into care (as directed by BWM, s.7.3, pp. 64-66; 3rd ed, 2004). Details of a local experienced bat carer are known.

C Works to be undertaken by the Developer/Landowner

C.1 Bat roosts

C.1.1 In-situ retention of roost(s)

This will not be possible as the garage is to be demolished.

C.1.2 Modification of existing roost(s)

This will not be possible as the garage is to be demolished.

C.1.3 New roost creation

A new bat loft will be created in the roof void of the new garage against the west gable wall.

The new bat loft will measure approximately 2.7 m high, by 4.5 m long and 2.5 m wide, giving a volume of 15.2 m³.

The roof supports will not be of trussed rafter construction, and all timbers of the bat loft to be left roughened and untreated.

The loft will be lined with 1F (tarred) thereby replicating the lining of the existing garage roof void.

The bat entrance will be under a ridge tile as per England Nature Option B.

No lights will be installed in the loft and access for monitoring, etc will be through an access hatch in the east gable wall of the bat loft.

A notice stating that the loft may contain bats will be placed on the access hatch door.

No external security lights will be installed so as to light the access into the bat loft.

C.1.4 Scaled maps/plans

The drawings overleaf show the proposed location of the bat loft and access point (Figs. 1.4.1 to 1.4.3).

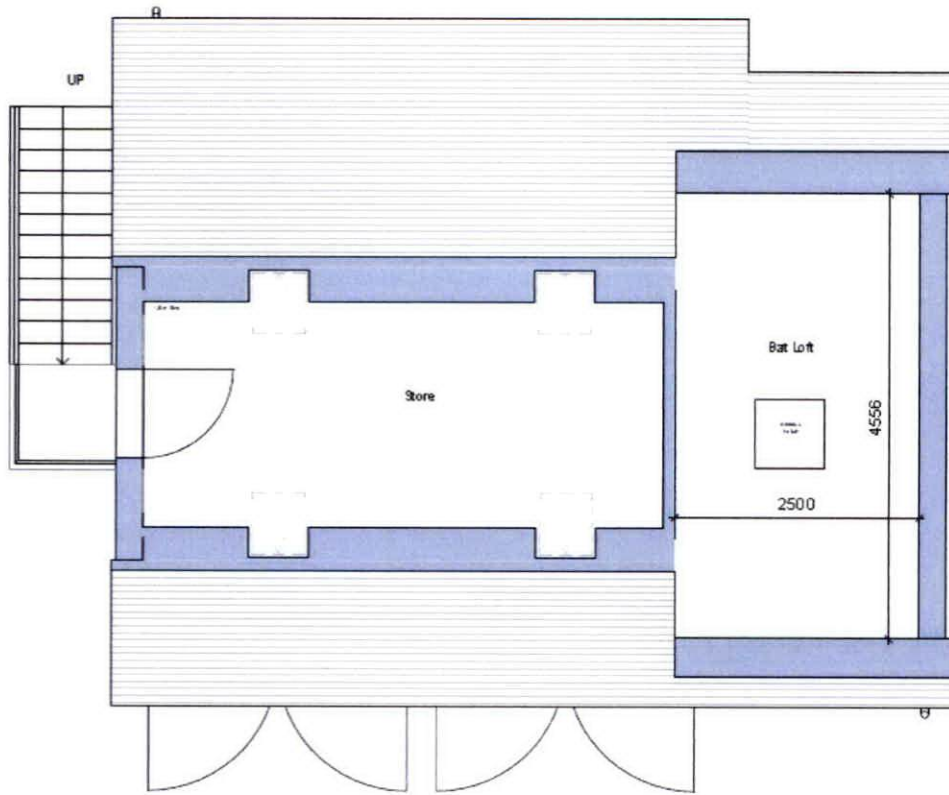


Fig. 1.4.1 Plan view of the proposed Bat Loft

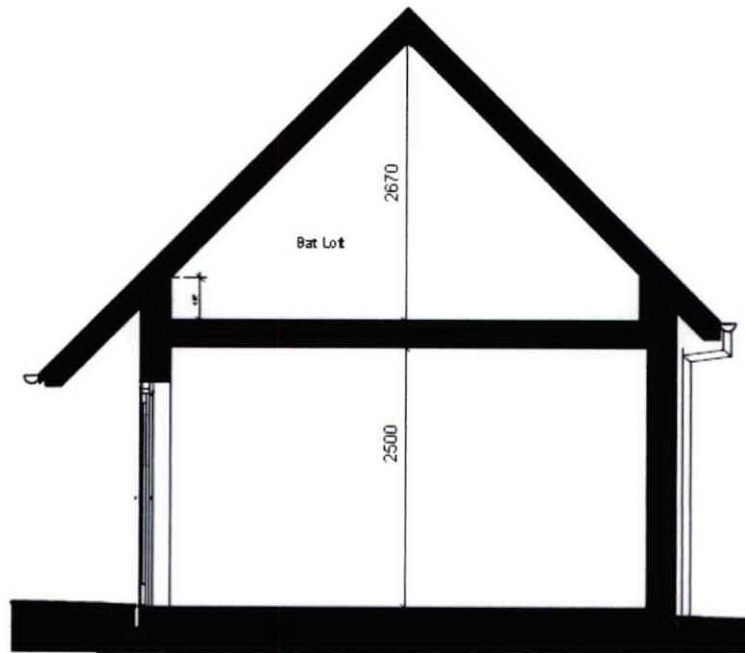


Fig. 1.4.2 End view of the proposed Bat Loft

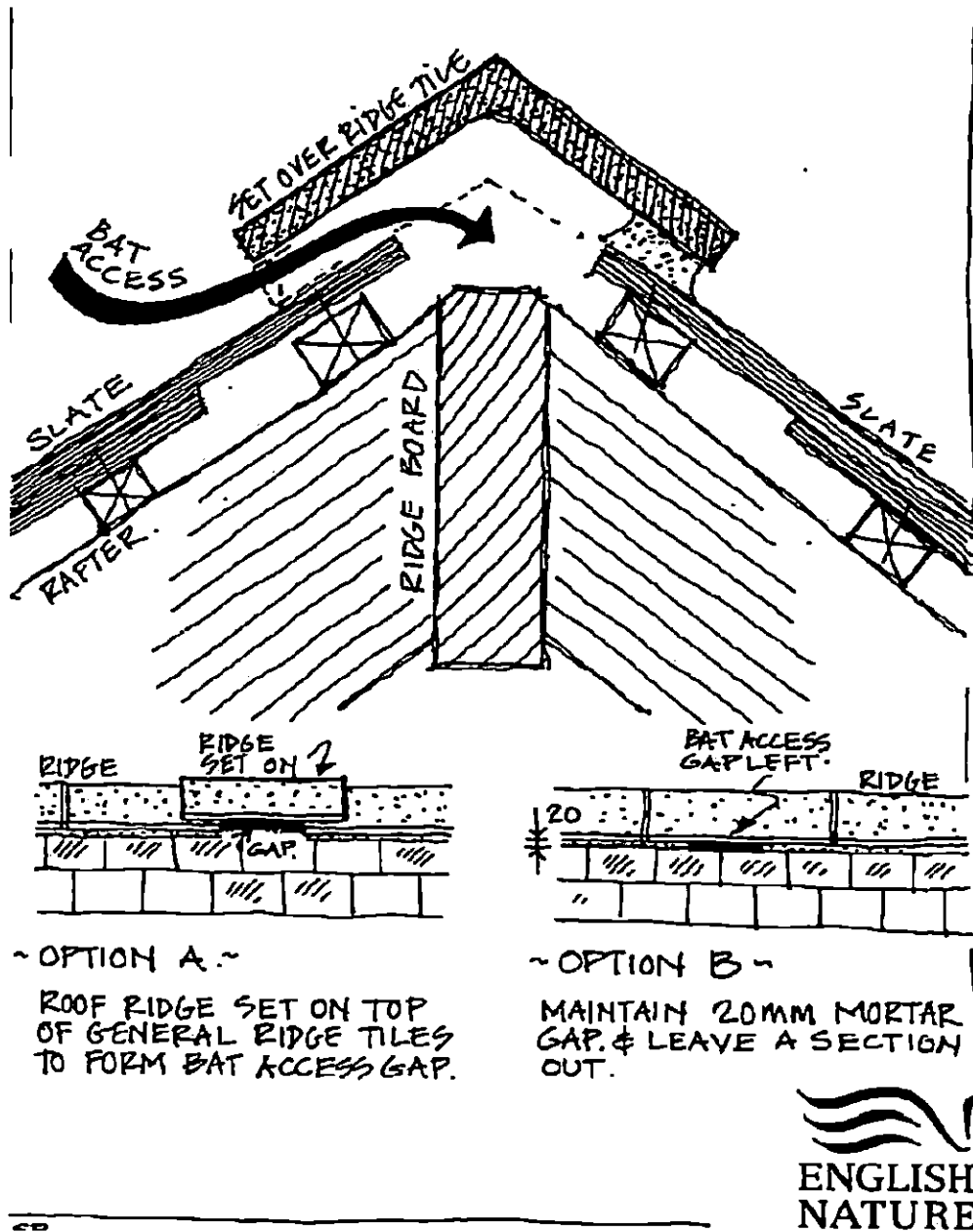


Fig. 1.4.3 English Nature ridge tile access – Option B to be used

D Post-development site safeguard

D.1 Habitat/site management and maintenance

A key element of the mitigation strategy will be to ensure that the bat-friendly measures are not affected after they have been completed.

As such, the owner is fully aware of his responsibilities. These will be communicated to the new owners if the property is sold.

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It is not anticipated that any maintenance procedures will be required, as the bat roost features are associated with a new build, which is expected to have longevity of at least 50+ years.

Externally, the size of the area available to foraging bats will be little affected by the development and, as a result no mitigation is considered necessary.

D.2 Population monitoring, roost usage, etc

In order to assess the success, or otherwise, of the strategy, a monitoring plan is required. Given the significance of this development on bat populations (low), it is recommended that a visit should be made during the summer after completion of the works, in mid-July 2017.

The visit will be conducted during optimal conditions, and in good weather.

The survey will consist of a diurnal visit to check for signs of usage, e.g. staining and/or scratch marks at the entrance point, presence of droppings and insect remains in the bat loft.

D.3 Mechanism for ensuring delivery of post development works

Cotswold Wildlife Surveys has been commissioned to advise on, and inspect the mitigation works.

E. Land ownership

E.1 Mitigation site ownership

All land covered by this application is owned by Mr & Mrs Kendrick.

E.1.1 I confirm that relevant landowner consent/s has/have been granted to accept bats into roosts onto land outside the applicant's ownership – Not applicable.

E.1.2 I confirm that landownership consent/s has/have been granted to allow the creation of the proposed habitat compensation on land outside the applicant's ownership – Not applicable.

E.1.3 I confirm that consent/s has/have been granted by the relevant landowner/s for monitoring and maintenance purposes on land outside the applicant's ownership – Not applicable.

F. Timetable

The programme of works for the garage at Close Hill in Naunton is tabled below:

A: Development activities and timing		
Activity	Timing	Notes
Pre-demolition inspection of roof void of garage	Late September/early October 2016	By licensed bat ecologist
Demolition of garage	Late September/early October 2016	Same day following pre-demolition inspection. Supervised by licensed bat ecologist
Incorporation of bat loft in the roof void of the new garage with bat access under a roof tile on the west side	Autumn/winter 2016	

Year	2017			
Details	Daytime inspection in July, followed by nocturnal emergence and/or dawn survey if required			

5. REFERENCES

Bat Conservation Trust, 2016. *Bat Surveys – Good Practice Guidelines.* 3rd edition. Bat Conservation Trust, London.

English Nature, 2004. *Bat mitigation guidelines.* English Nature, Peterborough.

Mitchell-Jones A. J. & McLeish, 2004. *Bat Workers' Manual.* Joint Nature Conservation Committee, Peterborough.

Stebbing R.E., 1986. *Which bat is it?* The Mammal Society and The Vincent Wildlife Trust, London.

The Vincent Wildlife Trust, 2003. *The Bats of Britain and Ireland.* The Vincent Wildlife Trust, Ledbury.

APPENDICES

Appendix 1: Location plan

Appendix 2: Site layout

Appendix 3: Locations of bat droppings

Appendix 1: Location plan



Close Hill, Naunton

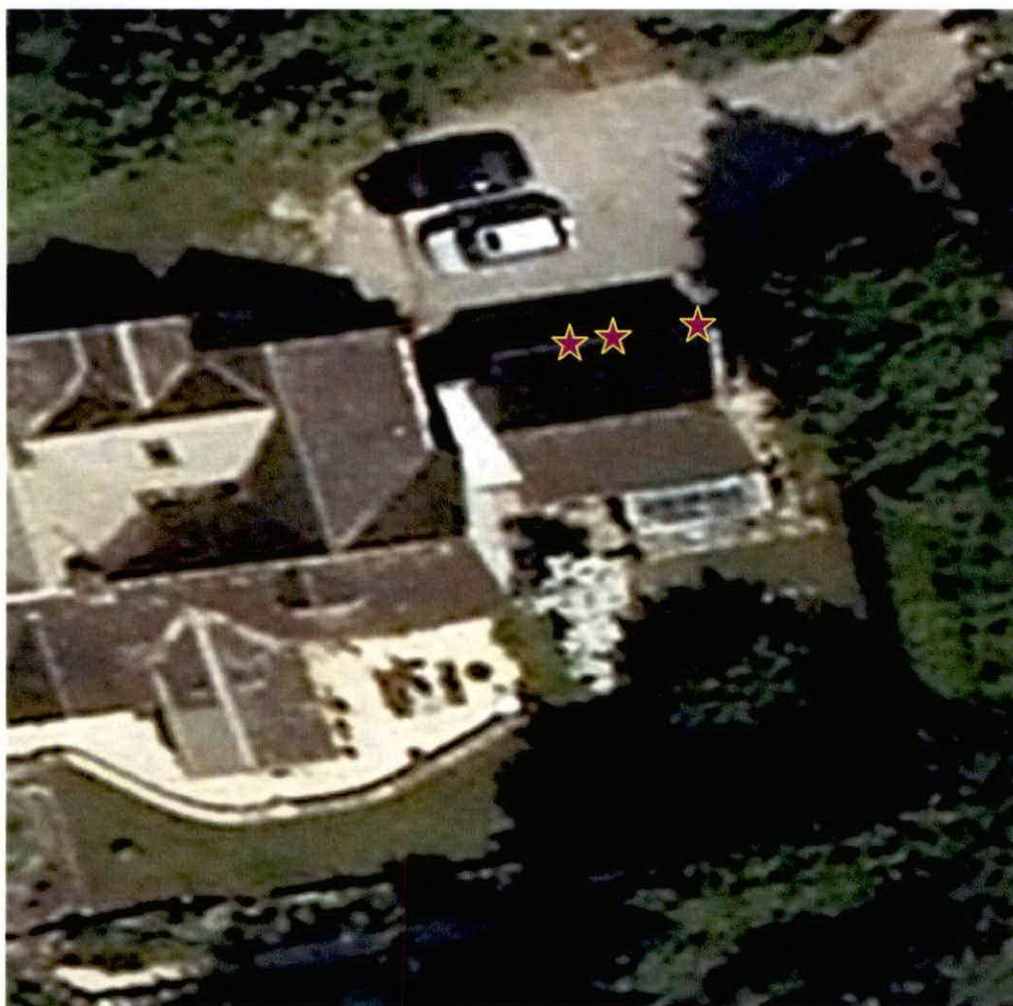
Appendix 2: Site layout



Garage

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Appendix 3: Locations of bat droppings



Brown Long-eared Bat droppings ★

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Garage at Close Hill, Naunton – Bat Survey Report

To: Mr & Mrs Kendrick

Report Number: 2323-CWS-01

Version: 01

Date: 19th May 2016

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Objection to Planning Application

Planning and Licensing Meeting 13 September 2017

Application No.: 17/02598/FUL

Location: Close Hill
Naunton
Cheltenham
Gloucestershire
GL54 3AA

Objectors: Lawrence and Jennifer Houlden
Hatters Cottage
Naunton
Cheltenham
Gloucestershire

Submitted by Lawrence and Jennifer Houlden, 11 September 2017.

1. Planning Legislation/Policies

GPDO Town and Country Planning (General Permitted Development) (England) Order 2015
NPPF National Planning Policy Framework
PR42 Cotswold Design Code
LPR46 Privacy & Gardens in Residential Development

2. Planning History

Circa 1957 Original dwellinghouse
04/01032/FUL Alterations to dwelling and replacement garage. Permitted 1 June 2004
16/01577/FUL Alterations to dwelling and replacement garage. Permitted 29 July 2016.
16/03214/TCONR Schedule 190 Tree Application. Permitted

3. Introductory Note

We appreciate the opportunity to raise various matters in objection to Application 17/02598/FUL.

We have raised complex and contentious issues associated with this application, which cannot be considered adequately in the context of, and time available, during a Planning and Licensing Committee Meeting. Naunton Parish Council have also raised similar concerns. The issues we raise below have not been considered adequately in the application or in the Planning Officer's Report (Officer's Report).

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Cotswold District Council (CDC) should apply the Precautionary Principle, especially in relation to nature conservation matters. This means a refusal of the application.

We outline below why we believe that in Planning Law the new garage development as constructed does not include any Permitted Development and therefore the Planning Officer's Report may be erroneous and has not considered adequately both nature conservation matters and our interests as an immediate neighbour to the development. The Planning Officer's Report also lacks deference to the views expressed by Naunton Parish Council and relies on a single short and ambiguous email from an ecologist as evidence that the bat loft is not a requirement.

It should also be noted that the Applicant has an advantage in planning procedural terms. The Applicant has the option to re-submit a revised application or Appeal the decision should the application be refused, whereas if the application is permitted the only recourse we will have is litigation related to the decisions made by Cotswold District Council.

Consequently, we urge Cotswold District Council to refuse this application and allow the Applicant the opportunity to submit a revised application with proper supporting evidence or Appeal a refusal, again with proper supporting evidence.

4. Main Issues

Our objections relate to the difference between the details of the rooms above the new garage (i) shown on the Approved Plans (16/01577/FUL), and, (ii) the as-built construction and as shown on the drawings which accompany Application 17/02598/FUL.

Our objections are based on actual loss of nature conservation value and privacy, and on matters of principle relating to the way in which the Applicant has provided information in support of their Applications. We believe that an applicant has a duty to provide clear and complete information in support of each planning application, and subsequently to construct strictly in accordance with the Decision Notice. We would have objected to Application 16/01577/FUL had the application shown the occupied rooms over the garage with windows at viewing height (i.e. where the windows extend to within 1.7m of floor level and/or are not obscure glass and/or are openable¹). When we reviewed Application 16/01577/FUL the plans clearly showed a store room and bat loft above the new garage. It would not have been appropriate for us to object to a store room and a bat loft, and indeed, any reasonable person or our neighbours in Naunton would almost certainly consider that we had acted unreasonably had we objected to the store room and bat loft. Therefore, the 2016 Application as made and in the context of the subsequent Application 17/02598/FUL has obstructed our options to raise objections.

It is questionable why the Applicants' requirements for a store room and bat loft in 2016 changed to an additional bedroom and bathroom when construction started in early 2017 and why, having received the ecologist's email dated 7 December 2016, an application was not

¹ As specified in the Town and Country Planning (General Permitted Development) (England) Order 2015.

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made at the appropriate time to amend the application to replace the store room and bat loft with a bedroom, bathroom and additional windows. The email from the ecologist, see below, rather than resolving matters actually raises additional questions.

We also contend that Decision Notice 16/01577/FUL, by Condition No. 2, places a strict obligation on the Applicant to construct in accordance with the Approved Plans.

We have also considered the meaning of permitted development as defined in Planning Law under the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"). We believe that the new garage does not have any benefits of Permitted Development as explained below.

Therefore, the main issues raised by this objection are as follows:

- Removal of the provision of a bat loft, which was a strict requirement of Decision Notice 16/01577/FUL, and absence of adequate information to support the removal of the bat loft. Drawings attached to Application 17/02598/FUL do not show the bat loft and therefore conflict with Decision Notice 16/01577/FUL.
- Failure to fulfil Condition 2 of Decision Notice 16/01577/FUL, as detailed in Section 5 below, which is not rectified by Application 17/02598/FUL.
- Failure to provide a clear statement of the intended use of the rooms above the garage in Application 16/01577/FUL, which again is not rectified by Application 17/02598/FUL. In our opinion, application 16/01577/FUL was deliberately misleading.
- Loss of privacy resulting from the combined effects of 16/01577/FUL, 16/03214/TCONR, and 17/02598/FUL. The effect of 17/02598/FUL is to permit explicitly the change of use from store room and bat loft to bedroom and bathroom with direct views over our property from clear-glazed, opening windows set less than 1.7m above floor level.
- Plans accompanying Application 17/02598/FUL contradict Decision Notice 16/01577/FUL.

5. Planning Consent 16/01577/FUL

Decision Notice 16/01577/FUL (2016 Decision Notice) permitted various alterations to the dwellinghouse, together with the replacement of a pre-existing garage with a larger garage with rooms above. This objection is principally concerned with the replacement garage and the rooms above.

The 2016 Decision Notice included the following condition ("Condition 2"):

2 The development hereby approved shall be implemented in accordance with the following drawing number(s):

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2351-PL07A proposed and existing front elevations
2351-PL08A proposed and existing side elevations
2351-PL09A proposed and existing rear elevations
2351-PL10A proposed and existing side elevations
2531-PL05 Plan - proposed ground
2531 - PL06 Plan - proposed first
2531 - PL01 location plan

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Drawing number "2531 - PL06 Plan - proposed first" referenced in Condition 2 shows a store room and a bat loft in the first floor roof space above the new garage. Condition 2 has not been complied with, because the rooms above the garage were actually built as occupied living space, specifically a bedroom in lieu of the store with four windows and a bathroom with two windows in lieu of the bat loft which had no windows.

We contend that Condition 2 of Decision Notice 16/01577/FUL imposes strict requirements for construction only in accordance with the Approved Plans listed in this condition. No other use is permitted and this condition has the same effect as a condition restricting the use of the rooms above the new garage. Any variation from the Approved Plans is not Permitted Development as explained in Section 7 below.

6. Application 16/03214/TCONR Schedule 190 Tree Application

On 8 August 2016 an application was made to remove virtually all the trees and hedges at the site. This was permitted by CDC on 22 August 2016, and we were not consulted.

The effect of this permission was to allow the complete removal of a mature hedge some 5 to 10m high, which screened the front of Close Hill from the footpath and our property. A two-story high glass window in a main stairway of Close Hill and several other windows now directly overlook our property, where previously the view was screened by the hedge. The two-storey window was permitted by CDC in 2004. Please refer to Photograph 1.

We contend that this tree application had significant planning consequences and we should have been consulted before a decision was made. We believe that CDC's actions in this regard were prejudicial to our interests.

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Photograph 1 Current View of Close Hill from Hatters Cottage rear patio

The above photograph was taken from the patio area immediately to the back of our house.

7. Planning Officer's Report

The Officer's Report, dated 21 August 2017, makes the following introductory statement:

"The proposed plans show the room to be used as a bedroom as opposed to a store and bat loft as previously approved, however no conditions were imposed to restrict the use of the room and so planning permission is not required for the use of the room as a bedroom. Planning permission is required because the rooflights were inserted while the garage was under construction, thus the construction did not accord with the approved plans. It should be noted however that planning permission would not be required if the rooflights were inserted after the garage was completed."

We do not accept this statement for the following reasons:

- a) Condition 2 of 16/01577/FUL requires the development to be constructed in accordance with the Approved Plans as listed in the condition. The Approved Plans include a bat loft and therefore this is a strict requirement. Application 17/02598/FUL includes new plans which omit the bat loft and therefore this application cannot be permitted as it would contradict the 2016 Decision Notice.
- b) Permitted Development rights do not apply to the new garage by virtue of GPDO. The development is situated in a conservation area which is Article 2/3 land under the GPDO (GPDO Schedule 1, Part 1, 1 (a)). There are numerous exceptions to Permitted Development rights under Schedule 2 of the GPDO. We believe that the following exceptions apply: A1 (e) or A1 (j); A2 (a) [the garage has wood cladding]; and A2 (b). Condition 3 of Schedule 2 of the GPDO also applies and requires that upper-floor windows in a side elevation should be constructed with obscure glazing and be non-opening or more than 1.7m above floor level, which the as-built development does not

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conform to. Therefore, planning permission is required for the insertion of new roof windows irrespective of when they are installed.

The Officer's report also includes the following statement:

"The neighbour has raised concern that the rooflights are harmful to the conservation area, however the rooflights match those approved on the garage which were considered acceptable by our conservation team."

In fact, we do not question the roof windows on conservation grounds, they are of the same type as installed on our own house. Rather, it is the appearance of the whole development under 16/01577/FUL in conjunction with removal of the screening vegetation under 16/03214/TCONR that we question. In our opinion, larch cladding was inappropriate in Naunton and CDC acted rashly and incorrectly in permitting 16/03214/TCONR without full consultation. It also appears that 16/03214/TCONR was permitted without reference to 16/01577/FUL because the removal of the screening has opened up the Close Hill plot to make it a visual intrusion. The larch cladding used is out of character with architecture elsewhere in Naunton.

It should also be noted that the term "rooflights" is somewhat misleading because these windows are openable, clear-glazed and less than 1.7m above floor level. The "rooflights" installed in the new garage conform to roof windows under EN 12519:2004 and should be considered as such.

Finally, we completely disagree with, and object to, the following two statements in the Officer's Report:

There were no conditions imposed on the previous application for the replacement garage to restrict the use of the rooms or for the retention of the bat loft. As such, planning permission is not required to use the space as a bedroom.

Furthermore, the agent has submitted an email from the applicants' ecologist which confirms that the garage is unsuitable for roosting and would not be identified as a bat roost site. As such, the insertion of the roof lights is not considered to result in the harm to the ecological value of the site.

As we have stated above Decision Notice 16/01577/FUL includes Condition 2 which specifically requires that the development should be built in accordance with the plans listed in this condition. Therefore, the Decision Notice *did* restrict the use of the rooms above the new garage, and most certainly required the provision of a bat loft. Condition 2 of Decision Notice 16/01577/FUL was a condition and not simply an informative statement as was used in the previous Decision Notice 04/01032/FUL.

In Section 7 below we explain why the email from the "applicants' ecologist" referred to in the Officer's Report is unsatisfactory. The ecologists report referred to the previous garage, and clearly implies that it was identified as a bat roost site. In the absence of a full report(s) from this and/or any other ecologist, this information should not be given any credence.

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We find the Officer's Report to be unduly biased towards the Application, and not protective of other interests, including nature conservation and neighbours, and does not give sufficient regard to the objections made by Naunton Parish Council. **We submit that the Planning and Licensing Committee should reject the Officer's Report, and require additional investigations to be made and a revised report to be submitted.**

8. The Bat Loft and Supporting Information

A bat loft was shown on the Approved Plans submitted in support of Application 16/01577/FUL and is a requirement of Condition 2 of 16/01577/FUL.

On 21 August 2017 a copy of an email from the Applicant's Architect to CDC was uploaded to the CDC Planning Portal. Amended to this email was an email dated 7 December 2016 from an ecologist of Cotswolds Wildlife Survey. The salient paragraph in Cotswolds Wildlife Survey's email was as follows:

I've discussed this with Neil, and in fact I've concluded that there won't be any necessity for a licence, as the garage was only used briefly by an opportunist bat taking advantage of the garage door being left open. At all other times there is no way for a bat to gain access and the building is unsuitable for roosting pipistrelles. Under normal circumstances we would thus not have identified it as a bat roost site.

No ecology reports were included in the documents associated with 16/01577/FUL or 17/02598/FUL. However, the above email implies that an ecological report of some kind was commissioned in respect of 16/01577/FUL. The inclusion of the bat loft in the 2016 application and the phrasing of the email indicates that, at the time of the application in 2016, a bat licence was a requirement because bat roost(s) had been identified, however transitory. Other than this email, no supporting information related to bats has been submitted by the Applicant. And from the final sentence, it is not clear why this situation was not "normal", but the implication is that the previous garage was originally identified by the ecologist in a survey on 2016 as a bat roost and this habitat would therefore have required protection.

The email copy submitted by the Applicant does not demonstrate that the bat loft was not a requirement, in fact it suggests that the ecologist did originally conclude that a bat loft was required. The ecologist then appears in December 2016 to have given the opposite advice to that which he gave originally, and therefore loses any credibility. The Applicant should have provided full details including copies of the report(s) or other correspondence produced by the ecologist.

We refer to the Bat Conservation Trust (BCT) website, which provides guidance on how to approach bat surveys during planning applications. The Applicant and/or their advisors have not provided evidence that they have adhered to the procedures outlined by BCT "Steps if bats are suspected at a building or development site", or to an equivalent methodology.

The ecologist's email dated 7 December 2016 should not be relied on as evidence that bats do not require protection at this site.

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