

PLANNING AND LICENSING COMMITTEE

13th March 2019

ADDITIONAL PAGES

ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 38

PLANNING AND LICENSING COMMITTEE

13th March 2019

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item Ref. No Content

01	17/04151/FUL	<p>Presentation on behalf of all adjacent residents of Smith Barry Crescent and Smith Barry Circus in objection to the proposed allotment vehicular access – Please see attached.</p> <p>Case Officer- (i) Amendment to the recommendation -</p> <p>'Delegated authority to permit the application subject to no new issues being raised in relation to the vehicular access to the allotments prior to the expiry of the consultation period'.</p> <p>(ii) Revised drawing (please see attached) showing the access point into the allotments and the parking spaces within the allotments, relocated further northwards, away from the nearby dwellings.</p> <p>9 additional letters of objection raising the following concerns –</p> <ul style="list-style-type: none">i. Still not content that the extent of Public Open Space being offered is acceptable given that many of the areas are not fit for public access;ii. The vehicular access does not form part of the original masterplan for the site;iii. Completely opposed to proposed routes 1 & 2 as they would have a very adverse impact upon the privacy and amenity of nearby dwellings;iv. Would alter the character and setting of the dwellings;v. Introduce noise and disturbance;vi. The Parish Council and Ward Member only support Option 3;vii. Option 3 is shorter in length and would be cheaper to maintain;viii. Residents consider the land to be calcareous grassland which is of high value and suggest that the submitted documentation is inaccurate;ix. There are bat flight lines on the site which may be disturbed by the track;x. The track would have a negative landscape impact and harm the AONB;xi. The land could become an unauthorised halting site;xii. There should be no vehicular access to the allotments but if there does have to be an access, it should be Option 2 which would allow for better and safer use of the POS;xiii. The allotment access should be gated to prevent misuse;
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		<p>xiv. If it is necessary to have a footpath crossing point across Barrington Road, it should be adjacent to Harris Gardens; and</p> <p>xv. There should not be a 4.3 high pyramid within the NEAP as this will cause a loss of privacy to neighbouring properties.</p>
02	18/01756/OUT	Case Officer – Please find attached Report, Site plan and Illustrative street scene.
03	18/04977/FUL	<p>Two Third Party Objections have now been received raising the following concerns:-</p> <p>i) “I feel that old buildings with or without historical significance should be saved and preserved for alternative uses rather than be demolished to make way for car parks, new build developments, etc. All buildings are worth saving, using and finding alternative uses, once it has been demolished you can't replace it that easily. Various Councils and organisations have been saying for many years that there are too many cars on the roads in the UK and that we should be doing/using alternative transport to try and Lower the Emmisions/Immisions into the atmosphere, providing carparks and car parking spaces is doing the opposite and is encouraging people to use cars rather than alternative transport methods. I think the money could be well spent in other aspects and areas.”</p> <p>ii) “I object strongly to the Memorial hospital being demolished. The building has been purposely left to decay to the state it is in now. The Council should be thoroughly ashamed of themselves to let this happen this could be an asset for the town. To demolish it just to create parking spaces is not a valid reason to do so. CDC should be ordered to renovate the building or offer it to the town. The air shelter needs to be preserved too.”</p> <p>Case Officer: Additional Biodiversity comments & condition as follows:-</p> <p>The proposals within this application could potentially affect European protected species (name). In light of ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017, the 3 “derogation” tests, as set out in Regulation 55 have been considered in reaching a recommendation.</p> <p>In considering the 3 tests, officers have referred to the standing advice on the GOV.UK website (by Natural England and DEFRA dated 28 March 2015) https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects</p> <p>I have also used the webpage https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications</p> <p>(a) The activity ... must be for imperative reasons of overriding public interest or for public health and safety (IROPI)</p>

There is no clear legal definition of "IROPI", however Natural England advice (guidance note NE292, 2010) is that "the development proposal must contribute to meeting an imperative public interest, and that interest must be sufficient to override the protection of, and any potential impact on, the EPS concerned".

In this instance ...

- o the proposals, with the appropriate mitigation are unlikely to cause any harm to the bat species present.
- o The site is within a designated development boundary and there is a local plan policy that includes proposals to demolish the building and redevelop the site.

It is the Council's aim to secure new development within sustainable locations.

- (b) There must be no satisfactory alternative

Natural England recommends a proportionate approach to considering the feasibility of alternative solutions relative to the degree of likely impact.

In this case...

- the impact will be minimal and therefore the consideration of other alternatives should not be overly onerous.

- (c) Favourable conservation status of the species must be maintained.

The Soprano pipistrelle bat is widely distributed across the UK with the exception of the northernmost parts of Scotland. Along with the common pipistrelle,

it is one of Britain's commonest bat species (ref.

[http://www.bats.org.uk/data/files/Species Info sheets/Soprano pipistrelle.pdf](http://www.bats.org.uk/data/files/Species%20Info%20sheets/Soprano%20pipistrelle.pdf)).

These proposals including mitigation should not result in a decrease in the conservation status of the species.

As a result of the above considerations, the following additional condition is recommended:-

The development shall be completed in accordance with the recommendations in Section 5 of the BSG Ecology report (Ecological Appraisal -2018). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

Reason: To ensure that bird and bat species are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), 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.

09 19/00038/COMPLY **Email from Applicant to Longborough Parish Council dated 27th February 2019 -**

'Further to our telephone conversation, I am pleased to confirm that the pumps can be fitted with an automatic switch to allow the reserve pump to activate should the running pump fail.

As a slight aside, the system we are currently investigating allows the pump company to remotely switch pumps should the ampage increase which is an early indication of a problem. The pumps can also be regularly cycled to ensure both are in working order and one does not have more running time than the other'.

Email from Longborough Parish Council dated the 6th March 2019 -

'Following our original objection to the above planning proposal, we have had some lengthy correspondence and discussions with the developers and have now reached a consensus of agreement of undertakings that has resulted in a majority decision of my councillors that they will withdraw their objection for the reasons as set out below:

1. The need for an automated failure warning system - the applicant, Piper Homes Ltd, has agreed to provide this.
2. Installation of macerators - this was found not to be practical and, as an alternative, Piper Homes has agreed to provide an automatic switching system between the sewage pump in use and the reserve equipment and to link it to the automated warning system.
3. Appointment of maintenance contractor - this item is premature and, were a contractor named in the planning documents, it could prove difficult to remove a firm whose performance was not satisfactory. It cannot therefore be pursued.
4. Removal of a short length of footpath - a revised plan has been submitted excluding this short section of path.

The Council were pleased at the commitment demonstrated by Piper Homes and their willingness to meet the council's concerns and address them in the best way possible and on the basis of this, I confirm that the parish council withdraws its objection to the application.'

Comments of Cllr Beale –

'I have been persuaded by Mr Rupert Parkin of Piper Homes that the Foul Drainage system as proposed will be effective in banishing the Odour problem which has blighted this part of Longborough village over the past three years. This is because the established settlement of Plum Tree Close has, to date, been producing too little sewage rather than too much. The new development of houses, when occupied, will combine with the existing to produce a much greater volume which will keep moving through the system and thus prevent smell arising from static waste.

The abiding concern for me is that neither Thames Water, nor Bromford Housing managed to identify this fundamental problem during the last three years and to make the matter worse, Bromford is to have a co responsibility for managing the new 'combined' system in the future.

Secondly, whilst smell is one problem, noise is another. The existing output creates disturbance to residents and particularly to the owner/occupiers of a separate property across the main road and located in juxtaposition to the main drain which carries the effluent away to the treatment plant. The worry is that with many more houses and residents relying on the output for sewage, the noise will become considerably more intrusive. Mr Parkin has spoken encouragingly about the availability of engineering

		<p>skill and commitment to alleviate this effect but there is, as yet, no proof that it will be put into practice.</p> <p>Overriding all this is the extremely poor record of Bromford in management and communication. I am anxious that the organisation may continue in a failure to fulfil its obligations and would be grateful if the Committee would see fit to Approve this Application only with rigorous Conditions applied'.</p> <p>Email from original objector to the application -</p> <p>'You will recall that I have objected personally to this application.</p> <p>Piper Homes having satisfied three out of four of my grounds of objection and the fourth having been found to be unsustainable, I write to withdraw my objection.'</p>
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Oral presentation

by Declan Torris, presented with supporting appendices

- on behalf of all adjacent residents of Smith Barry Crescent & Smith Barry Circus in objection to the proposed allotment vehicular access.

Residents:

- Mr & Mrs James Ashe,
- Mr & Mrs Adam Shoesmith
- Mr & Mrs Bruce Ayers
- Mr & Mrs Declan Torris
- Mr & Mrs Carl Deering

Date: 13 March 2019

Place: CDC, Trinity Road, Cirencester.

b

Hemol
17/04/15/1/FUL

1. **This vehicular access NEVER appeared and FORMED NO PART of the approved master plan.** It was firstly launched into the public domain at the committee meeting in December without any consultation with us. Over 80% of us have bought our homes **AFTER this MASTERPLAN** was approved. EACH one of us has made huge financial decisions based on this plan which you are now considering changing in detriment to all of us.

2. **Every resident along the route have objected to the vehicular access routes options 1 & 2** proposed as they would have a very adverse impact on the privacy and amenity of our properties. **(Contravenes Para. 127 of the NPPF)**

*** Pls. see supporting **APPENDIX A & A1** – which has been signed by all residents adjacent to this route and their objections submitted under this proposal.

3. This vehicular access was discussed at length at the PC meeting on January 16th. It was agreed that the **Parish Council who represents the entire community would put their full support behind option 3 only.** There was also strong agreement with all present that failing acceptance of option 3, then no vehicular access at all was preferable!

*** Pls. see **APPENDIX C**

4. **The allotment access options 1 & 2 are strongly opposed by our Ward Councillor, Mr Mark MacKenzie Charrington. He has ONLY endorsed option 3 as an acceptable option.**

5. Not one of us residents have ever objected to the allotments nor are we opposed to vehicular access per se. We **ONLY** opposed to options 1 & 2. We put forward a very viable solution in option 3, which is shorter in length, would be much cheaper to maintain and which alleviates all the issues of all concerned parties

*** Pls. see **APPENDIX B**

6. The **COST EFFECTIVINESS** of our route is especially important if the PC do take over the POS which they are very seriously considering. They are so serious about this that they have set aside a budget of £50,000 in the current financial year to cover all expected costs of their due diligence.

7. This area of the site is directly on the bat flight lines. These may be disturbed by this new development. Indeed there is an existing bat box in this exact area. **(Contravenes EN8 of the LP and NPPF section 15 also the Wildlife and countryside Act 1981 as amended and the Conservation of Habitats and Species regulation 2010)**

8. Additionally as per the indication on the masterplan (Drawing 5109/SK02.1) this is a key view which will also now definitely be interrupted greatly by this development. A 3m wide roadway here will simply dominate the near views. **(Contravenes Policy EN1, EN4 & EN5 of the Local plan & Para. 172 of the NPPF)**

9. Calcareous grassland – According to long term residents this field has never been farmed. It is indicated as a calcareous grassland (or high value grassland) in every document ever published in relation to this site except one mention on - 'the ecological impact assessment part of the Environmental Statement, which includes a Phase 1 Habitat Survey Map of the site, produced by EDP (2014/15)'. However this same document also refers to this area as 'improved grassland' also as 'high value grassland' APPENDIX D (shows area as G on map), E (lists area as calcareous), F, G, H (refers to 'retaining high value grassland'. As this precedes the above EDP document by 2-3 years it seems abundantly clear to me that a simple error occurred when compiling the later map. **(Contravenes Policy EN8 of the Local plan also the Wildlife and countryside Act 1981 as amended and the Conservation of Habitats and Species regulation 2010))**

**** If this area of land is to be downgraded in terms of biodiversity then CDC Policy documents state that a new site survey needs to be completed during the specified months of April-September ONLY. (Ecological Survey seasons). This same document states that site surveys done outside of the optimal period may not be valid especially in the case where an area has earlier been described as 'high value'.**

10. All the mature trees of Upper Rissington totally block off all views of the built environment from the A424 which is in keeping with an AONB. However this vehicular access route will be highly visible from the A424 which runs at a much higher elevation. This leaves this field completely 'on show' – **(Contravenes Para. 170 of the NPPF & EN4 & EN5 of the local plan)**

11. A vehicular access here will allow perfect access to this grassland area as an unauthorised halting site. If this were to happen it would place an unacceptable financial burden on the PC in legal fees and the subsequent erection of barriers required along the eastern length of Godfrey Place.

***** Pls. see APPENDIX I & J.**

12. **This Committee meeting is NOT to decide if vehicular access is preferable or not. It is simply here to approve Option 1 or NOT. Option 1 is NOT THE CORRECT OPTION AND IS NOT SUPPORTED BY THE WARD COUNCILLOR.**

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We the undersigned residents of Smith Barry Circus/Crescent STRONGLY object to the location of the newly proposed 3m wide vehicular access to the allotments where the current proposed route is behind our properties. We object to this on the following grounds:

1. This would dramatically change the current rural type setting in which our houses are located and would dramatically alter the character of our homes. All our homes have rural views to the back of our houses and are totally separated from any vehicular views, noise or movement.
2. We would greatly suffer a loss of privacy and visual amenity which would have a dramatic effect on the value of our homes.
3. The noise and disturbance resulting from this vehicular access would completely change the character and setting of our homes and gardens.

We propose that the routing of this vehicular access is changed as per the attached drawing outlined in green.

We the undersigned ABSOLUTELY object to the above.

.....
James Ashe – 14 Smith Barry Crescent

.....
Adam Shpessmith – 2 Smith Barry Circus

.....
Bruce Ayers – 4 Smith Barry Circus

.....
Declar Torres – 5 Smith Barry Circus

.....
Carl Dearing – 6 Smith Barry Circus

APPENDIX A:

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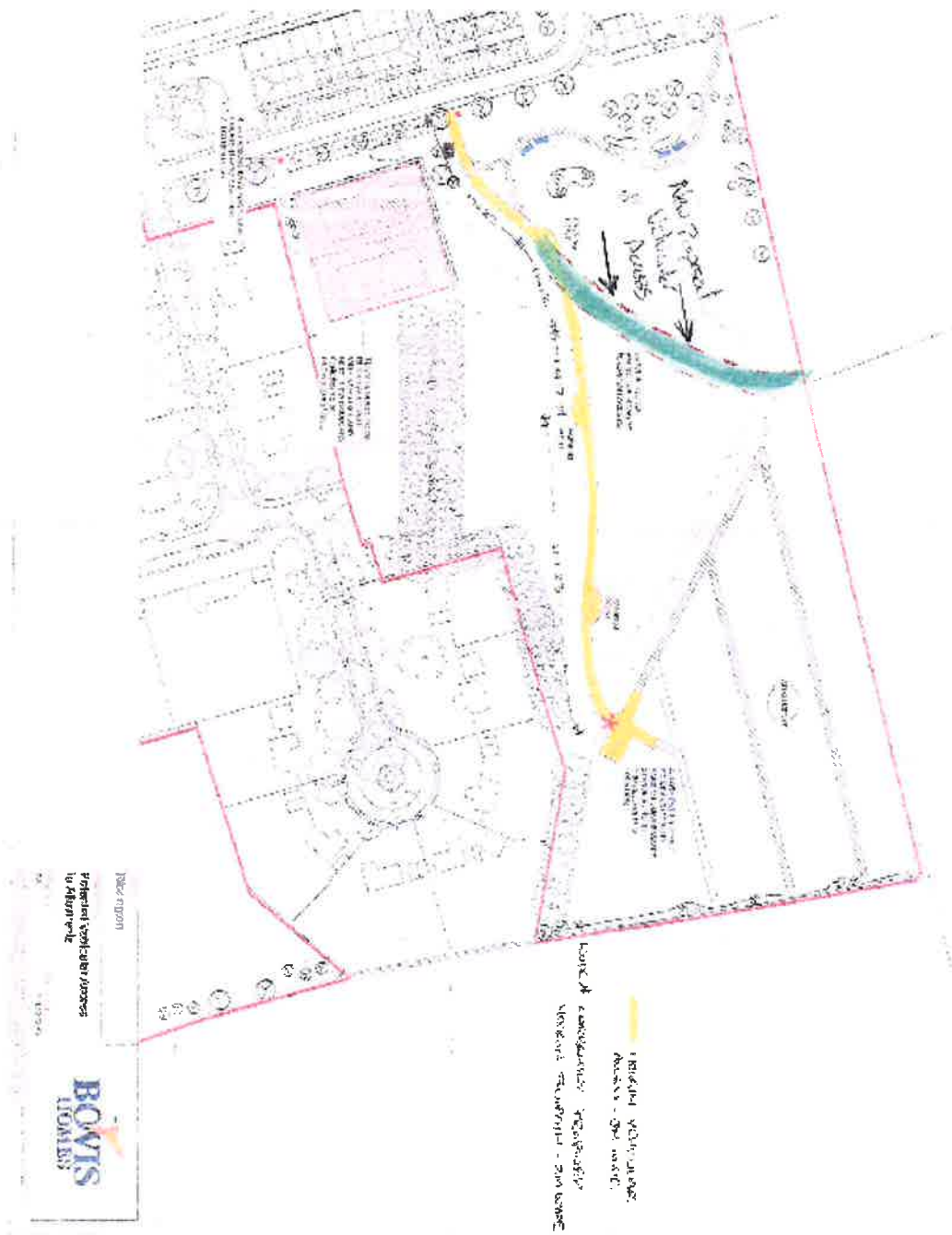
APPEXDIX A1

1. **This vehicular access NEVER appeared and FORMED NO PART of the approved master plan.** It was firstly launched into the public domain at the committee meeting in December without any consultation with us. We have bought our home **AFTER this MASTERPLAN** was approved. We made this huge financial decision based on this plan which you are now considering changing in detriment to us.
2. **All the residents along the route are completely opposed to the vehicular access routes options 1 & 2** proposed as they would have a very adverse impact on the privacy and amenity of our property. It would also alter the character and setting of our homes and introduce noise and disturbance to our homes which currently does not exist. This would result in us suffering a loss of privacy and amenity of our homes.
3. This vehicular access was discussed at length at the PC meeting on January 16th. It was agreed that the **Parish Council who represents the entire community would put their full support behind option 3 only.**
4. **The allotment access options 1 & 2 are strongly opposed by our Ward Councillor, Mr Mark MacKenzie Charrington. He has ONLY endorsed option 3 as an acceptable option and advised that he CANNOT accept options 1 or 2.**
5. We residents have never objected to the allotments nor are we opposed to vehicular access per se. We are **ONLY** opposed to options 1 & 2. We put forward a very viable solution in option 3, which is shorter in length, would be much cheaper to maintain and which alleviates all the issues of all concerned parties.
6. The **COST EFFECTIVINESS** of our route is especially important if the PC do take over the POS which they are very seriously considering. They are so serious about this that they have set aside a budget of £50,000 in the current financial year to cover all expected costs of their due diligence.
7. Calcareous grassland – According to long term residents this field has never been farmed. It is indicated as a calcareous grassland (or high value grassland) in every document ever published in relation to this site except one mention on - 'the ecological impact assessment part of the Environmental Statement, which includes a Phase 1 Habitat Survey Map of the site, produced by EDP (2014/15)'. However this same document also refers to this area as 'improved grassland' also as '**high value grassland**'. As this precedes the above EDP document by 2-3 years it seems abundantly clear to me that a simple error occurred when compiling the later map and this is a high value grassland which should not be disturbed by this development. If this area of land is to be downgraded then CDC Policy documents state that a new site survey needs to be completed during the specified months of April-September **ONLY**. (Ecological Survey seasons). This same document states that site surveys done outside of the optimal period may not be valid especially in the case where an area has earlier been described as 'high value'.
8. This area of the site is directly on the bat flight lines. These may be disturbed by this new development. Indeed there is an existing bat box in this exact area.
9. Additionally as per the indication on the masterplan (Drawing 5109/SK02.1) this is a key view which will also now definitely be interrupted greatly by this development. A 3m wide roadway here will simply dominate the near views.
10. All the mature trees of Upper Rissington totally block off all views of the built environment from the A424 which is in keeping with an AONB. However this vehicular access route will be highly visible from the A424 which runs at a much higher elevation. This leaves this field completely 'on show' which is in not acceptable in an AONB.
11. Lastly a vehicular access here will allow perfect access to this grassland area as an unauthorised halting site. If this were to happen it would place an unacceptable financial burden on the PC in legal fees and the subsequent erection of barriers required along the eastern length of Godfrey Place.

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APPENDIX B:



APPENDIX C

Comments for Planning Application 17/04151/FUL

Application Summary

Application Number: 17/04151/FUL

Address: Land Parcel At Upper Rissington Upper Rissington Gloucestershire GL54 2NP

Proposal: Variation of Condition 1 of reserved matters permission 12/03810/REM dated 23/01/2013 to provide detailed plans and sections of open space provision and to provide amended plans for hard surfacing and planting

Case Officer: Deborah Smith

Customer Details

Name: Ms Pauline Rigby

Address: Village Hall, Wellington Road Upper Rissington Gloucestershire

Comment Details

Commenter Type: General Comments

Stance: Customer objects to the Planning Application

Comment Reasons:

- Loss of general amenity
- Privacy light and noise

Comment: I have been instructed by Upper Rissington Parish Council to write to you about the proposed vehicular access to the allotments.

Five residents of Smith-Barry Circus and Crescent objected to the draft allotment access plan. The proposed vehicular access route would have an adverse impact on the privacy and amenity of their properties, while the alternative route that they have suggested would overcome these concerns. Paragraph 127 of the NPPF states that decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

The Parish Council supports the alternative vehicular access route to the allotments put forward by residents - as a proposal that could better meet the aims of this policy.

Please could the sketch plan of the alternative route be made available on the portal.

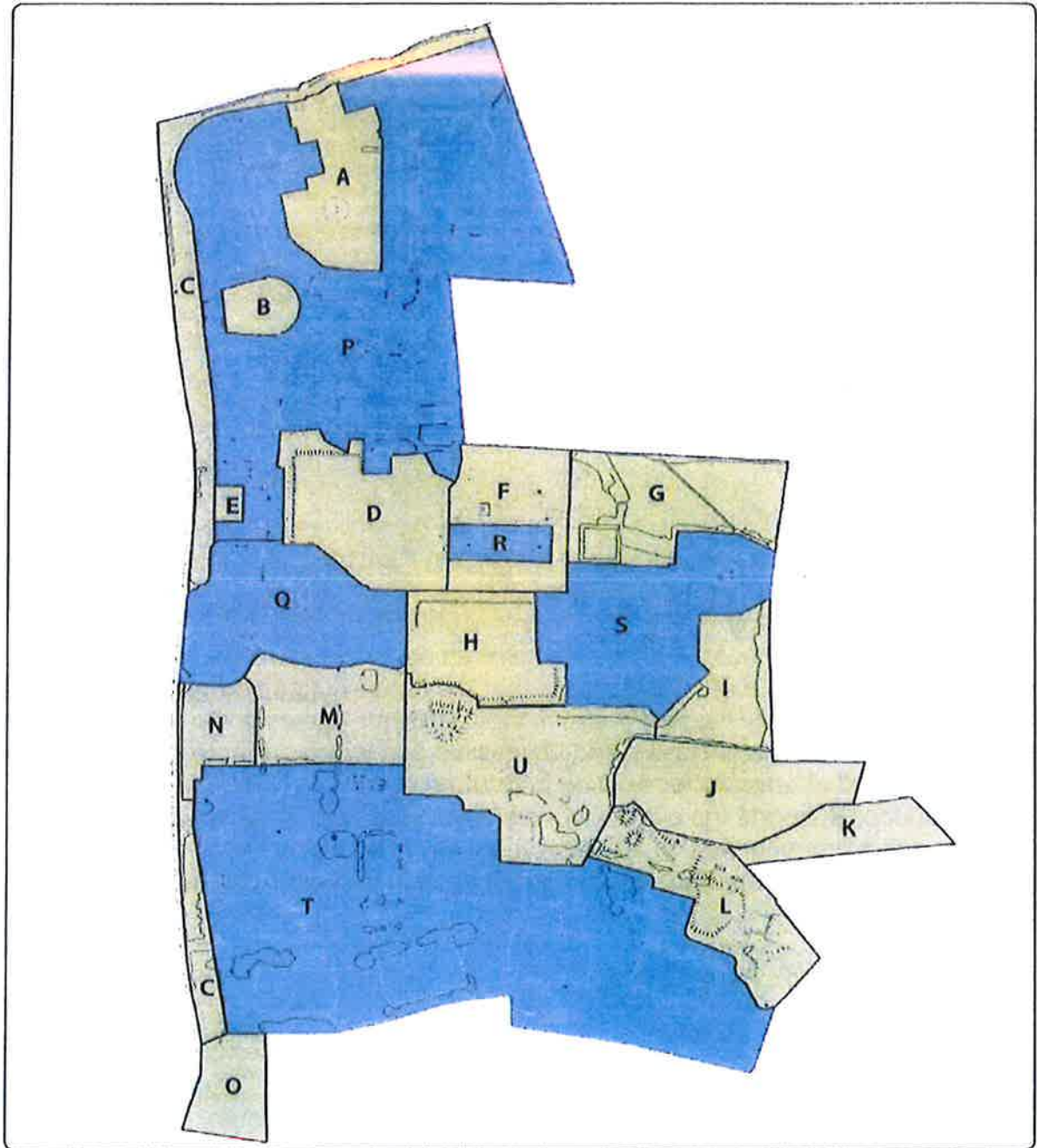
Pauline Rigby

Clerk to Upper Rissington Parish Council

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achieving the vision
biodiversity functions



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achieving the vision

biodiversity functions

Area	Description	Biodiversity Features	Biodiversity Functions
G	North east field	<ul style="list-style-type: none"> • Semi-mature trees • Species-rich hedgerow • Species-poor hedgerow • Dense bramble scrub • Improved tussocky grassland • Semi-improved calcareous grassland • Plantation woodland • 	<ul style="list-style-type: none"> • Excellent connectivity to wider landscape and internal areas of the site. • Suitable foraging habitat for badgers and bats. • Suitable habitat for reptiles and great crested newts. • Hedgerows, woodland and scrub provide foraging habitat and commuting corridors for bats • Calcareous grassland is of botanical interest and abundance of flowering plants likely to be of some value to invertebrates • Grassland provides suitable habitat for small mammals and therefore constitutes potential foraging habitat for barn owls. • Eastern area of the zone has an easterly aspect with open views across AONB landscape.
H	Parade ground	<ul style="list-style-type: none"> • Amenity grassland • Mature trees 	<ul style="list-style-type: none"> • Centrally located amenity space with ecological function limited to connectivity with other internal areas. This could be enhanced by additional tree planting. • Amenity grassland provides foraging habitat for badgers. • Offers key formal focal space in foreground of officers mess and useful transition between sports facilities to north west and less formal 'valley' area to the south east. • Existing line of trees at southern edge of zone currently separates north and south parts of the site and should be removed/reduced as part of residential development to the south. • Other mature trees around the space offer visual amenity and ameliorate wind and noise.

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achieving the vision

leamp masterplan

Following the analysis of the pre-existing biodiversity functions of the site and an *ecological masterplan for the whole site* has been developed. *out in Section 1, an ecological masterplan for the whole site has been developed.*

Condition 6 of the planning permission requires the provision of such a masterplan, however, in consultation with Cotswold District Council during the drafting of this document it has been agreed that the title LEAMP Masterplan is more appropriate to encompass the holistic approach which this document and this plan seeks to encapsulate.

The masterplan includes all necessary elements from within the Landscape and Open Space parameters plan and broadly aligns with the Illustrative Landscape Scheme presented at Section 2.

However, in some areas, updated site surveys for Landscape, Ecology and Arboriculture have led to decisions resulting in the rearrangement or relocation of certain elements to allow for biodiversity protection and enhancement to capitalise on the best of the present features.

It is important that this process of updating baseline survey data continues in support of forthcoming reserved matters applications, for which such material should be, at most, 2 years old.

Monitoring requirements for the site are set out at Section 6 and these should be considered as part of a regular 10 year review of this management plan document such that the approach may be adapted to a changing context such as climatic conditions, planning policy or legislation.

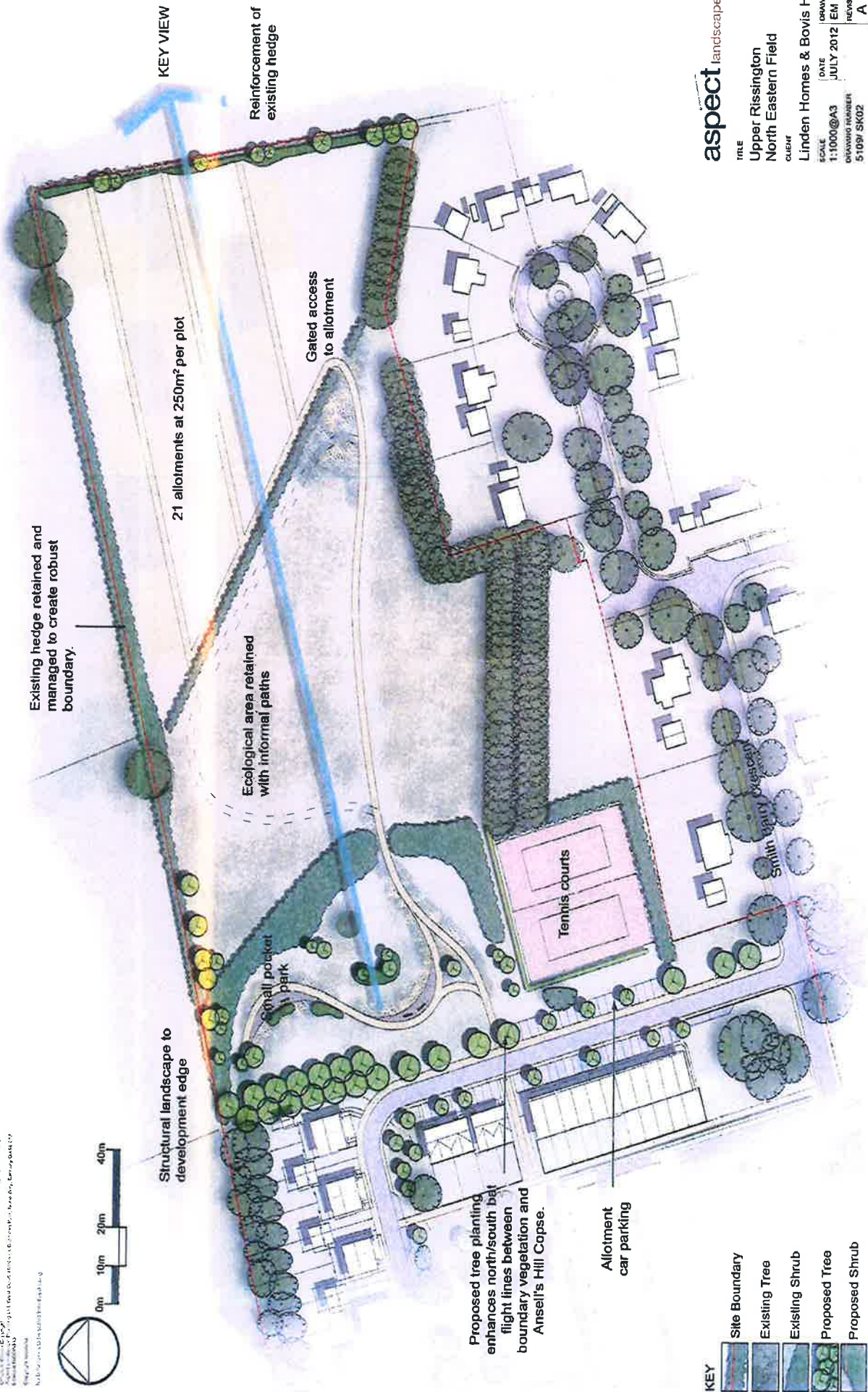
The plan opposite identifies a number of key areas, each building from the biodiversity function plan (p44-47). Aspirations for each of these areas are set out in the table on the following pages (p52-55) together with an explanation of their proposed landscape, ecological and arboricultural roles.



page 56 - upper rissington; landscape and arboricultural management plan

APPENDIX G

16 JUL 2012 10:51 AM
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aspect landscape planning
 TITLE Upper Rissington North Eastern Field
 CLIENT Linden Homes & Bovis Homes
 SCALE 1:1000@A3
 DATE JULY 2012 EM
 DRAWING NUMBER 5109/ SK02
 REVISION A

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APPENDIX H

NORTH EASTERN FIELD



Existing elevated view across AONB



Existing established hedgerow to the northern boundary

LEAMP PRINCIPLES:

Ecology zone, retaining high value grassland to the west and provision of allotments to the east.

Small pocket park with seating to take advantage of elevated views across AONB.

Provision of 21 allotments 250m² per plot with gated access located away from residential boundary

Enhancement of eastern boundary hedge with reinforced native hedgerow and tree planting, and removal of fencing. Northern hedge allowed to grow up and yield new hedgerow trees.

Proposed structural tree planting to filter views of proposed and existing built form.

Refurbishment of tennis courts involving replacement of existing high conifer hedge with formal 1.2m hedge, improving intervisibility and removing 'artificial' landscape elements.

Area of grassland with greater ecological value retained with informal paths allowing access.

SPECIES SELECTION:

Native trees:

- Field Maple *Acer campestre*
- Ash *Fraxinus excelsior*
- Hornbeam *Carpinus betulus*
- Silver Birch *Betula pendula*

Hedgerow:

- Hawthorn *Crataegus monogyna*
- Crab Apple *Malus sylvestris*
- Blackthorn *Prunus spinosa*
- Guelder Rose *Viburnum opulus*

BIODIVERSITY FUNCTION:

Retained calcareous grassland of botanical interest with abundance of flowering plants with long term favourable management.

Enhancement of calcareous grassland through selective thinning of scrub.

Retained species rich hedgerow and mature trees provide foraging habitat and commuting corridors for bats as well as nesting opportunities for birds.

Proposed tree planting to the east of the Officers Mess reinforces bat north/south flight lines providing connectivity between the northern boundary vegetation and Ansell's Hill Copse.

Northern established hedgerow will be managed to allow new hedgerow trees to develop, providing an appropriate boundary treatment which maintains ecological function. Although a slight deviation from the parameters plan such management is considered appropriate.

APPENDIX I:

A small snippet into illegal halting sites within 30 minutes of Upper Rissington over the past 18 months. This list is not complete but is only a tiny fraction of the actual real issue here:

I also attach the web links so that each can be individually verified.

<https://www.wiltsglosstandard.co.uk/news/15515029.updated-travellers-in-beeches-car-park-cirencester-left-the-site-more-than-16-hours-after-legal-deadline/>

Beeches carpark Cirencester July 2017

Cotswold leisure centre August 2017

Beeches carpark Cirencester August 2017

<https://www.google.co.uk/amp/s/www.gloucestershirelive.co.uk/news/cheltenham-news/gloucestershire-mp-welcomes-plans-allow-2535240.amp>

Pitville park - Cheltenham- August 2018

Prince of Wales stadium - Cheltenham 2018

<https://www.google.co.uk/amp/s/www.gloucestershirelive.co.uk/news/cheltenham-news/travellers-back-cheltenham-park-time-1841232.amp>

Pitville park - Cheltenham- May 2018

<https://www.google.co.uk/amp/s/www.gloucestershirelive.co.uk/news/cheltenham-news/travellers-chihuahua-pitch-up-prince-1473656.amp>

Prince of Wales stadium - April 2018

<https://www.google.co.uk/amp/s/www.gloucestershirelive.co.uk/news/cheltenham-news/traveller-camp-pitches-up-cheltenham-2093850.amp>

Cheltenham racecourse- October 2018

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APPENDIX J

<https://www.oxfordmail.co.uk/news/17272536.travellers-at-water-eaton-park-and-ride-oxford-parkway/>

Oxford Parkway - February 2018
Oxford Parkway - September 2018
Oxford Parkway - October 2018
Oxford Parkway - December 2018
Water Eaton car park - November 2018
Pear tree Car park - November 2018

Some of the above had in excess of 100 caravans. Each one left considerable amounts of rubbish & debris behind. If something like this happened in Upper Rissington (like Oxford / Cheltenham in 2018), the legal fees, cleaning up afterwards and preventative measures going forward could bankrupt the PC!

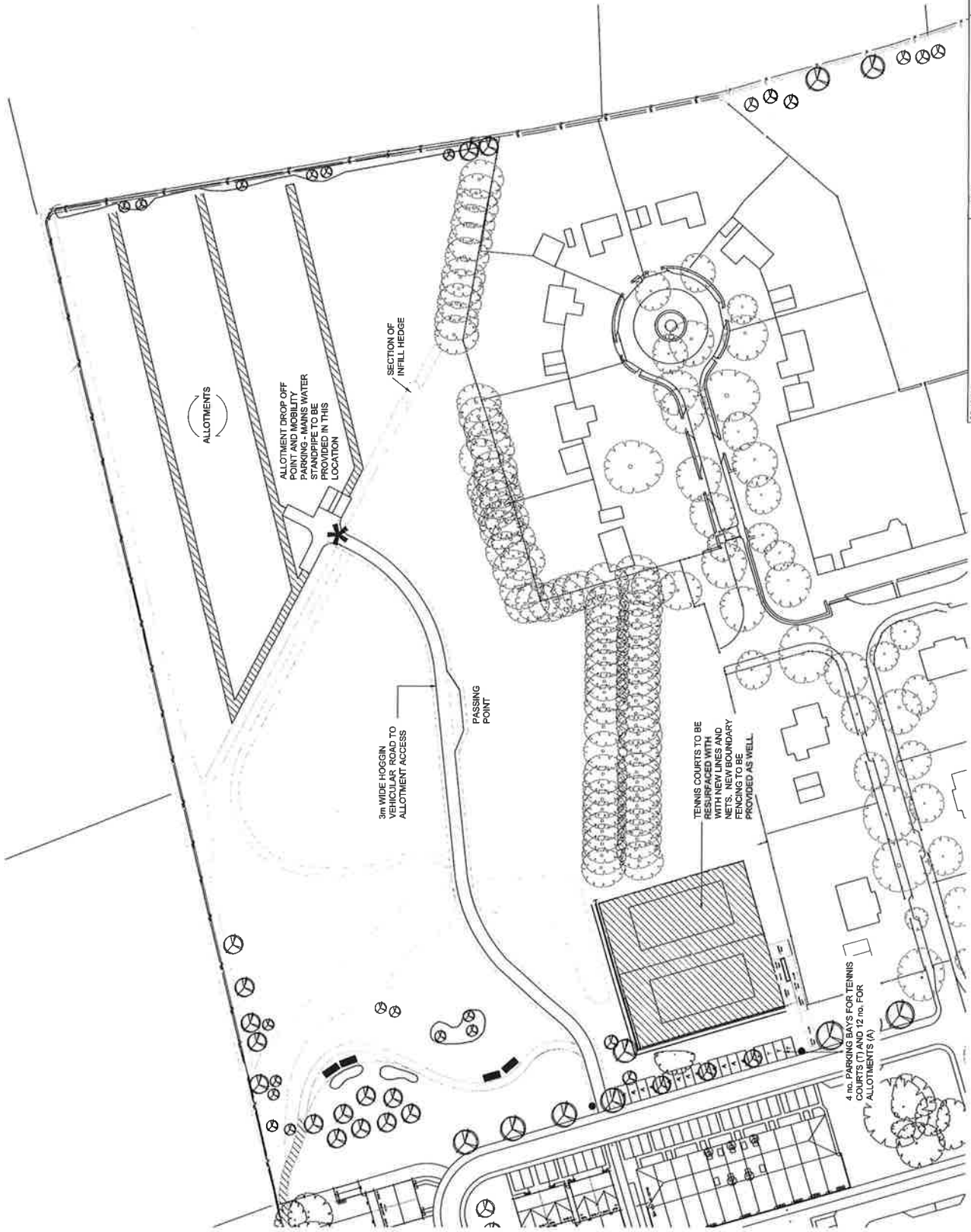
Additionally as you can imagine it would cause outrage in the village and huge amounts of anxiety for everyone.

The viability of Upper Rissington as a halting site will be easily discovered if this roadway goes in as there are often 'travellers' around Upper Rissington collecting scrap metal, looking for gardening work etc....they'll spot this pretty quickly!

I think this all makes the allotment vehicular access way too much of a potential to cause huge damage to the entire community if it goes ahead. Unless Godfrey Place was given a metal railing all along its eastern end with gated access then this risk would be unmanageable. However railings are more in keeping with towns and railings on Godfrey Place would look very unsightly and very out of place in this quite unspoilt site of great natural beauty which we must retain. The allotment access would be used rarely, however its' existence could pose too much of a risk to the PC and the community.

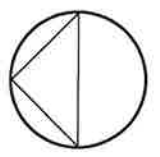
Item 01
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OPTION 1



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Item of
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Item No 02:-

18/01756/OUT

**Land Parcel To The South Of Windrush Edge
Marshmouth Lane
Bourton-On-The-Water
Gloucestershire**

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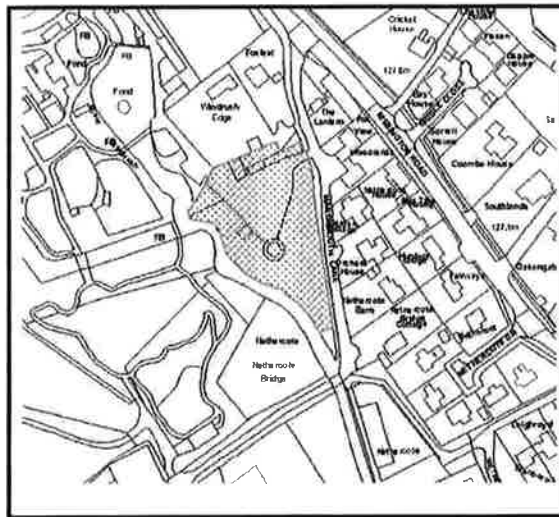
Item 02
18/01756/OUT

Item No 02:-

**Erection of two detached dwellings at
Land Parcel To The South Of Windrush Edge
Marshmouth Lane Bourton-On-The-Water**

Outline Application 18/01756/OUT	
Applicant:	Livingstone Leisure Ltd
Agent:	RPS Group
Case Officer:	Alison Williams
Ward Member(s):	Councillor Richard Keeling
Committee Date:	13th March 2019

Site Plan



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RECOMMENDATION: PERMIT

Main Issues:

- (a) Principle of development
- (b) Sustainability
- (c) Impact on the character and appearance of the AONB
- (d) Access and highway Safety
- (e) Impact on Living Conditions
- (f) Trees and Landscaping
- (g) Biodiversity
- (h) Flooding

Reasons for Referral:

Given that the proposals are contrary to Policy DS4 it was considered appropriate that the committee determine the application given the material considerations that are considered to outweigh the 'in principle' policy objection.

1. Site Description:

The application site is located on the western side of Marshmouth Lane in Bourton-on-the-Water and is within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is located towards the south-east of Birdland Park and Gardens. The site currently comprises a staff car park/maintenance area used ancillary to the use of the main Birdland visitor attraction, and comprises an area of hardstanding, some disused stables of timber construction and shipping containers used for storage.

Existing residential development is located to the east of Marshmouth Lane and dwellings adjoin the northern boundary of the site. The eastern side of Marshmouth Lane also forms the boundary of the development boundary for Bourton on the Water. The application site is located outside of the development boundary.

2. Relevant Planning History:

CD.3304/2/B: New dwelling house. Refused, November 1990

CD.3304/2/F: Demolition of redundant stables and erection of detached bungalow, formation of new access. Refused, February 1993

CD.3304/2/L: Erection of a single house and associated external works. Refused, January 1997

09/01134/FUL: Development of two acres of land for a nature trail area with fencing and pathways (part retrospective). Permitted, July 2009

3. Planning Policies:

NPPF National Planning Policy Framework
DS4 Open Market Housing o/s Principal/non-Principal
EN2 Design of Built & Natural Environment
EN5 Cotswold AONB
EN7 Trees, Hedgerows & Woodlands
INF4 Highway Safety
INF5 Parking Provision
EN4 The Wider Natural & Historic Landscape
EN8 Bio & Geo: Features Habitats & Species
EN14 Managing Flood Risk

4. Observations of Consultees:

Biodiversity Officer - No objection subject to conditions
Environment Agency - No objection
Drainage - No objections subject to conditions

5. View of Town/Parish Council:

The Council's former objection is withdrawn as the revised application addresses all concerns raised previously

6. Other Representations:

The amended proposals have received 1 letter of support.

3 Letters of Objection were received on the original scheme for 3 dwellings which raised the following concerns:

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Access to Birdland
Impact on Trees and Landscaping
Highways and Access
Impact on living conditions

7. Applicant's Supporting Information:

Design and Access Statement
Sequential Test
Flood Risk Assessment
Ecological Appraisal

8. Officer's Assessment:

The application is in outline form and seeks to establish the principle of the development of 2 houses on the site. All matters relating to Scale, Appearance, Access, Layout and Landscaping have been reserved for future consideration should outline permission be granted.

The proposals are for the erection of two dwellings on the previously developed land west of Marshmouth Lane. The access would be via the existing access to a service yard which also provides access to the rear of Birdland. An indicative layout and elevations have been provided, however the detailed design would be a reserved matter. The indicative layout demonstrates the inclusion of a service access to maintain staff access to the rear of Birdland.

(a) Principle of Development

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 the application is therefore the recently adopted development plan for the District which is the Cotswold District Local Plan 2011-2031.

Para 117 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Para 118 c) sets out that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The site is located outside the Development Boundary for Bourton-on-the-Water, as identified by the Cotswold District Local Plan 2011-2031, and therefore Local Plan Policy DS4: Open Market Housing outside Development Boundaries and Non-Principal Settlements, is considered most relevant.

This policy states that 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. The proposals are therefore contrary to Local Plan Policy DS4.

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The status of Policy DS4 has recently been confirmed in appeal APP/F1610/W/18/3203462, Broadlands, Gasworks Lane, Bourton on the Water. The Inspector stated that "the explanatory text to Policy DS4 says that it is intended to preclude, in principle, the development of new-build open market housing which, for strategic reasons, is not needed in the countryside. It goes on to say that any land outside of the development boundaries of principal and non-principal settlements is referred to as countryside.

The LP housing requirement of 8400 dwellings is not a cap, and the Revised National Planning Policy Framework (the Framework) says that it is the Government's objective to boost significantly the supply of homes. However, paragraph 56 makes it clear that this objective is to be achieved by ensuring that a sufficient amount and variety of land can come forward where it is needed.

The Housing Delivery Test score for the Cotswold District is 191%, which identifies that there is no requirement for development outside of the boundaries (see NPPF paragraphs 75 and footnotes 7, 9 and 39 and Section 5 of the Housing Land Supply Report June 2018).

The Development Boundary of the adopted Local Plan has consistently been drawn to preclude this area in the current and previous Local Plans.

The site technically comprises previously developed land, defined within the NPPF as "land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape." The beneficial re-use of brownfield land to provide additional housing is considered to weigh in favour of the application.

The proposals are contrary to Policy DS4 as they are located on land outside of the development boundary and therefore do not accord with the council's housing strategy.

Notwithstanding the conflict with Policy DS4, there are other material considerations which are particular to the circumstances of this case and the application site, and these considerations need to be considered in the planning balance as part of the decision-making process. Officers consider that they weigh in favour of the development and they are explored in more depth in the body of this report.

(b) Sustainability

Paragraph 79 (formerly paragraph 55) of the NPPF states that states Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live near their place of work or the need to secure the long term viability of a heritage asset. The current proposal does not meet any of the special circumstances set out in Paragraph 79. However, in order for Paragraph 79 to be applicable, the proposed dwellings need to constitute 'isolated homes in the countryside'. The term 'isolated' was recently given clarification in the High Court judgment Braintree District Council v Sec of State (Case No: CO/1207/2017 15th November 2017). Paragraph 28 of the judgment states:

'NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that 'all settlements can play a role in delivering sustainable development in rural areas', cross-

referencing to NPPF 55, 'and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...'. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to 'significant development'.

The above judgment was subsequently subject to a challenge to the Court of Appeal. The Court of Appeal issued its judgment on the 14th March 2018 (Case No: C1/2017/3292). The judgment supported the initial High Court judgment. Paragraphs 31 and 32 of the judgment state:

Para 31 - 'In my view, in its particular context in paragraph 55 of the NPPF, the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.'

Para 32 - 'What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a "community", a 'settlement', or a 'village'. There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another. It does not stipulate that, to be a 'village', a settlement must have any 'services' of its own, let alone 'services' of any specified kind.'

The application site is located approximately 500m from the village primary and secondary school and 800m from the main supermarket. Most of the route to the aforementioned facilities can be accessed along pavements. The route is also relatively flat. Guidance in Manual for Streets (Para 4.4.1) states that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.' The site is considered to be within reasonable walking and cycling distance of a range of services and facilities that would be used on a day to day basis. As a consequence, it is considered that future residents would not be totally dependent on the use of the private motor car to undertake a range of day to day activities. In light of the village's proposed designation as a Principal Settlement and the availability of a range of services within reasonable walking and cycling distance of the proposed development, it is considered that the site represents a sustainable location in terms of its accessibility to services and facilities. This weighs in favour of the proposed scheme.

A development that is not physically separate or remote from a settlement, even where that settlement has few or no facilities, does not necessarily constitute isolated development. In this instance, the site lies adjacent to an existing village and within walking and cycling distance of a

range of services and facilities. It is considered that the proposed dwellings do not represent 'isolated homes in the countryside' and as such the proposal does not conflict with paragraph 79 of the NPPF.

(c) Impact on Character and Appearance of the AONB

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

Paragraph 170 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'.

Paragraph 172 of the NPPF states that 'great weight should 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 EN2 Design of the Built and Natural Environment states that:
"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."

Policy EN4 The Wider Natural and Historic Landscape states:

"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."

Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

"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."

The application site forms an area of land to the rear of 'Birdland' that is currently occupied by a number of shipping containers, an old stable building and informal parking arrangements. It is bordered to the south, east and west by established vegetation. The landscape is relatively flat and the site lies alongside Marshmouth Lane with residential development along the eastern side of the lane.

The Local Countryside Designation Review: Protected Open Space Policy Area Report (White Report) 2002 Area H includes the application site as a protected open space. The White report forms part of the evidence base which has informed the location of the Development Boundary for Bourton-on-the-Water within the Local Plan. This area is considered to separate the main core of Bourton-on-the-Water from a large housing development to the south-east. The justification for the open space protection is that it functions as a strategic gap between the historic village and more recent development to the south east, has value for informal and formal recreation, respects the SAM Salmonsbury Camp and enhances its setting, and retains open space along the River Windrush corridor.

While the application site sits outside of the Development Boundaries of Bourton-on-the-Water, it is situated between the boundary lines and is therefore in a unique location. The site is occupied by large areas of hardstanding and a number of storage containers and former stable buildings. The current site does not represent a positive landscape aspect of the AONB in this location.

The proposals have been amended from the original submission and have reduced the number of units from 3 to 2. The built development would now occupy approximately 1/3rd of the site, with the remaining land being retained as an ecological, landscaping and flooding buffer.

The landscape proposals are designed to create habitats of greater ecological value than those currently present. The hardstanding and dense scrub along the river corridor would be replaced with wet meadow and tussock grassland with small groups of native trees and shrubs suited to the wet conditions and the introduction of marginal and shallow water plants along the river margins. A large area of meadow grassland would be created to the south of the new houses using a traditional hay meadow seed mix. Multi-stem native trees and small blocks of native shrubs would be planted within the grassland. Existing log piles present on the site and created following tree felling would be retained and used to create new habitat piles within the grasslands. Native, species-rich hedgerows with trees would be planted along the boundary between the new gardens and the river corridor and new grassland areas. Native trees and shrubs would be planted in areas around the new buildings. Bulbs would be planted within areas of amenity grassland and a beech hedge would also be planted around the houses.

The final design of the dwellings is subject to a reserved matters application however the indicative plans provided show that a well-designed development reflective of the surrounding residential vernacular could be provided.

It is considered that the proposed built development would be viewed in relation to the surrounding housing. The remainder of the site would be improved through landscaping which would maintain the strategic gap and retain the separation of the historic village of Bourton-on-the-Water and development to the south. The scenic qualities of the AONB in this location include residential built development and it is considered the introduction of 2 dwellings in conjunction with the landscape enhancements would maintain and enhance the quality of the AONB in this location. As such the proposals would accord with Paras 170 and 172 of the NPPF and Policy EN2, EN4 and EN5 of the Cotswold District Local Plan.

(d) Access and Highway Safety

Paragraph 109 of the NPPF states that, development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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 safe operation of the highway network.

Local Plan policy INF5 (Parking Provision) requires development to make provisions for residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

The proposed development would utilise an existing access onto Marshmouth Lane. The speed limit along the lane is 30 mph which generally requires visibility of 54m in each direction from a point set back 2.4m from the edge of the carriageway. The road is relatively flat and straight at this point of the road and visibility is good when you exit the site in forward gear. The proposed site plan has demonstrated that cars can enter, manoeuvre and exit the site in forward gear from

the two properties proposed. Taking this into account, it is considered that the proposals would not result in a significant impact on the highway network.

Concerns have been previously raised regarding traffic associated with the Birdland business. The agent provided further information in relation to the current use of the application site and traffic movements. The current site is occupied by a disused stable block and a number of shipping containers. The agent confirms that the shipping containers are not used by Birdland. They have been used by a local tree surgeon who has benefited from the applicants goodwill and who will vacate the site when required. There is also a store for a local electrical contractor, again not connected with Birdland, and they will vacate the site to enable the former dilapidated stables to be demolished.

The existing access to the rear of Birdland is only used by vehicles for occasional deliveries. Catering deliveries and retail stocks are delivered to the Birdland main entrance on Rissington Road, which is also where waste collection takes place. Therefore the movements associated with the existing access are limited to staff car parking, visiting sales representatives and occasional deliveries of materials and feed. The indicative site layout shows the retention of a service road to the north of the site to enable these vehicle movements to still be undertaken and reduces the need for vehicle movements further along Marshmouth Lane.

Gloucestershire County Council Highways department were consulted on the proposals who advised that the proposals fell within the Standing Advice and as such would make no formal comment.

While the access would be subject to a future Reserved Matters application, it is considered that the indicative plans demonstrate that safe access and adequate parking can be provided. As such the principle of 2 dwellings on the site would not result in a significant adverse impact on highway safety in accordance with Local Plan Local Plan Policy INF4 and INF5.

(e) Impact on living conditions

Paragraph 127 of the NPPF seeks to create places with a high standard of amenity for existing and future users. The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan also sets out guidance with regard to residential amenity.

Whilst the details, design, scale and layout of the dwellings would be subject to the reserved matters application, it is considered that given the size of the plot and indicative plans provided, 2 dwellings could be sited which would not compromise the living conditions of neighbouring properties. The siting, orientation and size of the proposed houses are such that there would be no significant loss of light to neighbouring properties. The proposals could also be sited to provide adequately sized gardens commensurate to the size of dwellinghouses and would not result in a cramped form of development on the site. Officers, therefore consider the proposal to comply with the adopted Cotswold District Local Plan Policy EN2 and the guidance contained within section 12 of the NPPF.

(f) Trees and Landscaping

Policy EN7 of the Cotswold District Local Plan sets out that where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

- a. trees of high landscape, amenity, ecological or historical value;
- b. veteran trees;
- c. hedgerows of high landscape, amenity, ecological or historical value; and/or
- d. woodland of high landscape, amenity, ecological or historical value.

Where trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.

Development proposals affected by (2) above should, where appropriate, have regard to the potential for new or extended woodland to assist in carbon storage and to be a potential local source of biomass or biofuel.

The trees on site are not located within a conservation area and are not protected by a Tree Preservation Order. However it is noted that a large mature poplar tree and the existing hedgerow add to the landscape value of the site and should therefore be retained. Landscaping would be considered at the Reserved Matters stage. However the retention of the tree and hedgerow and detail of the protection measures during the construction of the development should either accompany the Reserved Matters application or can be conditioned.

The proposals are considered to accord with Policy EN7 of the Cotswold District Local Plan.

(g) Biodiversity

Para 175 of the NPPF sets out that when determining planning applications, Local Planning Authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Biodiversity and Geodiversity: Features Habitats and Species (POLICY EN8) of the Cotswold District Local Plan states that

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 (Section 41 (England) of the Natural Environment and Rural Communities Act 2006) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.

The Council's Biodiversity Officer comments that the ecological issues raised in their previous comments could be dealt with as a condition of outline planning consent. It is appreciated that the final site layout design would be subject to a Reserved Matters application.

The Biodiversity Officer raises no objection subject to conditions, stating that with appropriate mitigation and enhancements, the proposed development would comply with national and local planning policies, and the relevant legislation protecting otters and water voles. An updated otter and water vole survey should be carried out within the survey season prior to the commencement of works, as there could be a delay between obtaining outline planning permission and Reserved Matters approval, and the actual implementation of the proposed development. In this instance it is considered that an updated water vole and otter survey can be conditioned. This would inform the final design of the proposed development, including layout, buffer zones, habitat creation and landscaping, as well as maintenance access to the riverside buffer area (e.g. from the service yard road to the north-western corner of the site).

Some of the stables with access points do provide potential for nesting birds. An updated nesting bird survey is also required before the demolition of the stables and to inform mitigation and compensation measures. As part of the Reserved Matter designs, enhancements should be incorporated into the new dwellings for nesting birds, e.g. integrated house sparrow terrace, starling and swift boxes/bricks.

A Biodiversity Mitigation and Enhancement Plan (BEMP) would need to be submitted with a future Reserved Matters application.

The retention of the large mature poplar tree and existing hedgerow is important and these should be clearly identified as part of the landscaping scheme submitted at Reserved Matters stage.

The long-term management of the habitats of biodiversity value (i.e. for otters and water voles) is also an important issue that needs to be addressed, as the success of the riparian buffer zones will rely on an appropriate management regime. A Biodiversity Management Plan is therefore recommended as a condition of the outline planning permission to ensure that the long-term viability of the retained riparian buffer zones can be secured.

No otters would be directly impacted by the proposed development based on the information available at this outline application stage, so a consideration of the 3 derogation tests by the LPA is not required. However, otters are present on the river and there are likely to be indirect impacts through disturbance and lighting, which need to be considered as part of the determination of the outline application hence the recommendation for a condition for a biodiversity mitigation and enhancement scheme, and a long-term habitat management plan that takes account of the presence of this protected species. The provision of an access point into the riparian buffer zone is therefore a critical part of the final site layout design.

As such it is considered that, subject to conditions, any potential harm to biodiversity could be mitigated or avoided. As such the proposals are considered to accord with Policy EN8 of the Cotswold District Local Plan and para 175 of the NPPF.

(h) Flooding and drainage

Para 155 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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Para 163 of the NPPF sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Policy EN14 Managing Flood Risk of the Local Plan sets out that development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding. Minimising flood risk and providing resilience to flooding will be achieved by:

- a. applying the sequential test for assessment of applications for development in Flood Zones 2 or 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;
- b. requiring a site specific flood risk assessment for:
 - i. proposals of one hectare or greater in Flood Zone 1;
 - ii. all proposals in Flood Zones 2 and 3; or
 - iii. proposals in an area in Flood Zone 1 that has critical drainage problems.

The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).

Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.

The application was accompanied by a Flood Risk Assessment. Further information was requested by the Environment Agency (EA) following the initial consultation. This information was provided and the EA raise no objections to the proposals stating that the proposed development layout plans now show the proposals to be outside the 1 in 100 year plus 35% climate change allowance flood extent.

The Council's Drainage engineer raises no objections to the proposals subject to a condition requiring the submission of a surface water drainage scheme.

The proposals were accompanied by a sequential test which is considered to be acceptable and confirms that there are no alternative suitable sites available.

As such, subject to conditions, the proposals would not result in an increased risk of flooding in accordance with Paras 155 and 163 of the NPPF or Policy EN14 of the Cotswold District Local Plan.

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9. Conclusion:

Planning balance

The site is a departure from the Local Plan and would result in open market dwellings located outside of the development boundaries which would undermine the housing strategy for the area and would be contrary to Policy DS4. The Council is meeting the 5 year housing land supply and as such there is no requirement for development outside of the established development boundaries.

Notwithstanding the conflict with Policy DS4, there are other material considerations which are particular to the circumstances of this case and the application site, and these considerations need to be considered in the planning balance as part of the decision-making process.

In relation to the landscape impacts of the proposals the recent Gasworks Lane appeal was not considered to have sufficient public benefits to outweigh the additional landscape harm of the proposals. In this case it is considered that the reduction in dwellings to 2 and the comprehensive landscape enhancements proposed (as outlined in section C of this report) and large area of undeveloped enhanced landscaping that would remain would maintain the important landscape separation gap between the historic core and new development of Bourton on the Water. In addition the proposals would maintain the open space along the River Windrush Corridor. As such, the impact on the landscape is considered to not represent harm that weighs against the proposals and would represent a visual enhancement to the AONB in this location which would be seen as a benefit of the proposals.

In relation to the benefits of the scheme the main benefits are considered to be:

Sustainably located

Visual enhancement within the AONB

Beneficial re-development of a brownfield site

Biodiversity enhancements

Small economic and social benefit for the creation of 2 dwellings

The site is considered to be sustainably located, it is considered that future residents would not be totally dependent on the use of the private motor car to undertake a range of day to day activities. The village is designated as a Principal Settlement and has a good range of services within reasonable walking and cycling distance of the proposed development. This weighs in favour of the proposed scheme.

It is considered that the built development would be viewed in relation to the surrounding housing and the remainder of the site would maintain the strategic gap and retain the separation of the historic village of Bourton-on-the-Water and development to the south. The scenic qualities of the AONB in this location include residential built development and it is considered the introduction of 2 dwellings would maintain and enhance the quality of the AONB in this location that weighs in favour of the proposals.

The site is considered a brownfield site and would reuse previously developed land that weighs in favour of the proposals.

The proposals include a scheme to provide ecological and biodiversity improvements. This can be secured by condition through a Biodiversity Mitigation and Enhancement Plan (BMEP) which is considered to represent a benefit of the proposals that weighs in favour.

There would be a small economic benefit of the scheme in relation to the construction of the dwellings and social benefits in relation to the creation of 2 new households which is considered to represent a benefit of the proposals that weighs in favour.

While the proposals identify that the provision of 2 new open market dwellings would fund reinvestment into the existing birdland business this is not secured by a legal agreement and can not be considered a benefit of the proposals.

The conflict with Policy DS4 in relation to development outside of the boundaries weighs heavily against the proposals however given the unique circumstances of the proposals, public benefits of the proposals and the reduction in the number of dwellings proposed, it is considered that the benefits of the scheme in this instance would outweigh the departure from the Local Plan. As such the proposals are recommended for approval, subject to conditions.

10. Proposed conditions:

In pursuance of their powers under the above Act, and having regard to the Town and Country Planning (Development Management Procedure) (England) Order 2015, the development was considered to be contrary to the following Cotswold District Local Plan Policy DS4. However, the following material considerations were of sufficient merit to justify the permitting of the development:

The proposed development represents sustainable development, utilising previously developed land that would not compromise the delivery of housing set out within the strategy of the Cotswold District Local Plan. This benefit is considered to outweigh the other limited impacts arising from the scheme including the impact on the Cotswolds Area of Outstanding Natural Beauty. The proposal accords with the principles of sustainable development as set out in the National Planning Policy Framework

The Council therefore **PERMITS** the above development in accordance with the details given on the application form and submitted plans, which are subject to the following **conditions**:

The development shall be started either by five years from the date of this decision notice or before the end of 2 years from the date that the last of the reserved matters is approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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).

The development shall not be started before approval of the details relating to Layout, Scale, Access, Appearance and Landscaping have been given in writing by the Local Planning Authority.

Reason: These are "reserved matters" and are 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.

This decision relates to drawing number(s): 9435-0014-01

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Reason: For purposes of clarity and for the avoidance of doubt.

The submitted reserved matters details shall accord with the principles of layout, appearance, access, scale and landscaping shown in the illustrative layout plan 9435-0012-005 E, illustrative street scene 9435-0013-01 and block plan 9435-0012-01 A

Reason: In order to ensure that the development is undertaken in a manner that will conserve the character and appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB) having regard to Local Plan Policies EN2, EN4 and EN5 and guidance in paragraphs 170 and 172 of the NPPF. Due to the sensitivity of the site an alternative design approach would potentially have an unacceptable adverse impact on the AONB.

Prior to the commencement of development a Biodiversity Mitigation and Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily limited to, the following:

- i. Updated water vole and otter survey (river and ditch);
- ii. Updated nesting bird survey (stable building);
- iii. Mitigation during site clearance, preparation and construction phases;
- iv. Habitat creation and enhancement details, including riparian and ditch/hedgerow buffer areas;
- v. Bird and bat boxes to be integrated into the new dwellings; and
- vi. External lighting details to minimise light spillage into river, ditch and hedgerows to prevent disturbance to otters and foraging/commuting bats.

The scheme shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that protected and priority species (otter, water vole, nesting birds, bats) and priority habitats (hedgerow, river) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

A Biodiversity Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the BMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map
- ii. Landscape and ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period)
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

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The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The BMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 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.

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. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

Informatives:

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))
- CIRIA C753 SuDS Manual 2015

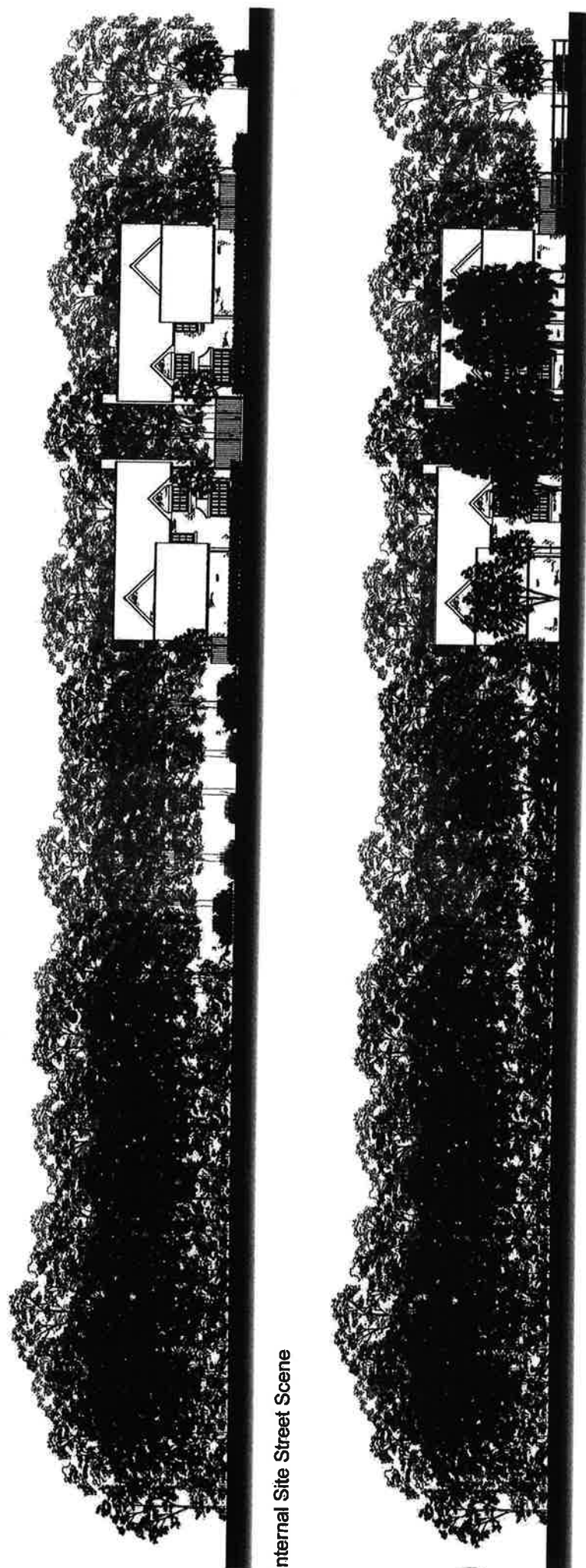
The landscaping scheme submitted at reserved matters must provide full details of all biodiversity mitigation and enhancements, including the newly created and enhanced habitats within the riparian and ditch buffer zones, the eastern boundary hedgerow and species-rich grassland areas using native species of local provenance, as well as features for species, including log piles and a range of wildlife boxes.

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4/20/2018 09:56

1. The drawings have been prepared in accordance with the scope of work defined in the contract documents. RPS does not warrant the accuracy or completeness of the information, data, or other material provided to it by the client. RPS shall not be held responsible for any errors or omissions in the drawings or any consequences arising therefrom. RPS shall not be held responsible for any delays or interruptions in the project caused by the client or any third party. RPS shall not be held responsible for any damages or losses of any kind, including but not limited to, direct, indirect, or consequential damages, arising out of or in connection with the use of the drawings. RPS shall not be held responsible for any claims, damages, or losses of any kind, including but not limited to, direct, indirect, or consequential damages, arising out of or in connection with the use of the drawings. RPS shall not be held responsible for any claims, damages, or losses of any kind, including but not limited to, direct, indirect, or consequential damages, arising out of or in connection with the use of the drawings.



Internal Site Street Scene

External Site Street Scene From Marshmouth Lane

Existing vegetation along Marshmouth Lane to be retained and enhanced with additional structural planting as necessary.

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NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	4/18/18	AJC	GB
2	ISSUED FOR CONSTRUCTION	4/18/18	AJC	GB
3	ISSUED FOR RECORD	4/18/18	AJC	GB

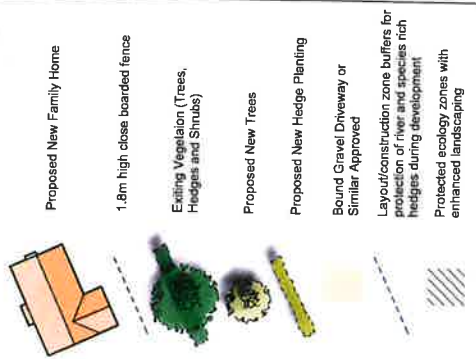
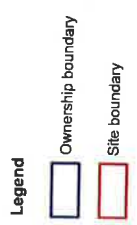


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Client: Bidland
 Project: New Housing Development
 Title: Illustrative Street Scene
 Status: FINAL
 Drawn By: A.J.C.
 JSS Ref: Scale @ A2
 OXF9435 1:200
 Date Checked: April 2018
 Drawing Number: 9435-0013-03
 Rev: B

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Rev	Description	Date	Prep	Checked
1	Final	18/04/18	AJC	GB
2	Revised	18/04/18	AJC	GB
3	Revised	18/04/18	AJC	GB
4	Revised	18/04/18	AJC	GB
5	Revised	18/04/18	AJC	GB
6	Revised	18/04/18	AJC	GB
7	Revised	18/04/18	AJC	GB
8	Revised	18/04/18	AJC	GB
9	Revised	18/04/18	AJC	GB
10	Revised	18/04/18	AJC	GB



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Client: Birdland
 Project: New Housing Development
 Title: Illustrative Site Layout
 Status: FINAL
 Drawn By: AJC
 Job Ref: OXF9435
 Scale @ A3: 1:500
 Date Created: April 2018
 PM/Checked by: GB
 Drawing Number: 9435-0012-006
 Rev: F



Item 02.
 18/01/15b/OUT

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