

Item No 02:-

19/01115/OUT

**Land To Rear Of Ashlar, Coppers & Wyldlands
Broad Campden
Chipping Campden
Gloucestershire
GL55 6UR**

Item No 02:-

Erection of 2 no. dwellings and associated works (Outline application with all matters reserved except access) at Land To Rear Of Ashlar, Coppers And Wyldlands Broad Campden Chipping Campden Gloucestershire GL55 6UR

Outline Application 19/01115/OUT	
Applicant:	Mr & Mrs Yardley
Agent:	Brodie Planning Associates Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Mark Annett Councillor Gina Blomefield
Committee Date:	12th June 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Residential Development in a Non-Principal Settlement
- (b) Affordable Housing
- (c) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Impact on Protected Species
- (g) Arboricultural Impact

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Annet for the following reason:

' I know the neighbour(s) are not happy with this application and Broad Campden has had a quota of new houses, has no amenities and it looks to me that this development is near open countryside which could set a precedent.'

1. Site Description:

This application relates to an area of garden land lying to the rear of 3 post war dwellings (Ashlar, Wyldlands and Coppers) located on the north western edge of the village of Broad Campden. The application site measures approximately 0.4 hectares in size and is set back approximately 25-35m to the rear of the aforementioned dwellings. The existing gardens to the rear of Wyldlands and Coppers measure approximately 100m long by 16m wide. The garden to the rear of Ashlar measures approximately 80m long by 30m wide. The existing gardens are largely set to grass and are separated from one another by a mix of post and rail/wire fencing, vegetation and walls. The application site is set back approximately 60m from the main road leading through the centre of Broad Campden which lies to the front (north east) of Ashlar, Coppers and Wyldlands.

The south east (side) boundary of the application site adjoins the rear garden of a detached property (Sharcomb Furlong). The boundary is defined by a mix of hedging and trees. The south western boundary of the site adjoins a group of trees and hedging plants with agricultural fields beyond. The north western boundary of the site adjoins a recently completed residential development of 6 dwellings (Pool Farm Close granted under permission 16/03163/FUL). The site boundary adjoins the south eastern boundary of a dwelling (1 Pool Farm Close). The aforementioned dwelling is located approximately 4m from the site boundary which is defined by a post and rail fence. An area of grassland to the front (north west) of 1 Pool Farm Close is set

aside as a wildflower meadow as part of the development granted permission under 16/03163/FUL. The site's boundary with the wildflower meadow measures approximately 35m in length.

The village of Broad Campden is considered to represent a Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031.

The site is located within the Cotswolds Area of Outstanding Natural Beauty. It is located outside Broad Campden Conservation Area (CA). The boundary of the CA lies approximately 140m to the south east of the site.

The site entrance opens onto a Class C Highway which is subject to a 30mph speed limit.

The site is located within a Flood Zone 1.

A Public Bridleway (HCC35) extends in a north east to south west direction approximately 200-250m to the south east of the site. Public Rights of Way HCC23 and HCC26 are located approximately 260m to the east of the application site.

2. Relevant Planning History:

Application Site

None

Ashlar

CD.2132 Proposed erection of a dwelling house (Outline application). Granted 1957

CD.2132/a Erection of a bungalow. Granted 1958

03/01060/FUL Garage extension on west elevation; erection of porch on north elevation and extension on east elevation. Granted 2003

Wyldlands & Coppers

CD.2692 Outline application for the erection of a dwelling house. Granted 1960

CD.2692/ap Erection of a bungalow and garage. Granted 1961

CD.2962/a Outline application for four houses or bungalows. Refused 1964

CD.2692/b Outline application for one pair of semi-detached houses. Granted 1964

CD.2692/b/ap Pair of semi-bungalows. Granted 1965

Coppers

06/03166/FUL Erection of a garage. Granted 2007

Wyldlands

12/02275/FUL Erection of a two-storey rear extension, a replacement single-storey side extension and a front porch. Granted 2012

Former swimming pool land to north west

CD.5179 Use of 2 acres for residential and touring caravan site Refused May 1972

CD.5179/A Use of 2 acres of land as a touring caravan site Refused May 1972

CD.5179/B Outline application for erection of a toilet block for use in connection with caravan site. Septic tank. Refused May 1972

CD.5179/C Outline application for a toilet block for use in connection with swimming pool. Septic tank. Granted November 1972

CD.5179/D Use of land as a tourist caravan site for 25 caravans. Refused July 1973

CD.5179/E Outline application for a dwelling house Refused February 1975 Dismissed at appeal
December 1975
16/03163/FUL Construction of 6 dwellings. Granted 2017

3. Planning Policies:

NPPF National Planning Policy Framework
DS3 Small-scale Res Dev non-Principal Settle
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswold AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision
H1 Housing Mix & Tenure to meet local needs

4. Observations of Consultees:

Tree Officer: No objection - views incorporated in report

Biodiversity Officer: No objection -- views incorporated in report

5. View of Town/Parish Council:

None received

6. Other Representations:

9 objections received.

Main grounds of objection are:

- i) This development will create a precedent to infilling rear gardens in this area of AONB and further applications resulting in ribbon development. There are already sufficient plans approved for new housing with in the area.
- ii) The recent development on the old swimming pool site was allowed through as a 'one-off' and should definitely not be used as an excuse for further development as appears to be the case there.
- iii) The recent development of 10 or 11 houses is sufficient for such a small village.
- iv) If this development is allowed then all that will lie between the (new) building line and the fields behind will be a small copse - making the fields much more vulnerable to possible (major) development.
- v) The development will be seen from the main road through Broad Campden and will give the impression of a much denser residential area, rather than a 'single ribbon' effect.
- vi) The development will encourage a secondary building line to continue across other (current) gardens towards the village's Conservation Area. (As does the disastrous PP granted on the opposite side of the road).
- vii) The development is the start of an 'infill' mentality for Broad Campden - which has blighted many other villages.
- viii) The development in this AONB is neither outstanding, natural nor beautiful.
- ix) Whilst this proposal may be acceptable to the person charged with achieving targets for new homes and those who see an opportunity to benefit from a windfall we would do well to consider the effect of decimating the charms of our treasured Cotswold heritage which are famed throughout the world.

x) Broad Campden and Chipping Campden are separate conurbations and I foresee a point of no return with regard toward 'in-fill' between Catbrook and Broad Campden. The recent development on the old swimming pool has given the green light to other developments. If this development is passed, what is to stop everyone living on the Campden to Broad Campden road developing their gardens? 10 houses, will double to 20! If you pass this application, you have no right to decline others. I very much doubt the new dwellings would be small houses for the young locals which are desperately required and is forcing them to leave the area.

xi) I am in my seventies and sold my home to move permanently to a peaceful spot, free of light pollution and free from being overlooked. This is my only home and I only became aware of the planning application 10 days after moving house. I wish to preserve my amenity and privacy in the same way as the applicant and owners of Wyldlands, and Coppers. The proposed new dwelling behind Wyldlands will be 10m from my home yet 60m from Wyldlands. The front garden of 1 Pool Farm Close (my home) is shown incorrectly on the site plan accompanying the planning application; a wild flower meadow forms major part of the land depicted. Therefore, it should be appreciated that there will be a significant loss to my amenity and impact on my privacy which is not accurately reflected on the plan. With this in mind and in view of my other comments the application should be refused.

xii) It is worryingly close to the conservation area in an attractive village in the AONB. Development along the main road has already had an impact on the quintessential nature of the village and this should not be degraded further.

xiii) The proposed development would be contiguous with the Pool Farm development and may therefore be a precedent for continuing infill ribbon development, further moving the centre of gravity of the village away from its natural position around the pub and church. Whilst acknowledging the national drive for extra housing I feel that this is a poor location in a sensitive site and therefore oppose the application.

xiv) If approved, this development is likely to set a precedent for the practice of 'filling-in' rear garden space with buildings becoming acceptable and would lead to further developments of this kind. These would probably include much larger developments than this one.

xv) The development would increase the traffic on the Chipping Campden to Broad Campden road, thus increasing the noise level that would impact on many homes adjacent to the road. Furthermore, an increase in the traffic will further increase the risk to pedestrians as the pavement between southern part of Catbrook and Broad Campden is in extremely poor condition. In order to avoid the dangers of tripping on sections of the pavement, some pedestrians appear to find it easier and safer to walk on the road rather than the pavement.

xvi) I do not believe Pool Farm Close has set a precedence for future applications as it was developed on a plot that had been previously built on and left derelict for many years. This has ultimately improved and enhanced the area. This application, however, is proposing to build on green space/gardens, therefore, impacting on the AONB, which will inevitably have an impact on the wildlife.

xvii) This development would take away green space in an AONB and would open up the precedent for infilling in other spaces at the rear of properties in Broad Campden and make the main road through the village very busy. Although we are in the new development at Pool Farm this development was built on derelict and previously developed land and therefore has not given precedent for green space to be used.

xviii) I understood that there were very strict planning regulations to protect the open spaces and limit any impact on the character and appearance of the area. Unsurprisingly therefore, I was shocked to learn of this planning application on 5 April just 10 days after completing contracts for the purchase of our home and see that the application was received by the Council on 22 March only 2 days after exchanging contracts on 20 March.

xix) In regard to approval of the Pool Farm Close development the Planning Officer stated that those properties 'have been designed to ensure that the neighbouring amenity would not be impacted upon.' This new proposal will remove the open space and impact upon our amenity and privacy. Planning should therefore be refused

xx) The applicant suggests that the 'recent development at the former swimming pool site..has changed the form of this part of the settlement (as the) development now extends perpendicular to the road...' However, the Pool Farm Close development was built on previously developed land and that site was improved to build homes as stated in the Planning Officer's assessment to 'reflect an agriculture character with blocks arranged in a farm complex.' The result is an

enhancement to the landscape with properties built in the vernacular style fitting well into the landscape of Cotswold AONB. The new proposal will result in a change to the landscape, be unsympathetic to the edge of the village settlement, unnecessarily reduce the amenity of greenland garden space and not be in keeping with the linear pattern established by Ashlar, Coppers and Wyldlands and other properties along the road leading to the centre of Broad Campden from Chipping Campden. The development of homes on the old swimming pool site was effectively a 'one off' on previously developed land. The new proposal therefore does not 'round(s) off this part of the settlement' as suggested on p.20 section 4.22 of the PD&A and the planning application should be refused.

xxi) It should be noted that in regard to the proposed 2 new dwellings that as stated in the Planning, Design & Access Statement p.7 section 2.4 'the properties are set back from Ashlar, Coopers and Wylands, allowing ample amenity space for the existing and proposed dwellings and to prevent overlooking.' However, the distance between the side elevation of my property and the new dwelling is just 10m compared with a distance of 60m between the rear elevation of Wyldlands and the front of the proposed house on plot 2. We will be overlooked and lose our privacy and enjoyment of our amenity.

xxii) The PD&AS p.7 section 2.4 also states that 'the dwellings form a continuation of the building line established by the adjacent development...' The site plan appended to the planning application illustrates the property at plot 2 sited forward of our front elevation/building line. The plan submitted is misleading because it does not show the boundary to our front garden: the greater part of the land in front of 1 Pool Farm Close is a wild flower meadow maintained from contributions from the residents of the Pool Farm development. Our property and the open space across the meadow will be severely affected by the proposal.

xxiii) The landscaping suggested at p.11 sections 2.20 to 2.25 of the PD&AS solely relates to screening the existing properties of Ashlar, Coppers and Wyldlands. However, the open aspect of the grassland and the impact upon the landscape and upon the adjacent 'farmstead' scene with the 'barns' and 'farmhouse' means that the application should be refused to retain the character of the Cotswold AONB.

xxiv) The proposed development does not take account of the landscape setting of the village within the Cotswold ANOB as suggested at p.7 section 2.2 of the PD&AS. The proposal will in fact have the opposite impact and should be refused.

xxv) Pages 8 and 9 section 2.9 of the PD&AS states: 'the site is not readily visible from the Public Right of Way to the south. The principal views of the new development therefore would be from the dwellings immediately adjacent to the site' in particular our property at 1 Pool Farm Close. Indeed, the principal view towards into and onto our house and garden would be from the proposed development and the application should be refused.

xxvi) This proposal will not conserve and enhance the landscape and scenic beauty in an AONB as a requirement in paragraph 172 of the National Planning Policy Framework; in fact if approved the development will have a strong negative impact on the area. That the site already forms residential gardens in my view does not mean that it is not a sensitive site in landscape terms as suggested on p.21 section 4.32 of the PD&AS: there will no longer be an open aspect and the open view towards the thicket on the southern boundary lost forever.

xxvii) The site is within the Cotswold AONB and only 140m from the Broad Campden Conservation Area and the proposal will therefore have an impact on its special character and appearance.

7. Applicant's Supporting Information:

Planning Statement

Transport Statement

Arboricultural Survey, Impact Assessment and Tree Protection Plan

Ecological Appraisal

8. Officer's Assessment:

Proposed Development

This application seeks permission for the erection of 2 detached dwellings and associated works. The applicant is seeking to establish the principle of development on the site and is in Outline form. Matters relating to Access form part of this application. However, other matters relating to Landscaping, Layout, Scale and Appearance have been reserved for later detailed approval. The current layout is purely indicative and intended to demonstrate how the site could accommodate the proposed level of development.

Vehicular access to the proposed dwellings will be via a new entrance onto the main road lying to the north east of the application site. The access will be located between existing residential accesses serving Ashlar to the south east and Coppers to the north west. The proposed access drive will measure approximately 5.2m in width and will extend between the side elevations of Ashlar and Coppers. The proposed drive will be located within the existing domestic curtilage of Ashlar. An attached garage lying to the side of Ashlar will be removed to allow for the creation of the drive. The existing garage extension measures approximately 5.5m in width and was granted permission in 2003. The drive measures approximately 60m in length.

(a) Residential Development in a Non-Principal Settlement

The application site occupies an area of garden land lying to the rear of three residential properties. By virtue of its location on existing garden land and its proximity to existing residential development, the site is considered to be located within the village. The village of Broad Campden is considered to represent a Non-Principal Settlements for the purposes of the Local Plan. New residential development in such locations is primarily covered by the following policy:

Policy DS3 Small Scale Residential Development in Non-Principal Settlements

1. In Non-Principal Settlements, small-scale residential development will be permitted provided it:
 - (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
 - (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;
 - (c) complements the form and character of the settlement;
 - (d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and
2. Applicants proposing two or more residential units on sites in Non-Principal Settlements should complete a rural housing pro-forma and submit this with the planning application

In addition to the above policy, paragraph 78 of the National Planning Policy Framework (NPPF) states that 'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

With regard to services and facilities, the village of Broad Campden hosts a public house, village hall and church. There are 3 bus services a day which provide links to Chipping Campden, Moreton-in-Marsh and Stratford-upon-Avon. The village is therefore able to offer a limited range of services and facilities. In addition, the village is also located in close proximity to Chipping Campden, which is designated as a Principal Settlement in the current Local Plan. The entrance to the site is located approximately 400m by road from Chipping Campden Development Boundary. In terms of walking and cycling, the town's primary school and commercial centre are located approximately 1km and 1.2km respectively from the application site. A dedicated pedestrian footway extends for all but 120m of the route from the site into Chipping Campden commercial centre. A reasonably safe route therefore exists for pedestrians wishing to walk from the village into Chipping Campden. It is also of note that planning permission was granted in

2017 (16/03163/FUL) for the erection of 6 dwellings on land to the north west of the application site (Pool Farm Close). Permission was also granted in 2017 (17/04625/FUL) for the erection of a single dwelling on land to the rear of a detached property called Roydon which is located on the north eastern side of the main road roughly opposite the entrance into the current application site. The village has therefore been deemed to be an appropriate location for small scale residential development in recent times. The erection of 2 dwellings in the village will also help to support existing facilities in both the village and Chipping Campden in accordance with the aspirations of paragraph 78 of the NPPF.

The erection of 2 dwellings is considered to be of a scale proportionate to the settlement which contains in excess of 70 dwellings. The location of the site also means that a range of services and facilities can be accessed by means other than the private motor car. The site does not represent an isolated location in the countryside and it is considered that the proposal will not conflict with criterion b) of Policy DS3 which seeks to maintain and enhance sustainable patterns of development.

The proposed development is located on garden land and adjacent to the recently completed residential development at Pool Farm Close. The development site is not readily visible from public view. Existing development at Pool Farm Close also extends development to the south west of the main road, beyond the existing line of development fronting the aforementioned highway. The Pool Farm Close development has therefore had an effect on the linear form of development that previously characterised the north western part of the settlement. The pattern of development and the form and character of this part of the village has therefore changed as a result. The current proposal will tie in visually with both the Pool Farm Close development and existing dwellings fronting the main road. It is also considered that the 50-55m separation distance between existing roadside dwellings and the proposed dwellings will enable a degree of openness and space to be retained between the existing and proposed developments thereby helping to preserve the low density character of this part of the settlement. It is noted that paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account 'the desirability of maintaining an area's prevailing character and setting (including residential gardens)'. In this case it is considered that the creation of Pool Farm Close has materially affected the prevailing character and setting of the north western part of the settlement with the result that the existing gardens could be developed without conflicting with criterion c) of Policy DS3 or paragraph 122 of the NPPF.

The introduction of 2 further dwellings, in addition to the 6 dwellings completed recently at Pool Farm Close and the extant permission at Roydon, is considered not to represent a disproportionate increase in the size of the village or to have an adverse cumulative impact on the settlement as a whole or existing infrastructure having regard to criterion d) of Policy DS3.

It is considered that the proposal does not conflict with Local Plan Policy DS3.

(b) Affordable Housing

The proposed development comprises 2 dwellings with a floor area of less than 1000 sq metres. The proposal does not exceed the thresholds set out in Local Plan Policy H2: Affordable Housing which dictate when on-site affordable housing or an off-site financial contribution is required. The proposed development does not therefore conflict with Local Plan Policy H2.

(c) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

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).

Local Plan Policy EN1 Built, Natural and Historic Environment states:

'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. Contributing to the provision of multi-functional green infrastructure;
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. Seeking to improve air, soil and water quality where feasible; and
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.'

Policy EN2 Design of the Built and Natural Environment

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.

In terms of national policy, Paragraph 170 of the National Planning Policy Framework (NPPF) states that planning policies and decisions 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.'

The application site occupies an area of garden land lying to the rear of three post war dwellings (Ashlar, Coppers and Wyidlands) which front onto the main road leading through the village. The aforementioned dwellings are a mix of 1.5 storey and dormer style properties measuring approximately 7m in height. The site is set back approximately 60m from the road. The site is not readily visible from the road by virtue of the position of the existing roadside dwellings. The site itself is primarily set to grass. The south eastern and south western boundaries of the site are defined by trees and hedgerows with the south western boundary creating a strong landscape buffer between the site and the agricultural fields to the south west. A pond/lake also lies to the south west of the application site and is bordered on all sides by trees and vegetation. The aforementioned landscaping provides further screening of the site from the south west. The existing boundary vegetation creates a strong dividing line between the residential development/gardens forming part of the settlement of Broad Campden and the open countryside to its west and south west. It is considered that the proposed development will lie within the confines of the

existing settlement and will not result in an encroachment of residential development into the adjacent agricultural landscape.

The application site has a residential character and appearance by virtue of its existing garden use. The proposed use is of a residential nature and is therefore considered to respect the character of this particular part of the AONB landscape. The proposal is for two dwellings on a 0.4 hectare site. The development is low density in nature and will result in the creation of two dwellings set within spacious plots. The density of development is considered to respond sympathetically to the character of the area.

The submitted indicative layout plan shows the two proposed dwellings set back towards the south western part of the site. The proposed dwellings are orientated and positioned to reflect the layout of the Pool Farm Close development to the north west. There will therefore be a degree of visual interconnectivity between the proposed development and the recently constructed dwellings at Pool Farm Close. The set back position of the proposed dwellings will allow for the retention of garden space to the front of the proposed dwellings. The proposal will not therefore result in the creation of residential buildings along the majority of the boundary with the adjacent paddock/wildflower meadow on the Pool Farm Close development. It is considered that the openness of the wildflower meadow when viewed from Pool Farm Close will not be adversely affected by the proposed development to an unacceptable degree. The set back position of the dwellings is also considered not to have an impact on the 'farmstead' form and layout of the Pool Farm Close development.

With regard to the Pool Farm Close development, the aforementioned site was mainly set to grass prior to the erection of the new housing. Part of the site was used as a public swimming pool and campsite up until the mid 1970s. However, in the subsequent period it reverted to an area of grassland with the original buildings becoming overgrown with vegetation. The site took on the character of a paddock/agricultural pasture. The site did not exhibit a developed character prior to the recent erection of the new housing. The development of the Pool Farm Close site therefore resulted in a discernible change in the character and appearance of the land lying to the north west of the application site. Notwithstanding this change, the Pool Farm Close development is considered not to have an adverse impact on the character or appearance of the AONB. Moreover, the current application seeks to re-develop existing residential garden land and as such is considered to represent less of a change to the AONB landscape than the creation of the Pool Farm Close development.

In terms of medium and longer range views, the site is not readily visible from the Public Bridleway (HCC35) which extends in a north east to south west direction approximately 20-250m to the south east of the site. Existing topography screens the site from view from the aforementioned Right of Way. Public views of the northern part of Broad Campden can be obtained from two Public Rights of Way (HCC23 and HCC26) which extend in a roughly north west to south east direction approximately 260m to the east of the application site. Existing housing lying along the main road screens the site from view. It is also of note that the existing Pool Farm Close is only partly visible from the aforementioned Rights of Way. In addition, the applicant is agreeable to a condition limiting the height of the proposed dwellings to 7m which will match the height of the existing roadside dwellings. The proposed dwellings will not therefore appear higher than the existing roadside dwellings. It is considered that the site can accommodate development of the type proposed without having an unacceptable impact on the character and appearance of the locality.

Overall, it is considered that the proposal will not have an adverse impact on the character or appearance of the AONB. In addition, the proposal will not result in an encroachment of development into the open countryside or have an adverse impact on the setting of the village within the AONB landscape. It is considered that the proposal accords with Local Plan Policies EN1, EN2, EN4 and EN5 and guidance in paragraphs 170 and 172 of the NPPF.

(d) Access and Highway Safety

Access to the proposed development will be via a new entrance onto the main road lying to the north east of the application site. The existing road is a Class C Highway which is subject to a 30mph speed limit where it passes through the village. The access will open onto a relatively straight section of road. The requisite visibility of 2.4m by 54m can be achieved in both directions. The access width is also sufficient to accommodate two passing vehicles. The proposed driveway is 5.2m in width and is therefore of sufficient width to accommodate two passing vehicles. The final design of the driveway would be addressed at the Reserved Matters stage should permission be granted. A demarcated footway with a surface which is level with the driveway carriageway could be introduced along the drive similar to that undertaken at the Pool Farm Close development.

The level of traffic generated by 2 dwellings is predicted to be 13 two way movements per day with 3 two way movements in the peak AM and PM periods. The proposal is considered not to result in a significant increase in vehicle movements, or to have an adverse impact on the operation of the local highway network.

The proposed development can provide at least 4 car parking spaces per dwelling which is considered appropriate for the level of development being proposed.

The drive is of sufficient width to accommodate a refuse vehicle should refuse bins not be collected from the site entrance.

Overall, it is considered that the proposed development will not have an adverse impact on highway safety and accords with Local Plan Policies INF4 and INF5.

(e) Impact on Residential Amenity

The illustrative plans submitted with the application indicate that the proposed dwellings can be provided with a level of outdoor amenity space commensurate with their size. The dwellings can also be positioned so as not to be subject to an unacceptable level of light or privacy. The illustrative layout plan also demonstrates that the dwellings can be positioned sufficiently distant from Wyldlands, Coppers and Ashlar so as not to result in an unacceptable loss of privacy to existing occupiers of the aforementioned dwellings. In addition, the existing dwellings will also retain a sufficient level of garden space proportionate to their size.

The proposed position of Plot 2 is also considered not to have an adverse impact on the light or privacy enjoyed by the occupants of 1 Pool Farm Close.

The proposed driveway will be positioned between the side elevations of Coppers and Ashlar. Vehicle movements arising from the proposed development will therefore increase noise and disturbance to the aforementioned properties. However, in light of the small size of the development and the limited number of vehicle movements generated by the proposal, it is considered that the impact of the development on the occupiers of the dwellings in question will not be unacceptable.

It is considered that the site is of sufficient size to accommodate the proposed level of development without having an adverse impact on residential amenity. The proposal is considered to accord with Local Plan Policy EN2 and guidance in the Cotswold Design Code.

(f) Impact on Protected Species

The application is accompanied by an Ecological Appraisal which identifies that the majority of the site is covered by amenity grassland, with an area of semi-improved grassland lying to the rear of Wyldlands. The Council's Biodiversity Officer has advised the following:

The Ecological Appraisal report dated May 2019 prepared by All Ecology Ltd is considered to be sufficient. The main findings of the report are as follows:

- Existing hedgerows comprise priority habitat
- Woodland edge to the southwestern boundary provides good foraging and commuting habitat for bats, dormice and nesting birds
- Buildings on site are unsuitable for roosting bats and no birds' nests were found.
- One tree near the southwest boundary with potential for roosting bats
- Potential for badgers to use the site on occasion (e.g. foraging), but no setts were found
- Potential for hedgehogs and other small mammals
- Low risk that reptiles and amphibians may be found (including potential for slow worms)
- Limited suitable terrestrial/aquatic habitat within the site for great crested newts and reference made to adjacent development site (old swimming pool)
- Two old birds' nests were found within the hedgerows and trees on site, and others could have been missed within dense vegetation.

The recommendations for biodiversity mitigation and enhancement include:

- Retention and enhancement of hedgerows and woodland edge habitat (particularly with regard to dormice)
- Planting of new hedgerows should be species-rich (at least 6 native tree/shrub species)
- Use of appropriate seed mixes, trees, shrubs and plants to create other habitats, i.e. native or 'wildlife-friendly' (nectar-rich, berry/fruit-producing, pollinator-friendly, night-scented flowers)
- More detailed aerial inspection of tree with bat roost potential if identified for removal
- Procedures for tree works with regard to bats
- Retention of woodland edge habitat as a dark area for foraging bats (no lighting) and for dormice
- Replacement hedgerow planting to retain resource for foraging bats, e.g. along northwestern boundary and between the new residential plots
- Limited use of external lighting
- Incorporating bat boxes and bird boxes into the new dwellings or other buildings
- Precautionary measures for woodland works to take account of potential for dormice
- Precautionary measures for small mammals, birds and badgers
- Great crested newt survey or precautionary measures (subject to the council's Biodiversity Officer)

I recommend that the above measures should be implemented as a condition of planning consent. A separate condition for a landscaping scheme should also be included and the details of integrated bird and bat boxes will also need to be submitted for approval.

Great crested newts

With regard to the planning application for the adjacent development site (former swimming pool, ref. 16/03163/FUL), I visited the site and met the ecological consultant to ensure that the potential for great crested newts had been given thorough and adequate consideration. I was satisfied in this case that there was limited potential for this species in the adjacent lake and sub-optimal habitats present within the site. Precautionary site clearance techniques were recommended to take account of the likely presence of reptiles, which would also constitute reasonable avoidance measures for great crested newts and common toads. I recommended that these precautionary site clearance techniques (i.e. habitat manipulation) were incorporated into a Construction Environmental Management Plan (CEMP), which should be submitted for approval as a condition of planning consent. This condition required a verification report to be submitted by a professional/suitably qualified ecologist to confirm that all the relevant mitigation measures had been implemented to their satisfaction (and this has been submitted). I also recommended that an informative should be attached to planning consent to ensure that the applicant is aware of the legislation protecting newts and what to do in the event that one is found. It would therefore be appropriate for a similar approach to be undertaken in the current development proposal. '

The Council's Biodiversity Officer raises no objection to the application.

It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat in accordance with Local Plan Policy EN8.

(g) Arboricultural Impact

The application site is bordered by a number of mature and semi-mature trees which will be retained as part of the proposed development. Trees within the site are limited in number and generally of a type found in residential gardens such as cherry, cypress, apple and holly. A crack willow and walnut within the site are shown as being retained.

The Council's Tree Officer has assessed the proposal and states

'Several trees are shown to be removed but these are garden ornamental trees of little amenity value to the public. They cannot easily be seen from any public places. One walnut shown to be retained has a new driveway close by and reference in the tree report indicates that the surface will be constructed in a manner that minimizes harm to the tree. No objection subject to a condition requiring a full arboricultural method statement and tree protection plan to be submitted with any detailed application.'

It is considered that the proposed development accords with Local Plan Policy EN7.

9. Conclusion:

Overall, it is considered that the proposed scheme accords with Local Plan Policy DS3 which is supportive of the creation of small scale residential development in villages such as Broad Campden. The proposed development, by virtue of its location on garden land, its proximity to existing dwellings and boundary vegetation is considered not to have an adverse impact on the character or appearance of the settlement or the Cotswolds AONB. It is also considered that the site can accommodate the proposed level of development without having an unacceptable adverse impact on residential amenity, protected species or trees. The development can also be provided with a satisfactory means of access. It is therefore recommended that the application is granted permission.

10. Proposed conditions:

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 be started by 2 years from the date that the last of the reserved matters is approved.

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 Appearance, Layout, Landscaping and Scale have been given in writing by the Local Planning Authority.

Reason: These are "reserved matters" and were 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 the land outlined in red on drawing 18.042-100 and the access details shown on drawing CTP-18-463 SK01 B

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

Prior to the commencement of development, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The AMS and TPP shall fully accord with the guidance in BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' and shall include details of:

- i) Defined root protection areas of all retained trees
- ii) The timing of all tree protection measures
- iii) Details of proposed finished ground levels and any retaining structures within the defined root protection areas of all retained trees
- iv) Details of tree protection fencing and excluded activities
- v) Details of temporary ground protection measures where access and working space is needed outside the tree protection fencing but within the root protection area of any tree
- vi) Details of any underground services within the root protection areas of any retained trees and how they will be installed.
- vii) Details of method of construction of any surface which is to be of a 'no dig' construction method, in accordance with the current industry best practice.
- viii) Details of how the tree protection measures will be monitored by the site manager

Reason: To safeguard the retained/protected tree(s) in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as any on site works could have implications for the well-being of trees on the application site.

No works shall commence on site (other than those required by this condition) until the proposed vehicular access has been provided fully in accordance with drawing no. CTP-18-463 SK01 B with the first 10m of the access road surfaced in a bound material unless an alternative surfacing treatment is first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Local Plan Policy INF4 and Section 9 of the National Planning Policy Framework.

The ridgelines of the dwellings hereby permitted shall not exceed 7m above existing ground level.

Reason: In order to ensure that the dwellings hereby approved are of a height that is consistent with existing dwellings fronting onto the main road thereby ensuring the development responds in a sympathetic manner to the character and appearance of the area in accordance with Local Plan Policies EN2, EN4 and EN5.

The development shall be completed in accordance with the recommendations in Section 4 of the Ecological Appraisal report dated May 2019 (8th May 2019) prepared by All Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that bats, dormouse, amphibians, reptiles, badgers, hedgehogs and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Before any vegetation clearance works are carried out, a Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including precautionary site clearance for great crested newts and common toads (e.g. habitat manipulation techniques);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that hedgerows, trees, woodland edge, great crested newts, common toads, badgers, hedgehogs and nesting birds 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, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the first occupation of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts / that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To protect foraging/commuting bats, dormice and great crested newts in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170 and 175 of the National Planning Policy Framework, Circular 06/2005 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

Informatives:

Works to the public highway will require the separate agreement of Gloucestershire County Council (devcoord@gloucestershire.gov.uk).

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

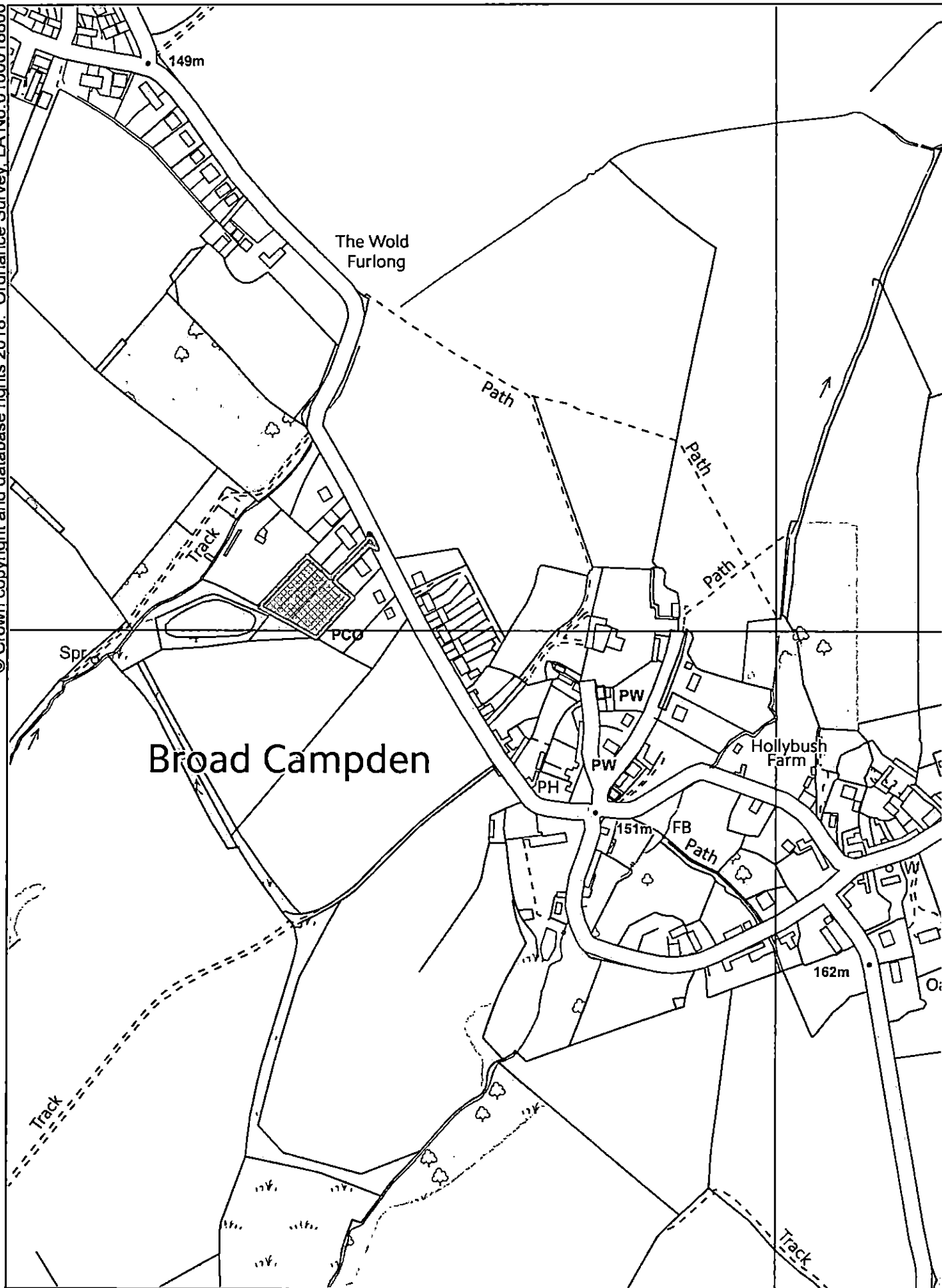
The Great crested newt is protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are discovered, all works should stop immediately and a professional ecologist should be contacted for advice on any special precautions before continuing, as a derogation licence may be required from Natural England.

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, hedgerows, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Hedgerows, trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

For more information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

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COTSWOLD
DISTRICT COUNCIL

LAND TO REAR OF ASHLAR, COPPERS & WYLDLANDS BROAD CAMPDEN

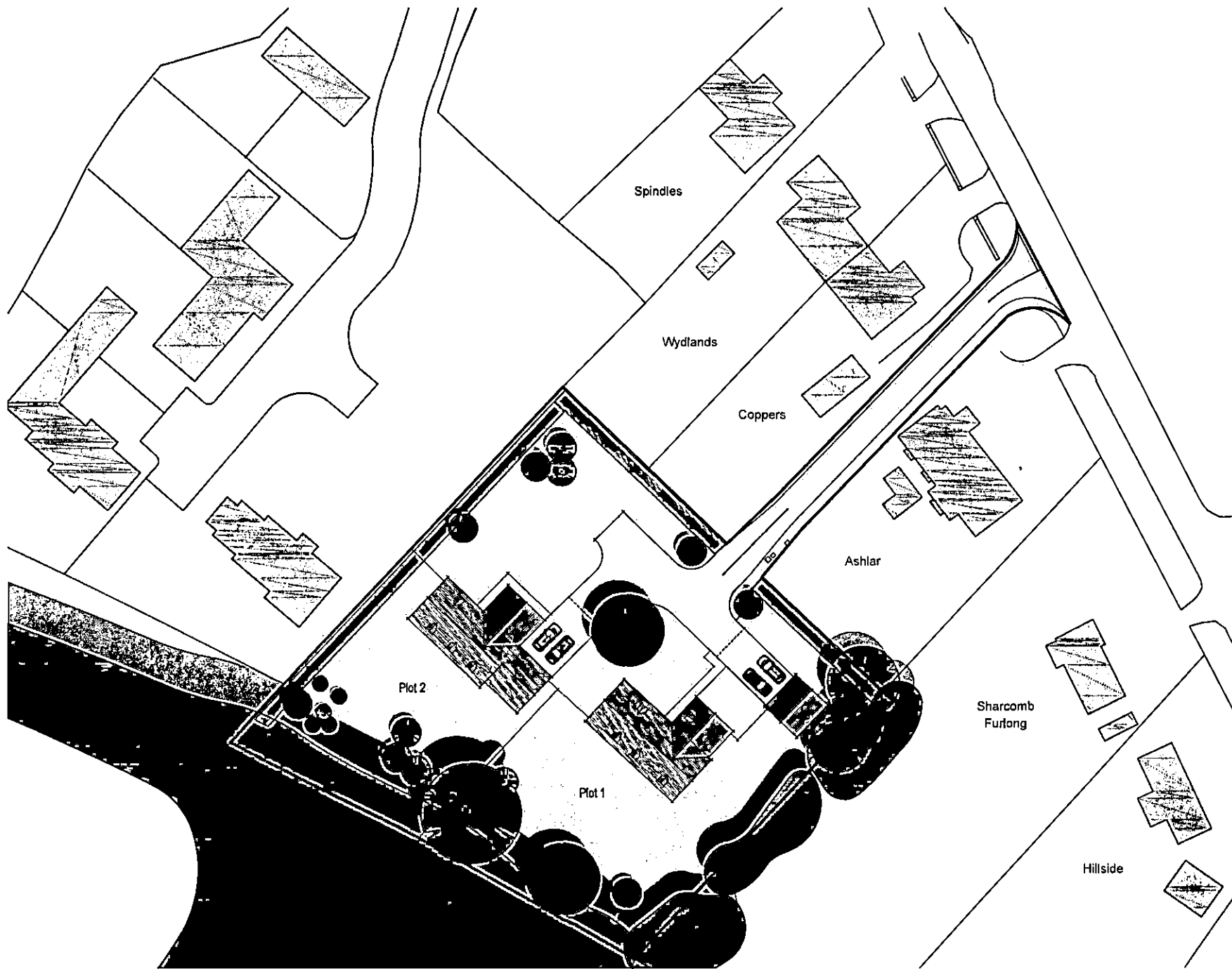
Organisation: Cotswold District Council

Department:

Date: 31/05/2019



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client: Mr & Mrs Yardley
 ref: 18.042

project description: Residential Development

location: Ashlar, Coppers and Wydlands, Broad Campden, Chipping Campden, GL55 6UR

title: Site Layout

drawing number	scale	date
18.042-200	1:500 @ A3	March '19

status	revision
PLANNING	Ø

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