

**Item No 01:-**

**20/03998/FUL**

**1-4 Orchard Cottages  
And Adjacent Land  
Station Road  
Ebrington  
Gloucestershire**

## Item No 01:-

### Demolition of 4 existing dwellings and outbuildings and erection of 4 dwellings, carports and all associated works at 1-4 Orchard Cottages And Adjacent Land Station Road Ebrington Gloucestershire

<b>Full Application 20/03998/FUL</b>	
Applicant:	Mr G Stanley
Agent:	Sam Russell Architectural Design And Planning
Case Officer:	Martin Perks
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	10th February 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### Main Issues:

- (a) Erection of Replacement Dwellings
- (b) Design and Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (c) Impact on Residential Amenity
- (d) Access and Highway Safety
- (e) Arboricultural Impact
- (f) Impact on Protected Species
- (g) Drainage

#### Reasons for Referral:

This application has been referred to the Planning and Licensing Committee by Councillor Jepson for the following reason:

*'I would like to request this application is put before the planning committee. The reason for this request is on the grounds of materials only. The parish council have stated this reason in their objection and I agree with their comments.'*

#### 1. Site Description:

This application relates to a parcel of land measuring approximately 0.3 hectares in size located between the settlements of Chipping Campden and Ebrington. The site is located approximately 1km to the east of Chipping Campden Development Boundary and 1km from the western edge of the village of Ebrington. The site is located outside of a Principal or Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031.

The site lies adjacent to the north-western side of Station Road which is a Class C highway. Station Road is subject to a 30mph speed limit where it passes the application site. The south-western part of the application site is occupied by a terrace of four early-20th century dwellings. The existing dwellings front onto Station Road and are set back approximately 15m from the aforementioned highway. The north-eastern part of the site is primarily set to grass. However, it is also occupied by a number of orchard trees and a recently constructed vehicular access.

The area to the front of the existing dwellings is relatively open and consists of driveways and front gardens which join onto Station Road. The roadside boundary of the north-eastern part of the site is defined by a hedgerow and trees. The north-eastern and north-western boundaries of the orchard area are relatively open and link into a larger field which contains a number of orchard trees. The south-western boundary of the site lies alongside a field access track which links into a field to the west of the application site. The access track also provides vehicular access to a line of 12 dwellings located to the south-west of the application site. The south-western boundary of the application site is located approximately 8m from the side boundary of the nearest property to the south-west (Grey Cote).

The site is located within the Cotswolds Area of Outstanding Natural Beauty.

A Public Bridleway (HEB26) extends along the field access track running alongside the south-western boundary of the application site.

Three oak trees located on the south-west and south-eastern boundaries of the application site are subject to Tree Preservation Orders (TPOs).

The site is located within a Flood Zone 1.

## **2. Relevant Planning History:**

04/02729/FUL Retention of garden shed/hobby workshop and small garden greenhouse. Permitted 2004

17/02557/FUL Change of Use of land to create highway access and construction of two car ports for Orchard Cottages. Permitted 2017

## **3. Planning Policies:**

DS4 Open Market Housing o/s Principal/non-Pr  
EN1 Built, Natural & Historic Environment  
EN2 Design of Built & Natural Environment  
EN4 The Wider Natural & Historic Landscape  
EN5 Cotswolds AONB  
EN7 Trees, Hedgerows & Woodlands  
EN8 Bio & Geo: Features Habitats & Species  
EN14 Managing Flood Risk  
INF4 Highway Safety  
INF5 Parking Provision  
H1 Housing Mix & Tenure to meet local needs

## **4. Observations of Consultees:**

Gloucestershire County Council Highways: No objection

Tree Officer: No objection

Biodiversity Officer: No objection

Drainage Engineer: No objection

## 5. View of Town/Parish Council:

Response dated the 18th December.

### Objection

'1) *The materials of the proposed development. Whilst the suggested use of Cotswold Stone would normally be the preferred building material in this part of the Cotswolds, all the other properties in the road are either brick or render and are linked to the history and development of the railway. The Design Code states that proposals should be of a design quality that respects the character and distinctive appearance of the locality. We would like to see any permitted development to be built in brick and/or render to match in with the existing properties.*

### 2) *Tree Preservation Orders (TPO)*

*The three impressive oak tree specimens on the development site need to be protected both during the demolition phase and the building phase of this development. EPC request that Tree Preservation Orders are immediately granted to all three oak trees identified on this Application.*

*If the development is permitted the following three plans should be submitted for approval before any development takes place:-*

#### *Drainage Plan*

*Notice should be taken of the comments re "foul drains" and "flooding" from two local residents*

#### *Site Management Plan*

*This Plan should contain a condition that " The Applicant should, wherever possible, make provisions for all site vehicles to be parked off road for the duration of the development."*

*Any parking on the verges may also cause soil compaction under the oak trees (see TPO above)*

#### *Lighting Plan*

*The Application Site is in the Cotswolds AONB and Station Road, Ebrington and the surrounding area already suffers from light pollution from the Campden BRI site just down the road. EPC request that all lighting is controlled, low level and low lux.*

*EPC would also ask the CDC Planning Department and the Applicant to take note of the following non-planning but Community request:-*

#### *S106 / CIL Agreement*

*If this Application is approved EPC would like to advise both CDC and the Applicant that any payments due to the Parish from the CIL Agreement applied to this development would go towards funding the installation of a Defibrillator and Cabinet, to an agreed industry standard, in Station Road Ebrington to meet the needs of the local Community. There is no existing public defibrillator within the industry standard distance of 200m. The nearest public defibrillator is in Ebrington Village and there are two private defibrillators within local employers - Campden BRI and Ashbee Dental Care on the Battle Brook Estate.*

*EPC would add that that they are pleased that many of the responses and comments that we detailed in our response to the previous application have been addressed but ask the CDC Planning Department to record that they would not support any further new build development on the Historic Heritage Orchard which abuts the north eastern edge of the Application Site.'*

Response dated the 7th January 2021

*'Ebrington Parish Council (EPC) have read the revised Tree Report and Tree Officers Report and the Phase 1 and Phase 2 Fencing Tree Protection drawings and fully support these documents which give protection to the three oak trees on site during all stages of demolition and construction, if this Application is approved. However EPC would like confirmation that our request for a Tree Protection Order (TPO), as part of our Objection to this Application, to be applied to all three Oak Trees on site will be part of the Planning Response to this Application, no matter what decision is made.*

*EPC are concerned that the Tree Officer's Report quotes "protected oak trees" although we can find no evidence that they are currently protected and "some pressure from future residents to prune this tree may result from the development" giving even more reason for TPOs to be applied now (if not already in place?)*

*Ebrington Parish Council still objects to this Application for both the Materials and the Tree Preservation Orders and would like to add the following observation to reinforce our decision:-*

*The materials of the proposed development*

*Whilst the suggested use of Cotswold Stone would normally be the preferred building material in this part of the Cotswolds, all the other properties in the road are either brick or render and are linked to the history and development of the railway.*

*When approaching the site from Chipping Campden and starting at the railway level crossing on Station Road the first house on the left is brick then all the other houses up to and including the site are render.*

*All the houses on the right of Station Road are brick, including Battledene Farm, which, although set back from the road, can be seen from the Road.*

*The Design Code states that proposals should be of a design quality that respects the character and distinctive appearance of the locality.'*

## **6. Other Representations:**

2 general comments received.

- i) The proposed garages for No 1&2 are built over the existing septic tank. Conditions should be in place to prevent contamination from the garage entering the existing soakaway drains.
- ii) There is no indication where the new sewerage treatment works or septic tank are to be placed. A new structure outside the proposed curtilage would have an impact on the AONB. The housing association house below this proposal were built with a septic tank. This failed to cope with modern water usage and was replaced with a small treatment works.

I would think that a similar treatment works will be needed for this development and ought to be shown on the site plan.

iii) The land above the area show as tree planting is a recently replanted old orchard. Rather than remove an apple tree planting fruit trees on this land would be more in keeping with the locality and might produce on income to help with its upkeep.

iv) The proposed development does not relate to the local distinctiveness and architectural traditions of the immediate area. The introduction of Cotswold stone is totally out of character to all the other properties in the road which are either brick or render and are linked to the history and development of the railway.

v) Concern over flooding and drainage. The property to the west of the site already has issues with runoff and standing water from the Bridleway and consequently said properties.

vi) Septic tank-- Where is it to be situated in relation to the existing property to the west of the development.

vii) Old existing orchard in AONB to be partially built on even though this has recently been replanted, thus giving an opportunity for further development

## **7. Applicant's Supporting Information:**

Planning Statement

Landscape and Visual Impact Assessment

Tree Report

Bat Report

## **8. Officer's Assessment:**

### **Proposed Development**

This application is seeking to demolish the existing terrace of 4 dwellings and to erect 4 detached dwellings in its place. The existing dwellings are 3 bedroom properties. The proposed dwellings will each contain 3 bedrooms.

The existing terrace consists of a 2.5 storey principal range with single storey extensions to its rear. The existing terrace measures approximately 16m long by 8.7-8.9m high. The proposed replacement dwellings will be 2 storey properties with 2 storey ranges to their rear. Each of the proposed dwellings will consist of a principal front element measuring approximately 8.3m wide by 6m deep by 8.7m high and a 2 storey rear range measuring approximately 4.2m deep by 5m wide by 8m in height. The external walls of the front element will be constructed in natural stone. The rear range will be constructed in brick. The roofs will be covered in blue slate.

The proposed dwellings will be set back approximately 20m from Station Road to the south-east. The existing terrace is set back approximately 15m from the aforementioned road. The proposed dwellings will extend development approximately 20m to the north-east of the existing terrace.

In addition to the proposed dwellings, it is also proposed to erect 2 detached car ports to the rear (north-west) of the proposed dwellings. The proposed car ports will occupy an area of land on which permission was granted for 2 car ports in 2017 (17/02557/FUL). The proposed car ports will each measure approximately 13m long by 7.2m wide by 5.6m high. The external walls of the proposed buildings will clad in timber. The roofs will be tiled. The proposed car ports will be set back between 9-12m from the rear elevations of the proposed dwellings.

Vehicular access to the proposed development will be via a recently constructed access located to the north-east of the existing terrace. The access was approved as part of

permission 17/02557/FUL. A 10m wide strip of land lying to the north-east of the access will be planted with new orchard trees. New native species hedgerows will also be introduced around the north-eastern and north-western boundaries of the application site.

### **(a) Erection of Replacement Dwellings**

This application involves the erection of new build open market housing outside a Principal or Non-Principal Settlement. Such development is primarily covered by the following Local Plan policy:

Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements

*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.*

With regard to proposals for the replacement of existing dwellings within DS4 locations, the following paragraph is considered to be relevant:

*6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.*

It is evident that Policy DS4 does not preclude the erection of replacement dwellings in the open countryside. The replacement of the existing terrace of 4 dwellings with 4 new dwellings does not therefore conflict with the aspirations of Policy DS4.

### **(b) Design and Impact on the 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).

The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN2 Design of the Built and Natural Environment states:

*'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.'*

Local Plan 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.'*

Local Plan 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 a roadside position approximately midway between the settlements of Ebrington and Chipping Campden. The site is occupied partly by a terrace of 4 dwellings and partly by a field which contains a number of orchard trees and a recently constructed vehicular access. The access is surfaced in black tarmac. It measures approximately 5m in width, 10-15m in length and is located approximately 20m to the east of the existing terrace. The terrace of dwellings faces onto Station Road.

The site is bordered to the north-east and north-west by fields, to the south-west by 20th Century housing development and to the south-east by Station Road. Agricultural fields are located to the south-east of Station Road. The site sits within an agricultural landscape, albeit one whose character is influenced by existing roadside development. A line of 12 dwellings dating from the mid-20th Century lies to the south-west of the application site. The site lies at the north-eastern end of the aforementioned line of dwellings. An agricultural field entrance separates the existing terrace of housing on the application site from the other dwellings to the south-west. The existing terrace is also finished in a pebbledash style render which is distinct from the white render and red brick evident on the dwellings to its south-west.

The principal public views of the site are from Station Road to its south-east and from the Public Right of Way (HEB26) which extends along an unsurfaced track alongside the south-western boundary of the site. The aforementioned Right of Way extends in a north-westerly direction through the field located to west/north-west of the application site.

The proposed scheme seeks to demolish the existing terrace and to erect a line of 4 detached dwellings in its place. The proposed development will extend approximately 20m to the north-east of the existing terrace. It will lie to the south-west of the recently constructed vehicular access point. Whilst the proposed scheme will extend development further along the roadside than at present, new build development will not extend further than the existing access point. The existing access point appears as a relatively formal and urban feature. It is of a form that would normally be associated with residential development rather than an agricultural field access. The creation of the access point has therefore



changed the character of the land adjoining the existing terrace. It has a visual connection with the existing terrace with the result that the extension of development to the north-east represents the reasonable infilling of a gap between the existing terrace and the access point. The proposal does not therefore result in an overt encroachment of development into the open countryside. In addition, the access point acts as a natural endpoint to the new build element of the proposal.

The applicant is also proposing to introduce new tree and hedgerow planting in the area of land lying to the north-east of the access point. New roadside hedgerow planting will also be introduced into the area currently lying to the front of the existing terrace. The introduction of the new planting will soften the impact of development when viewed from Station Road. The proposed development will also be set back further from Station Road than the existing terrace which will also help to reduce its visual presence when passing the site along the aforementioned highway. It is considered that the layout and scale of the development respects the existing pattern of development visible along Station Road. The proposal is considered not to have an adverse impact on the character or appearance of the AONB when viewed from the adjacent road.

With regard to views from the Public Right of Way, it is evident that the character of the section of the Right of Way running alongside the south-western boundary of the application site is already heavily influenced by existing residential development. Housing lies to either side of the existing route. Moreover, new hedgerow planting will be introduced along the south-western boundary of the application site which will reduce the visual impact of the development when compared to the relatively open nature of the existing boundary.

With regard to views from the Right of Way to the west/north-west, the rear elevations of the proposed dwellings will be visible from the aforementioned location. However, the proposed development will also be seen in context with the rear of a number of existing properties that already front onto Station Road. Rear gardens, outbuildings and domestic paraphernalia are already visible to the west. In addition, permission has been granted previously for the erection of car ports along the north-western boundary of the application site. The principle of such development within the application site has therefore already been established. The rear gardens of the proposed dwellings will lie between the new dwellings and the proposed car ports with the result that the garden areas will be screened by the car ports. In light of the amount of existing development that is visible from the Right of Way coupled with the previous permission for the erection of the car ports, it is considered that the introduction of the new dwellings and associated development onto the site will not have an adverse impact on the character or appearance of the AONB when viewed from the Public Right of Way.

With regard to the demolition of the existing terrace, the existing dwellings are considered not to be of any particular historic or architectural merit and as such there is no objection to their demolition.

In terms of design, the applicant is pursuing a traditional design approach. The dwellings will have plain frontages, narrow gables and steep pitched roofs. Two storey extensions will project to the rear of the proposed dwellings. The design of the fenestration, chimneys, eaves and verges is also considered to respect traditional building forms. The proposed dwellings will all be of the same size and design and will be set apart by approximately 1m thereby giving them the appearance of a terrace or pairs of semi-detached dwellings, which is consistent with the character of existing development seen along Station Road. The proposed dwellings will also be set back a similar distance from Station Road as the existing development to the south-west.

The comments of the parish council regarding building materials are noted. The applicant is seeking to use natural Cotswold stone for the external walls of the main body of the

proposed dwellings. Red brick will be used for the rear extensions. The parish council's preference is for brick or render to match the materials used in existing dwellings along this part of Station Road. Whilst it is noted that 10 of the dwellings located to the south-west of the application site are finished in a smooth white render and that a further 6 dwellings to the south-west and a dwelling to the east are constructed in red brick, it is also of note that the existing terrace is finished in brown pebbledash type of finish which is distinct from the other properties to its south-west. Moreover, the existing terrace dates from between 1903 and 1922 whilst the line of 12 dwellings to the south-west were erected between 1924 and 1955. The existing development on the application site was built independently of the rendered properties and appears distinct from them. It does not form an integral part of a larger development scheme. It is separated from the rendered dwellings by an access track and vegetation. In combination with its pebbledash finish, it appears visually distinct from the housing to the south-west. It is also of note that the terrace of 4 red brick dwellings (Station Cottages) located approximately 180m to the south-west of the application site was erected between 1903 and 1922 and therefore pre-dates the erection of the rendered dwellings. When the rendered dwellings were erected they were of a very different appearance to the existing red brick cottages. Station Road has therefore accommodated differing building materials in the past.

The use of natural stone is the predominant building material in the north of the District. In addition, it is not uncommon to see brick or render alongside stone buildings. A mix of materials along a road frontage is not an unusual feature in the District. For example, properties on Station Road in Chipping Campden are a mix of stone, red brick and render. Render and stone properties also sit alongside one another in the village of Ebrington. They sit alongside one another without having an adverse impact on the streetscene. The materials typically reflect the periods in which the properties were erected. The predominance of smooth white render to the south-west of the application site dates from a specific period in the mid-20th Century. It is not a traditional finish and, as such, the use of natural stone is considered to represent a far more sympathetic choice for a rural location in the AONB.

With regard to the red brick, the nearest brick properties are located approximately 130m from the site. Even if the proposed dwellings were to be constructed entirely in red brick, they would not be viewed directly in connection with the existing brick dwellings. In addition, the next roadside property (The Orchards) lying along Station Road to the north-east of the application site is finished in a brown pebbledash style of render. As with the terrace on the application site, the materials in the aforementioned property are distinct from the white render and red brick seen elsewhere along this particular stretch of Station Road. Natural stone barns are also evident to the rear of Battledene Farm to the north-east of the application site. Natural stone is a traditional building material that defines the character of the north Cotswolds. The Cotswold Design Code states that the use of local limestone for walling is a key quality of the Cotswold vernacular. Paragraph D.35 of the Design Code states that the *'most important, unifying aspect of the traditional architecture of the Cotswolds is the use of the local stone'*. It is therefore considered to be an appropriate material for this part of the District and one that respects local character and distinctiveness. The use of the natural stone in this instance is considered not to have an adverse impact on the character or appearance of the site, Station Road or the AONB. It will represent another phase of development along the road just as the white rendered dwellings were different from the brick properties at the time of their erection. The proposed material is consistent with the materials seen in the wider area and is considered to accord with the requirements of Policy EN2 and the Design Code.

The proposed car ports will be single storey open fronted timber clad structures similar in size and scale to the buildings approved in 2017. The proposed buildings will have a simple, functional character and appearance that reflects their intended use. They will appear

subservient to the principal dwellings and are considered to represent an appropriate form of development to the rear of residential development.

It is considered that the design of the proposed development is acceptable and that the scheme can be undertaken without having an adverse impact on the character or appearance of the AONB in accordance with Local Plan Policies EN2, EN4 and EN5 and guidance contained in paragraphs 170 and 172 of the NPPF.

### **(c) Impact on Residential Amenity**

The proposed dwellings will each be provided with front and rear gardens which are considered to be of a size commensurate with size of the dwellings being proposed. In addition, the orientation and arrangement of the dwellings means that future occupants will not be subject to unacceptable levels of privacy or daylight. The proposed development will not have a greater impact on the amenity of the occupiers of Grey Cote to the south-west than existing development by virtue of distance, orientation and the position of windows.

The proposed dwellings meet the minimum space standard requirements set out in Technical Housing Standards - Nationally Described Space Standard document. The proposal therefore meets the requirements of Policy H1 in terms of size.

It is considered that the proposed development accords with the guidance on residential amenity set out in the Cotswold Design Code.

### **(d) Access and Highway Safety**

The proposed dwellings will be served by an existing vehicular access which was approved in 2017 (17/02557/FUL). The access was intended to serve new car ports that were to be erected to the rear of the existing terrace. Whilst the car ports have not been erected, the access is now in place. It measures approximately 5m in width and is surfaced in black tarmac. The access is of sufficient width to accommodate 2 passing vehicles. The requisite visibility of 43m in each direction can also be obtained at the site entrance.

On-site parking and turning will be provided as part of the scheme. A total of 12 parking spaces will be provided which is considered to be appropriate for the proposed size of the development.

Gloucestershire County Council Highway Officers raise no objection to the application on highway safety grounds. It is considered that the proposed development accords with Local Plan Policies INF4 and INF5.

### **(e) Arboricultural Impact**

Three oak trees are located on the boundary of the application site. In response to the comments of the parish council, the trees are subject to Tree Preservation Orders (TPOs). One oak tree is located on the south-western boundary of the application site, whilst the two others are located on the roadside boundary. At present, 4 Orchard Cottages lies under the canopy of the oak tree located on the south-western boundary. In contrast, the new Plot 1 will be set back approximately 6m from the front elevation of the existing terrace. The aforementioned plot will be positioned outside the canopy of the protected tree. The revised position is considered to be a betterment in tree protection terms and will also reduce the pressure to remove or significantly reduce the canopy of the tree in the future. The remainder of the proposed development is located outside the root protection areas of the two other protected trees.

The applicant has submitted a method statement covering the protection of the oak trees during the demolition and construction phase of the development. Tree Protection Plans have also been submitted which show the position of protective fencing around the trees during the course of the development. The Council's Tree Officer has assessed the proposal and considers the proposed method statement and tree protection to be acceptable.

It is considered that the development can be undertaken without having an adverse impact on the well-being of the protected trees in accordance with Local Plan Policy EN7.

#### **(f) Impact on Protected Species**

The application site consists of dwellings, gardens and a field. The latter comprises semi-improved grassland interspersed with a number of recently planted orchard trees.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) of the site. The PEA identifies the presence of bat day roosts within the roof of the existing terrace. The proposed scheme seeks to introduce a bat loft in the roof of one of the car ports and to install bat boxes on existing trees. The Biodiversity Officer is satisfied that the proposed mitigation measures are acceptable. However, due to the fact that the proposed development could potentially affect European protected species, it is necessary to have regard to ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017 (as amended), and consider the proposal against the 3 'derogation' tests, as set out in Regulation 55 :

a) The preserving of public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment:

The existing dwellings are approximately 100 years old. The proposed development will provide improved living conditions and will meet higher build quality and energy efficiency standards as well as providing improved living conditions for residents. Mitigation is also proposed to ensure that the protected species will not be subject to harm thereby minimising the potential impact of the development on the bat population. It is considered that the social and environmental benefits of the proposal justify the loss of the bat roost in this instance.

b) There must be no satisfactory alternative:

The proposed scheme involves the replacement of the existing terrace. In order for new higher quality homes to be provided it is necessary to demolish the existing terrace. In addition, the roosts are of low conservation significance and suitable mitigation can be put in place to offset the loss of the roosts.

c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range:

Mitigation is proposed that will ensure that the conservation status of the bat species will not be adversely affected.

New native species landscape planting will be introduced around the site and new fruit trees can also be introduced as part of a new landscape scheme. The proposal does not have an adverse impact on any other protected species such as amphibians, reptiles or nesting birds. It is considered that the proposed development incorporates suitable mitigation and enhancement measures. The PEA has been assessed by the Council's Biodiversity Officer who 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 and in accordance with Local Plan Policy EN8.

### **(g) Drainage**

The application site is located in a Flood Zone 1 which is the lowest designation of flood zone. The erection of new dwellings within such locations is acceptable in principle. The site is of sufficient size to accommodate soakaways or underground storage should the latter be required. Over 60% of the site will be soft landscaped thereby retaining a reasonable area of land for infiltration and run-off. The Council's Drainage Engineer has assessed the proposal and raises no objection subject to a condition requiring the approval of a surface water drainage scheme. The proposal is considered to accord with Local Plan Policy EN14.

With regard to foul drainage, the applicant has confirmed that the existing septic tank will be replaced with a private treatment plant. The proposed arrangement is considered to represent a betterment in drainage terms. It will be less likely to cause odour or the discharge of effluent into the surrounding area than the existing tank. It will also need to meet separate Building Regulations requirements. The proposed foul drainage arrangements are considered acceptable.

### **Community Infrastructure Levy (CIL)**

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The parish council will be able to claim 15% of CIL money collected from development undertaken in its area. CIL money can be used to fund a defibrillator.

### **9. Conclusion:**

Overall, it is considered that the proposed development is of an appropriate size, scale and design and can be undertaken without having an adverse impact on the character or appearance of the AONB, trees, protected species, drainage or highway safety. It is therefore recommended that the application is granted permission.

### **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

2055 - B1, 2055 - B5.1, 2055 - B5.2, 2055 - B5.3, 2055 - B5.4, 2055 - B5.5, 2055 - B5.7, 2055 - B5.8 A, 2055 - B5.9, 2055 - B.10

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

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed brick colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

6. The stone to be used in the dwellings hereby permitted shall be natural Cotswold stone.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

7. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

8. No bargeboards, exposed rafter feet or eaves fascias shall be used in the proposed development.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

9. The timber boarding to be used in the car ports hereby permitted shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

10. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no fences, walls, gates, gate piers or other means of enclosure shall be erected within the application site other than those permitted by this Decision Notice.

**Reason:** In order to ensure that the development hereby permitted retains a rural character and appearance appropriate to its location in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

11. Prior to the first occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including full details of all biodiversity enhancements (including orchard creation with local fruit tree varieties and wildflower meadow seed mix, and native species-rich hedgerows) and a 5-year aftercare period maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5 and EN8.

12. The entire landscaping scheme shall be completed by the end of the first planting season (1st October to 31st March the following year) following the first occupation of the first dwelling on the site.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

13. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

14. Within 3 months of the first occupation of any dwelling hereby permitted, the existing terrace shall be demolished in its entirety and the resultant materials permanently removed from site, unless approval is received in writing from the Local Planning Authority for the materials to be re-used on the site.

**Reason:** Permission is granted for the development on the basis that the new dwellings will replace the existing terrace. It is therefore important that the existing terrace is removed in order to prevent a net increase in the number of dwellings on the site which would be contrary to Local Plan Policy DS4. The retention of the terrace and the erection of the new dwellings would also have an adverse impact on the character and appearance of the site and the Cotswolds Area of Outstanding Natural Beauty contrary to Local Plan Policies EN2, EN4 and EN5.

15. 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 and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. 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. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14. If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

16. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report Tree Survey Report by Cotswold Wildlife Surveys Report Number: 3410-CWS-04 Version: 03 Date: 7th January 2021. All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

17. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan 2055 - B5.9 shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**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 works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

18. The development shall be completed in accordance with the following documents and drawings, which requires the implementation of precautionary site clearance measures for protected/priority species (and this should be expanded to include the gardens of the existing dwellings), as submitted with the application:



- i. Section 5 of the Preliminary Ecological Assessment dated August 2017 prepared by Wharton Tree and Ecology Consultants Ltd (ref. 170821 0630 PEA V1);
- ii. Section 4 and Figure 26 of the '2020 Updated Bat Survey Report' dated 19th October 2020 prepared by Cotswold Wildlife Surveys; and
- iii. Drawing ref. 2055 - B5.5 "Car Ports Plans and Elevations" showing bat mitigation details.

All the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently maintained.

**Reason:** To ensure that traditional orchard and hedgerow priority habitats, reptiles, bats, hedgehogs and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paras 170, 174 and 175 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

19. Before the erection of any external walls of any of the buildings hereby permitted, details of the provision of integrated (built-in) bat and bird boxes within the walls of the new dwellings and hedgehog gaps through fences/walls shall be submitted to the Local Planning Authority for approval. The details shall include a technical drawing showing the types of features, their location(s) within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

**Reason:** To provide biodiversity enhancements in accordance with the EC Wild Birds Directive, Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170 to 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

20. Prior to the first occupation of any of the dwellings hereby permitted, a "lighting design strategy for biodiversity" [and in particular for brown long-eared and common pipistrelle bats] shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts;

and

- ii. 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, including hedgerows, trees and orchard habitat.

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

**Reason:** To protect bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), 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

21. Prior to the first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP 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. Aims and objectives of management;
- iii. Appropriate management options for achieving aims and objectives;
- iv. Prescriptions for management actions;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- vi. Details of the body or organisation responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures; and
- viii. Timeframe for reviewing the plan.

The LEMP 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 Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170, 174 and 175 of the National Planning Policy Framework and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

#### **Informatives:**

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/CIL](http://www.cotswold.gov.uk/CIL)

2. 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 National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

3. Please note that planning permission 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 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting the areas used by roosting bats are carried out. If commencement of the development hereby permitted is delayed, or following the commencement of the development, building works are suspended for a period of more than 12 months or extend beyond a period of 3 years from the date of this permission, the applicant is advised to consider the need for updated bat/bird surveys and whether alterations to their European Protected Species Licence will be required (this is likely to require input from a licensed ecologist and/or Natural England as the licensing authority).

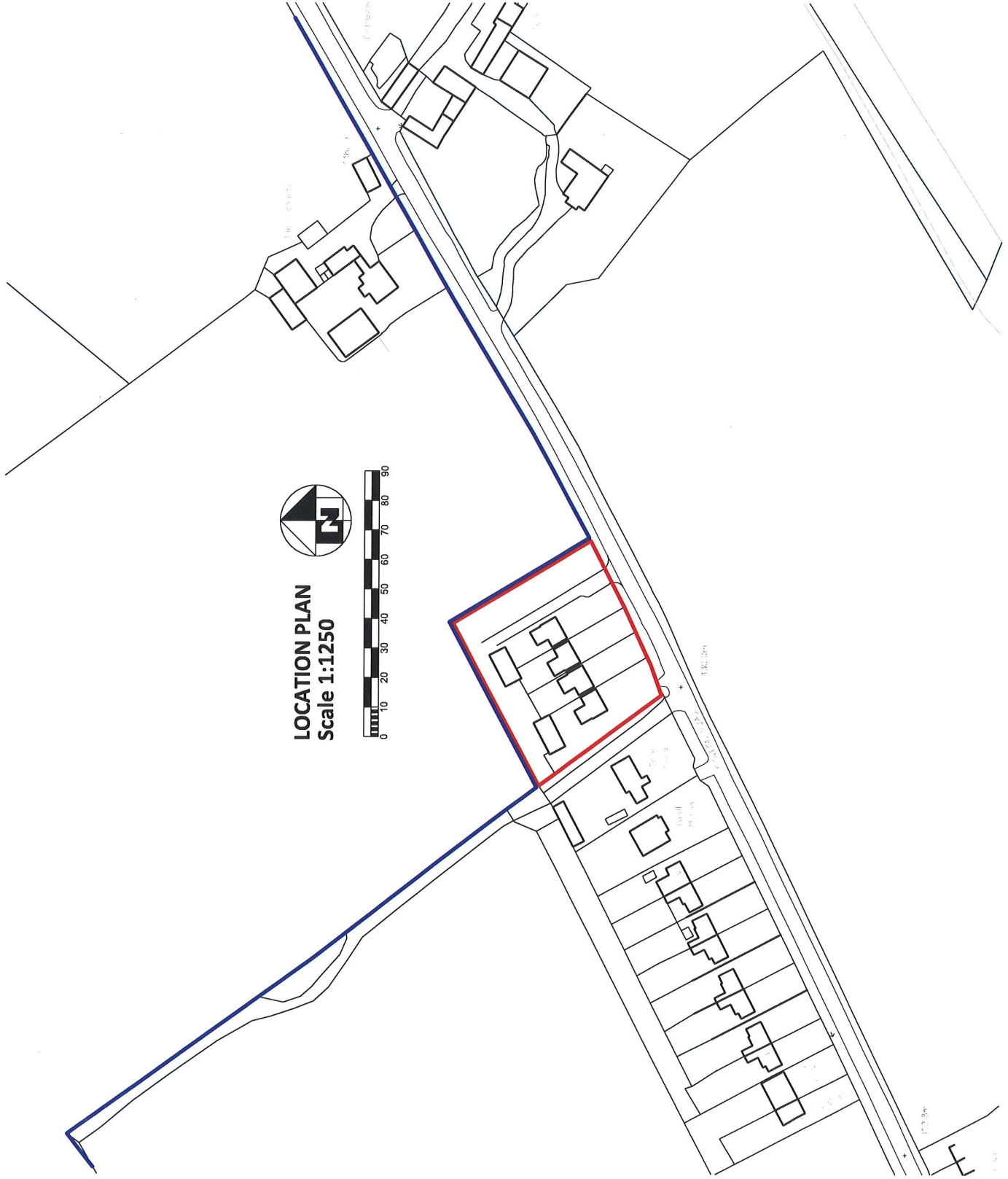
For information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

With regard to the condition for bird and bat boxes within the walls of the dwellings, it is recommended that built-in boxes for bats and birds are used as permanent features of the new buildings that require no maintenance, for example bat tubes or access panels, house sparrow terrace boxes contains 3 nesting compartments and swift bricks (a minimum of 3 should be used in close proximity to each other as this species breeds in colonies). The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> Bat boxes should be installed on south-facing elevations and bird boxes into north-facing elevations away from doors and windows and at least 3-4 metres from the ground where possible. For example, the southwest elevation for bat boxes and the north eastern gable end for birds on Plot 1.

In relation to the District Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted (if not already) to the Gloucestershire Centre for Environmental Records (GCER).

20105998/02

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**LOCATION PLAN**  
Scale 1:1250



Revision	Date
<b>SAM RUSSELL</b> <small>MCIAT ASSOCIATES</small> <b>Architectural Design &amp; Planning</b> 2 st David's Walk, Newbold-on-Stour Stratford-upon-Avon, Warwickshire, CV37 8UT sam@splanning.co.uk 01789 450620 / 07399 487123 www.splanning.co.uk Part of Sam Russell Group Ltd. Registered in England & Wales No 12711952	
<b>Mr G Stanley</b> Orchard Cottages Station Road Ebrington Gloucestershire GL55 6LF	
Project Title <b>Demolition of 4 dwelling and erection of 4 dwellings</b> Drawing Title <b>LOCATION PLAN</b> <b>Plans and Elevations</b>	
Drawn by	Date
SR	1:1250 @ A1
Drawing Scale	Revision
1:1250 @ A1	2055 - B5.5



Check all dimensions on this drawing carefully and note any discrepancies with the site plan and notes. The designer is not responsible for any errors or omissions on this drawing. The client is responsible for any errors or omissions on this drawing.



SITE PLAN  
Scale 1:200  
012345678910

Revision Date

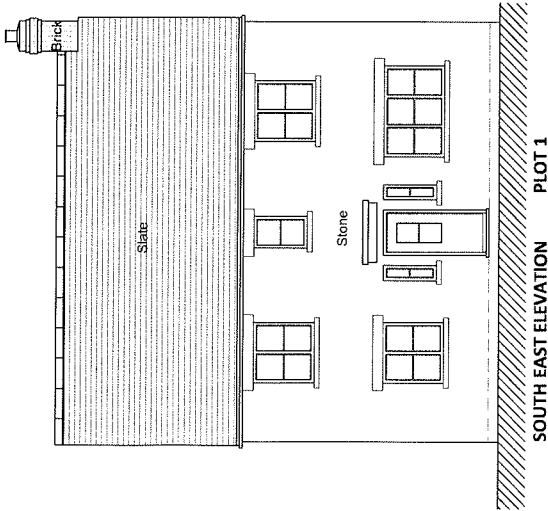
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Plans and Elevations  
Drawn by: GSK  
Scale: 1:200 @ A1  
SR  
Checked by: GSK  
Drawing Number: 2020-1027  
Revision: None

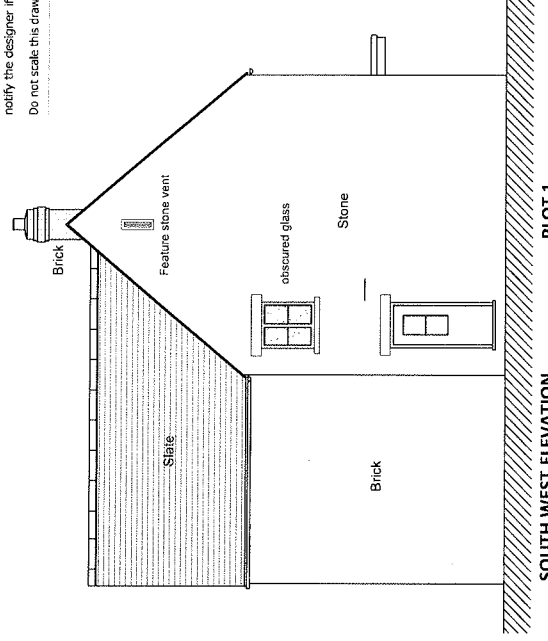
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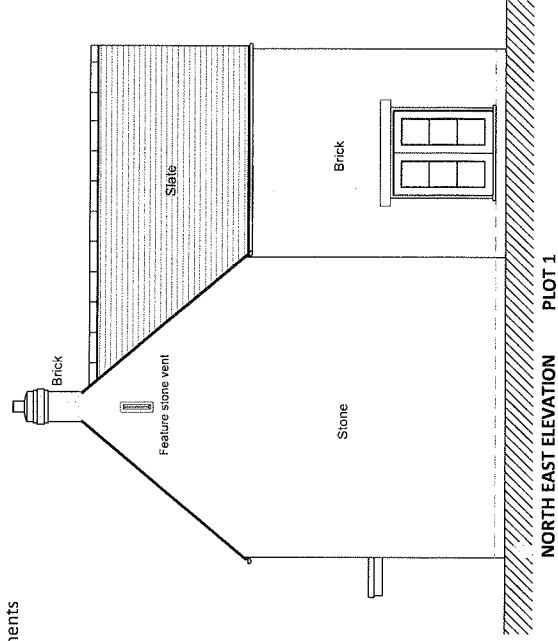
**SOUTH EAST ELEVATION** PLOT 1



**NORTH WEST ELEVATION** PLOT 1



**SOUTH WEST ELEVATION** PLOT 1

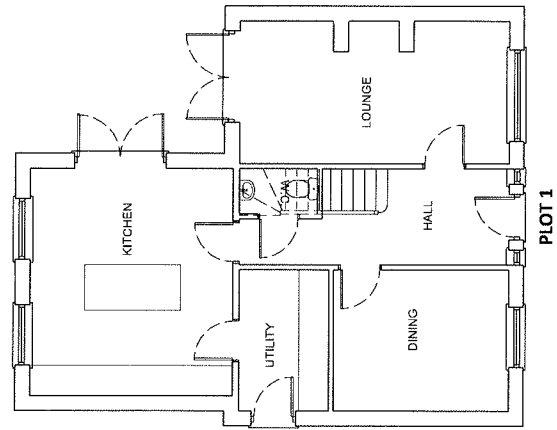


**NORTH EAST ELEVATION** PLOT 1

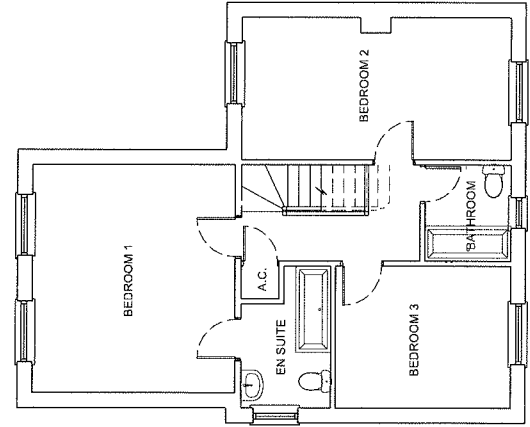
**PLANS AND ELEVATIONS**  
Scale 1:100



- Blue Grey welsh slate to roof
- Stone ridge tile
- Cotswold stone and brick to wall (as indicated)
- Stone lintels over openings
- Stone cills
- Anthracite grey aluminium casements
- Brick chimney



**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**

Revision	Date

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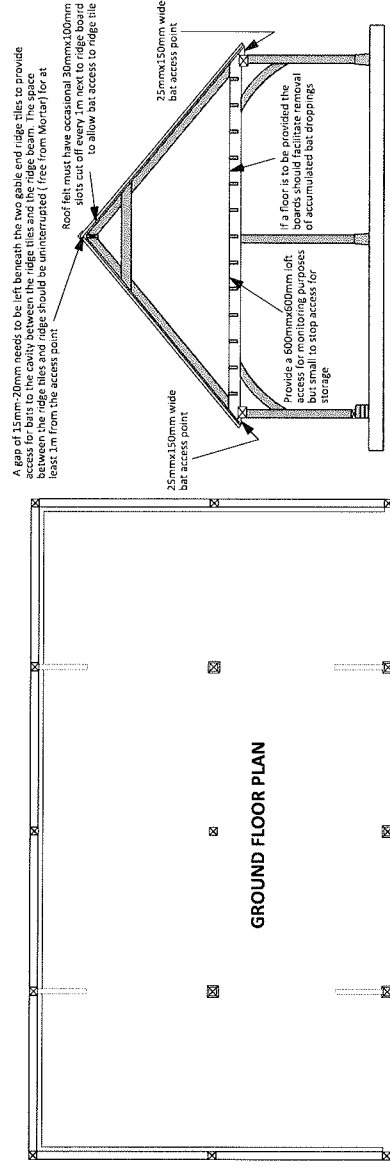
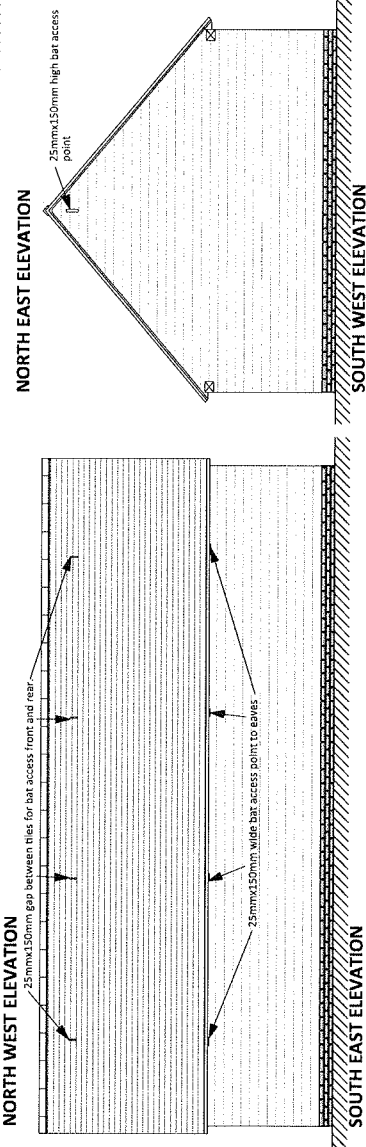
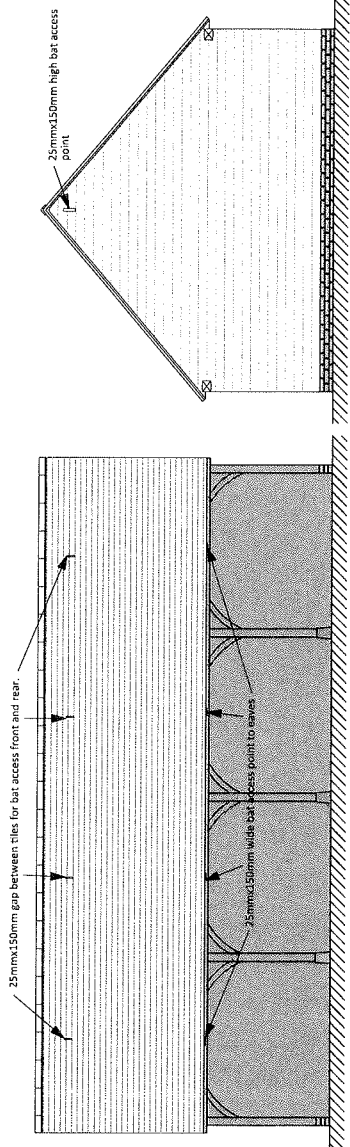
**Mr G Stanley**  
Orchard Cottages  
Station Road  
Ebrington  
Gloucestershire  
GL55 6LF

**Project Title**  
**Demolition of 4 dwelling and erection of 4 dwellings**  
Drawing Title  
**Plot 1**

**Plans and Elevations**  
Drawn by SR Date Drawing Scale 1:100 @ A1  
Revision Drawing Number 2055 - B5.1



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PLANS AND ELEVATIONS  
Scale 1:100

Revision	Date

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Project Title  
**Demolition of 4 dwelling and erection of 4 dwellings**  
Drawing Title  
**CARPPTS**  
**Plans and Elevations**

Drawn by Date Drawing Scale  
SR 1:100 @ A1

Revision Drawing Number  
2055 - B5.5

**CIAT**  
CONTRACT ADMINISTRATION







