

**Application Ref: 21/03698/FUL**

**Tunnel House Inn  
Coates  
Cirencester  
Gloucestershire  
GL7 6PW**

**Single storey extension to both Inn and barn, and use of land for the siting of six accommodation units and associated works at Tunnel House Inn Coates Cirencester Gloucestershire GL7 6PW**

<b>Full Application 21/03698/FUL</b>	
Applicant:	The Bathurst Estate
Agent:	LPC (Trull) Ltd
Case Officer:	Hannah Rose
Ward Member(s):	Councillor Mike McKeown
Committee Date:	26th April 2023
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**UPDATE:** This application was deferred at the 26 April 2023 Planning and Licensing Committee Meeting to allow for a Sites Inspection Briefing. The purpose of the S.I.B. was to assist Members in their consideration of the application with regard to access impact

**1. Main Issues:**

- (a) Principle of Development
- (b) Impact on Heritage Assets
- (c) Landscape Impact and Trees
- (d) Biodiversity
- (e) Trees

**2. Reasons for Referral:**

2.1 The Ward Member, Cllr Berry, has referred the application to the Planning and Licensing Committee for determination on the following grounds:-

2.1.1 "Cllr Judd has pointed out to me that section 200 of the NPPF is probably sufficient reason for going to Committee by itself given all the various listed/ special areas in which it sits! I've read through your report and looked at all the application details. This has led me to believe that there are some very good reasons for taking it to the Planning Committee, not for the alterations to the existing buildings, but purely for the pods and their positioning.

2.1.2 This is a particularly sensitive area, being in the AONB, adjacent to the listed 11\* canal, in the canal conservation area and overlooking a SAM. The pods will be visible from two public footpaths, one of which is a major national route. Their high visibility (to get the view out) also means they will be visible from Tarlton and, as has been raised by others, is likely to have an impact on the 'dark skies' locally.

2.1.3 We need to get the Tunnel House open again as a pub/restaurant, but no business case has been put forward and the pods are of very modern design which aren't likely to merge into the background as some other possible alternative more traditional designs

might or possible repositioning. All these things make the benefit/harm equation difficult to assess and I therefore feel it needs a public airing at Committee."

2.2 Cllr Judd has also referred to Committee for the following reasons:-

2.2.1 "I too would like to see this before the Planning Committee. I have lived at Trewsbury, less than half a mile away, since 1992 and I know this site extremely well. The application is for pods to run alongside an ancient mount adjacent to the canal, which would destroy that historic landscape and will inevitably cause night time light pollution as they are on higher ground, thus ignoring dark skies ambitions. Their visual impact day and night, coupled with the inappropriate, unsympathetic design clashes with the immediate environment.

2.2.2 The canal tunnel is Grade II\* listed with Historic England. Tarlton Bridge, the canal walls and Hailey Wood Camp (the big grass field on the Tarlton side with the buried Roman Camp), are also listed. There are numerous footpaths nearby and the pods will be visible from them. Even if not entirely visible, just the paths and steps, detritus and general evidence of them cannot be ignored. Section 200 of the NPPF states that:

2.2.3 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

### **3. Site Description:**

3.1 The application site comprises an area of approx. 0.40 ha, located midway between Coates and Tarlton, some 6km to the west of Cirencester, between the A419 and A433 main roads. It lies just to the west of the Swindon to Stroud/Gloucester railway line and fronts a stretch of the Thames and Severn Canal. The site includes the natural Cotswold stone, 2-storey, Tunnel House Inn, a restored C18th public house, adjoining land with an ancillary barn that forms its current curtilage, and a strip of adjacent wooded land to the south running parallel to the site access and woodland. The site is part of the setting of the Grade II\* Sapperton Canal Tunnel South Entrance at the south east entrance to Sapperton canal tunnel and the Grade II listed canal walls. The bridge over the canal close to the site access, Tarlton Bridge, is also Grade II listed. Due to the physical concentration of heritage assets of the canal and its setting, including the associated inn, a Conservation Area has been designated, within which the majority of the application site is located.

3.2 The application site also lies to the east of the Hayley Wood Scheduled Ancient Monument (SAM).

3.3 The Inn is the focal point for several Public Rights Of Way (PROWs) that run north-south and east-west through the site, public footpaths BC01 and BSA34, both of which form part of the Monarch's Way Long Distance Footpath, and is wholly within the Cotswolds Area

of Outstanding Natural Beauty (AONB). The site lies within the Zone of Influence of the Cotswold Beechwoods Special Area of Conservation (SAC).

3.4 A small part of the woodland strip within the application site, is partly within Flood Zones 2 and 3, which centres on the canal.

#### **4. Relevant Planning History:**

CT.0751/F Conversion of single storey barn to restaurant: Permitted 10.06.86.

CT.0751/G Repair and extension of barn to form new function room and restaurant: Permitted 28.07.93.

CT.0751/J Single storey extension to form new kitchen: Permitted 22.08.97.

CT.0751/K Extensions and alterations to create an extra bar area and to re-roof wc building: Permitted 10.01.00.

04/02352/FUL Change of use of landscaped area to form additional car parking space: Permitted 28.10.04.

#### **5. Planning Policies:**

NPPF National Planning Policy Framework  
EC1 Employment Development  
EC3 All types of Employment-generating Uses  
EC10 Tourist Facilities & Visitor Attractions  
EC11 Tourist Accommodation  
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  
EN10 HE: Designated Heritage Assets  
EN11 HE: DHA - Conservation Areas  
EN12 HE: Non-designated Heritage Assets  
EN14 Managing Flood Risk  
INF2 Social & Community Infrastructure  
INF4 Highway Safety  
INF5 Parking Provision  
INF7 Green Infrastructure  
SP3 Thames & Severn Canal & River Thames

#### **6. Observations of Consultees:**

6.1 Conservation Officer: No objection.

6.2 Canals & Rivers Trust: No comments.

6.3 Cotswolds Canal Partnership: No comments received.

- 6.4 County Archaeological Officer: No objection.
- 6.5 Landscape Officer: No objection.
- 6.6 Tree Officer: Requests additional information pre-determination or by condition, but unlikely to object.
- 6.7 Biodiversity Officer: No objection, subject to conditions.
- 6.8 Natural England: No objection, subject to Appropriate Mitigation being secured.
- 6.9 Highways Officer: No objection.

## **7. View of Town/Parish Council:**

- 7.1 Coates Parish Council: No comments.
- 7.2 Rodmarton Parish Council: Objects - No objections to the proposed alterations to the existing building. The six proposed accommodation units are situated within Rodmarton Parish and RPC deplors the possibility of degradation of the local environment which will result from their development, summarised as follows:-
- i) The location of the proposed pods fail to meet the objective of "respecting the character and distinctive appearance of the locality" having regard to LP Policy EN2;
  - ii) The site of the proposed pods is highly visible from about 75% of BC01 and 50% of BSA34 Public Rights Of Way. Although the proposal for the pods is not visible from the tow path (BC05), which runs parallel to the development site, it is inevitable that the ambience of this area will be changed by the neighbouring development. The proposals would therefore be harmful to the tranquillity and natural beauty currently enjoyed by walkers of the local footpath infrastructure;
  - iii) Reflected glare from the pods would be visually incongruous;
  - iv) The proposal does not conserve or enhance the AONB and is significantly detrimental to the existing landscape and its special qualities, contrary to LP Policy EN5;
  - v) The proposed landscape planting is inappropriate and would fail to effectively screen the pods;
  - vi) There is no specific analysis of the effect of the proposals on the Thames and Severn Canal Conservation Area;
  - vii) Insufficient proposals for habitat restoration of the woodland, which should be prioritised, or for biodiversity enhancement;
  - viii) The application refers to various measures for mitigation of light spill but there is no light pollution at present and the important dark sky will inevitably be compromised by the development, to the detriment of local people and local ecology, especially roosting bats.
  - ix) Concerns regarding the impact upon the setting of the Grade II\* Listed canal tunnel;
  - x) The application offers no financial justification of the need for accommodation to sustain the pub yet there is plenty of evidence that remote pubs without accommodation thrive throughout the country.

## **8. Other Representations:**

8.1 Cotswold National Landscape Board: The Board raises no objection to the proposed extensions to the Tunnel House Inn and barn. In respect of the proposed accommodation 'pods', the introduction of any lit elements should be designed to adhere to this guidance and, by extension, with the policies of the Cotswolds AONB Management Plan in particular Policy CE5 (Dark Skies) as well as the ILP Guidance Note for Reduction of Obtrusive Light and the CfDS Good Lighting Guide which form Appendices B and C of the Board's Dark Skies & Artificial Light Position Statement. Without prejudice, if the local authority is minded to grant planning permission, the Board recommend that planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting will be limited to low-level, down-facing lights.

### **8.2 3 Third Party letters of Support:**

- i) new buildings well-designed and would have minimal visual impact;
- ii) Whilst not objecting on these grounds, a business case should be reviewed as the justification must be linked to the long term viability of the Pub;
- iii) The proposals seem both considerate and progressive and will enhance the local community;
- iv) The Tunnel is an important local asset for both Coates and Tarlton and the need for village bar or less formal section should be encouraged and protected as part of this scheme.

### **8.3 3 Third Party letters of Objection:**

- i) Need for additional accommodation is questionable;
- ii) new accommodation pods, if needed, should be positioned more closely to the public house itself where less visible;
- iii) If additional accommodation is essential, it can be provided in ways that are less detrimental to views within the exceptional AONB and an important historical site, including the SAM, canal setting and Coates Church;
- iv) light and noise pollution from the accommodation pods at night and possibly from reflected sunlight pm;
- v) Over development in a Conservation Area;
- vi) Harm to wildlife and habitats by introduction of human activity.

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

- Arboricultural Impact Assessment
- Biodiversity Survey and Report
- Landscape and Visual Appraisal
- Planning Statement
- cultural Heritage Impact Assessment
- Design and Access Statement
- Trading Report

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

10.1 Permission is sought for two main proposed elements. Firstly, single storey extensions to the existing Inn and barn buildings and, secondly, the erection of 6 detached units of short-stay holiday accommodation with the associated change of use of land on which they would be sited.

10.2 In terms of the extensions, the proposal for the Inn itself is the addition of a single storey range (footprint approx. 49.50sqm and height to ridge approx. 5.50m), behind the existing front entrance porch and toilets, to provide a 'garden room' dining area. The extension would be of a vernacular hipped roof form constructed in natural stone walling and plain tile roofing to match the existing building with substantial areas of glazing to the south and west elevations. The extension to the converted barn, to provide additional plant and storage space, would be to the south-east gable end, again in vernacular pitched roof form in timber cladding above a stone dwarf wall and with blue slate roofing (footprint approx. 11.50sqm and height to ridge approx. 3.80m).

10.3 The second element of the proposals is the change of use of the strip of land (approx. 0.85ha) to the south of the Inn (behind the existing barn), parallel with the access road and canal, to incorporate into the curtilage of the public house ('sui generis') use. Six short-stay self-contained units of holiday accommodation with decking would be sited on the strip of land located upon a raised connecting pedestrian boardwalk through the existing woodland. Three individual designs are proposed for the units, which would follow a uniform style for the group of buildings, being of a contemporary form and appearance with larch timber cladding (in four patterns - vertical, horizontal waney-edged or charred) and undulating green (sedum) roofs. Each unit would have one double bedroom, with some provision for a sofa-bed in the two larger design types, and a shower/wc and kitchenette. The units would be of a uniform height of approx. 3.50m at their highest point, with covered footprints of approx. 34.50, 42.75 and 53sqm. No additional car parking would be provided to that already available in relation to the public house.

### **(a) Principle of Development**

10.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.5 In this case, the starting point for Local Plan policy considerations is Policy EC11 (Tourist Accommodation). Policy EC1 (Employment Development) is also of relevance as it seeks to maintain and enhance the rural economy and supports sustainable tourism in ways that enables the District to attract higher numbers of longer-stay visitors. Policy EC10 (Development of Tourist Facilities and Visitor Attractions) supports the extension of tourist facilities and visitor attractions that have a functional relationship and special affinity with the historic and natural heritage of the area, and subject to other criteria that seek to address the sustainability of the facilities. EC11 is, however, more specific to the current proposals for the holiday accommodation, which states that "Proposals for self-catering accommodation will only be permitted where it:

- (a) is provided through the conservation and conversion of existing buildings, including agricultural buildings; or
- (b) is appropriately located within Development Boundaries
- (4) Exceptionally, proposals for new-build, short stay, self catering units that are directly associated on-site with a tourist attraction, and required to sustain the viability of the tourist attraction, will be acceptable."

10.6 Policy INF2 (Social and Community Infrastructure) is relevant insofar as it seeks to protect the retention of existing community infrastructure such as public houses.

10.7 Policy SP3 (Thames and Severn Canal) is also directly relevant to the consideration of the proposals in this instance. It states that "Development will be permitted that:

- (a) positively contributes to the restoration of the Canal and towpath;
- (b) improves access to and along the Canal which encourages use for transport, sport, leisure and recreational purposes;
- (c) respects, improves and enhances the Canal's character, setting, biodiversity and historic value; and
- (d) does not:
  - i. prevent or impair restoration, improvement or reconstruction;
  - ii. destroy its existing or historic route as shown on the Policies Map, unless provision is made for its restoration on an acceptable alternative alignment, including the restoration or improvement of the towpath and its linkage with existing rights of way and local communities;
  - iii. result in the loss of any buildings, locks or other structures originally associated with the Canal; or
  - iv. prevent opportunities for public access."

10.8 In addition to the quoted Local Plan policies, paragraph 84 of the National Planning Policy Framework (NPPF) in respect of support for a prosperous rural economy, states that:- "Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

10.9 Paragraph 85 goes on to state that "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

10.10 In applying the above policies to the current application, the Inn is an integral part of the historic canal setting as it is thought to have been originally constructed to serve the needs of the canal construction workforce, particularly in the building of the Sapperton Tunnel. It has more recently been a valuable facility for visitors to the canal and walkers, as well as to the wider resident community. Consequently, it is considered to be part of the heritage tourist attraction that comprises the Conservation Area and the desire to promote the canal as an asset to the tourist economy. The supporting text to Policy SP3 (paras. 12.3.1 & 12.3.2) states that "Within Cotswold District, the Thames and Severn Canal and River Thames are valuable resources for the public to enjoy, both for active and passive recreational activity. The Thames and Severn Canal is subject to an on-going restoration project....The Canal contributes towards economic and regeneration objectives by providing attractive locations for canal-side development, which must be carefully balanced with conservation and enhancement."

10.11 Notwithstanding its attractive setting, it is in an isolated location and therefore its day-to-day viability throughout the year is challenging and, as a result, it is understood to have been vacant without a tenant since September 2020. In addition, as with all public houses, the impacts of the Covid pandemic, cheaper alcohol provided by supermarkets and changing leisure practices have also increased difficulties in sustainable viability. The applicant has provided a statement to address the issue of viability (please see attached to this report), and also (confidentially due to their commercial sensitivity) trading projection figures alongside it, which state that the last 'whole year' trading accounts in 2019 showed a profit for the last tenant of less than £8000, even with a reduced rent charged by the Estate, and is therefore unviable as a marketable tenancy. As a result and with a firm aspiration to maintain the business, the owner is now therefore seeking ways to improve the long-term viability of the public house. The trading projections with the proposed additional facilities implemented, demonstrate that the revenue would double and that tenancy earnings would average 13.8% over the next three financial years, thereby restoring the Inn to a commercially attractive and sustainable status.

10.12 The first element of the proposals is the extension to the existing building to increase the dining facilities, the principle of which is entirely in accordance with policies that seek to support the viability of social and community facilities. The matters of detail of the latter element are addressed later in this report. The second element is the provision of the detached holiday pods, the principle of which is discussed here.

10.13 As explained above, Officers consider the Inn to be a tourist attraction as an integral part of the historic canal setting and therefore LP Policy EC11 is most relevant to the principle of the provision of new-build, short stay, holiday accommodation associated with such attractions as an exception to normal policy requirements for that type of new-build accommodation to be located within Development Boundaries. In this instance, it is particularly beneficial to maintain or improve the viability of the Inn due to its importance as part of the promotion of the wider canal as a leisure resource. Due to its origins as a public house to serve canal construction 'navvies', the Inn has a special historic affinity as part of the canal's heritage importance, demonstrated by its inclusion within the Conservation Area. Consequently, it would be a significant loss to the character of the Conservation Area if the Inn became unviable, disused and potentially subject to a less historically sympathetic change of use. The location is recognised, of course, as being relatively isolated, but that is a product of its intrinsic historic character and special interest. Officers are satisfied that the applicant has provided sufficient information to demonstrate the commercial difficulties of the property in this instance, exacerbated by the economic effects of the Covid pandemic which are well-known to have been particularly harmful to the hospitality sector. The provision of the proposed holiday pods would diversify the income of the public house by providing an additional income stream.

10.14 In order to be justified on the basis explained above, it would be necessary to condition that the use of the holiday accommodation would only be ancillary to the use of the public house, as part of the support for its long-term viability, and not independent from it, which would be contrary to LP policy. The number and size of the pods is also relevant to this issue as it is considered to be reasonably modest and proportionate to the existing public house as an ancillary element and, as such, the predominant use of the planning unit would remain the public house.

10.15 In this case, officers are content that the principle of the holiday accommodation can be supported. The details of the siting, design, etc. are assessed in the following sections.

## **(b) Impact on Heritage Assets**

10.16 The site lies within close proximity to the Thames and Severn Canal, the walls of which are listed Grade II. It also lies within close proximity to the Sapperton Canal Tunnel (south entrance), which is listed Grade II\*. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

10.17 The site also lies within the designated Thames and Severn Canal Conservation Area, Coates, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.18 The site additionally lies within close proximity to, and within the setting of the Romano-British site known as Hailey Wood Camp, which is a Scheduled Ancient Monument (SAM). The NPPF identifies SAMs as designated heritage assets, and places great weight on sustaining the significance of such assets through alterations to them and their settings.

10.19 Policy EN1 of the Local Plan states that new development should conserve the historic environment by ensuring the protection and enhancement of heritage assets and their settings, and that the design of proposals should complement the character of the area.

10.20 Policy EN2 states that development should accord with the Cotswold Design Code, and that proposals should respect the character and distinctive appearance of the locality.

10.21 Policy EN10 reiterates the requirement that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

10.22 Policy EN11 states that proposals that affect conservation areas or their settings would be permitted providing that, amongst other things; it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials; and that it will not result in a loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance of the conservation area. It also states that internally illuminated signage will not be permitted unless it does not have an adverse impact on the Conservation Area or its setting.

10.23 Section 12 of the NPPF reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process.

10.24 Paragraph 127 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

10.25 Section 16 of the NPPF requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance. Paragraph 194 clarifies that significance can be harmed through alteration or development within the setting. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that the harm is necessary to achieve substantial public benefits. Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less-than-substantial harm, that harm is weighed against the public benefits of those works.

10.26 The Tunnel House Inn comprises an attractive building with a distinctive main façade, which is balanced, almost symmetrical, with a very pronounced central bay; whilst not absolutely characteristic of the vernacular, its distinctive and clearly-composed main façade would probably make it worthy of consideration as a non-designated heritage asset. Nonetheless, the proposed garden room extension would be discretely situated to the rear of the building, behind an existing structure. The hipped roof is uncharacteristic of the District generally, but does follow the established forms of the Inn, and is thus considered to be

appropriate. The design of the proposed extension is simple and appropriate to the character of the building and setting.

10.27 The proposed addition to the barn is low-key and functional in character, and modest in scale, and is not inappropriate. The timber structure and cladding should be left to silver naturally.

10.28 The relatively more significant proposal is for six timber cabins or pods set along the wooded mound that flanks the canal. The pods themselves would be placed on the south-western edge of the mound, facing towards the SAM, but away from the listed canal. The design principle of an informal & limited row of small timber cabins of very high design quality, nestling amongst the existing trees, is considered to be unharmed to the setting of the nearby heritage assets. Subject to their detailed design and conditions to control external lighting, they would not adversely affect the rural woodland character of the site, and would thereby not harm the setting or significance of the surrounding designated heritage assets.

10.29 The original pod designs comprised more angular box-like form and appearance, which were considered to be insufficiently sympathetic to the woodland setting. Following negotiations regarding the detailed designs of the buildings, the revised versions have a curved roof form, which will add variety of form and massing to the row of pods. The use of a green/sedum covering for the roofs would further 'soften' the appearance of the pods by their more organic form, enabling them to visually integrate into their surroundings, and form part of a coherent and welcome consideration of wider environmental issues. The latest planning drawings also have the cladding amended to accord with the variety shown in the submitted concept proposal, which will also help bring variation and subtle visual interest to the proposals, helping it to sit comfortably within the rural character and appearance of the surrounding Conservation Area.

10.30 In providing a more diverse and expanded income stream that would be likely to assist the Inn remaining in its historic use, the proposals would also be significantly beneficial to the preservation of the Conservation Area's specific character.

10.31 Consequently, the revised proposals are now considered to preserve the character & appearance, and sustain the significance, of the surrounding conservation area, thereby according to Section 16 of the NPPF & Policies EN1, 2, 10 & 11 of the Cotswold Local Plan 2011-31.

### **(c) Landscape Impact & Trees**

10.32 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

10.33 Policy EN1 of the Local Plan states that 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 and enhancement of multi-functioning 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.

10.34 Policy EN4 of the Local Plan states that 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. This policy requires that 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, settlement patterns and heritage assets.

10.35 Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.36 Policy EN7 (Trees, hedgerows & woodlands) states that "1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

- a. trees of high landscape, amenity, ecological or historical value;
  - b. veteran trees;
  - c. hedgerows of high landscape, amenity, ecological or historical value; and/or
  - d. woodland of high landscape, amenity, ecological or historical value.
2. Where trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.
3. Development proposals affected by (2) above should, where appropriate, have regard to the potential for new or extended woodland to assist in carbon storage and to be a potential local source of biomass or biofuel."

10.37 Policy INF7 of the Local Plan states that development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).

10.38 Paragraph 174 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

10.39 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving landscape and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

10.40 The site is situated within the Cotswolds AONB and more specifically the site lies within Landscape Character Type (LCT) '11: Dip Slope Lowland' and Landscape Character

Area (LCA) 'IIA: South and Mid-Cotswolds Lowlands', as defined in the Cotswold AONB Landscape Strategy and Guidelines (June 2016). Local forces for change within the Dip Slope Lowland LCT include 'isolated development'. Guidelines and strategies for this type of development include:

- Avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Oppose new housing on the Dip-slope Lowland (unless special circumstances apply in accordance with Paragraph 55 of the NPPF and development conserves and enhances the AONB as required by the CRow Act 2000);
- Avoid conversion of isolated farm buildings;
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- When restored or converted to new uses, buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented;
- Maintain the sense of openness and consider the impact of built development, including cumulative development on views to and from the adjacent landscape types;
- Control the proliferation of suburban building styles and materials;
- Landscaping schemes accompanying development should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien tree species such as eucalypts and conifers and inappropriate cultivars of native species, particularly on fringes of open countryside;
- Respect traditional position of agricultural buildings and their relationship to the surrounding land; and
- Introduce vehicle weight restrictions to prevent damage to verges and roadside boundaries.

10.41 One of the key characteristics and special qualities of the Cotswolds AONB is that of intrinsically dark skies and as such any new development is required to respond sympathetically to this. CPRE has published 'tranquillity maps' which includes 'England's Light Pollution and Dark Skies Map', this indicates that the site lies within the second darkest category.

10.42 A Landscape and Visual Appraisal (LVA, dated August 2021) has been submitted to support this application. In terms of public views, it is noted that the development would be seen from short sections of public footpaths BC01 and BSA34, which both form part of the Monarch's Way long distance footpath and lie to the west and south-west of the site. The LVA identifies that medium distance views are available from public footpath BC01 and the overall effect would be minor adverse. Local views are identified from public footpath BSA34 on the approach towards the site. The overall effect from here is assessed to be minor to moderate adverse, reducing to minor at worst, once mitigation planting has established.

10.43 In terms of tranquillity and dark skies the LVA identifies that the proposals would have a negligible effect on the character and qualities of the local landscape by virtue of the small scale and sympathetic design.

10.44 The first part of the proposal is for a single storey extension to both the Inn and barn. These would be modest additions which relate well to the existing development and would not impact on the wider landscape context.

10.45 The second part of the application is for the six accommodation units, which are shown to be located within the woodland to the south-east of the Inn and would be scattered in a linear arrangement along the edge of the field. Each unit would be constructed upon and accessed via a timber boardwalk. The pods have been positioned within existing gaps between the trees and additional tree and shrub planting is also proposed along the edge of the field. The development would therefore have minimal impact on the existing woodland trees. The cabins would be constructed from natural materials. Each pod will have a private timber decking area. Low level bollard lighting is also proposed along the boardwalks. No changes are proposed to the access and parking arrangements.

10.46 Whilst it may be considered preferable to see the units grouped in closer proximity to the Inn, public views of the proposed siting are limited and the existing mature tree belt and further landscape enhancements, including additional native tree planting to extend the woodland (see attached 'Landscape Layout') would help to assimilate the pods into the landscape setting and filter any views. Although there would be some minor adverse visual effects from public footpaths BC01 and BSA34, the effect would reduce over time with the establishment of the proposed new planting. The units themselves would be relatively modest in scale and would be primarily clad in timber. The cross-section drawing indicates that the units would sit at the top of the bank and would be a single storey, not exceeding the height of the tree canopies. The modest scale and simple palette of materials would help to assimilate the structures into the woodland setting. The proposed landscape enhancement scheme provides an adequate level of enhancement, and the proposed species and location of trees and understorey shrubs is acceptable and will help to soften the appearance of the units.

10.47 The proposals also include a small outdoor terrace, which would be contained with a balustrade. This is welcomed as it would prevent any risk of the spread of domestic paraphernalia and activity into the wider woodland setting. The units would provide managed short-stay accommodation and therefore this risk is relatively low and manageable.

10.48 In terms of the impact of lighting, following the negotiations regarding their detailed design, the fenestration of the pods has been significantly reduced to limit the level of light spill, and also includes a roof overhang. The fenestration is therefore now considered to be at a minimum level compatible with the type of occupancy of the units.

10.49 Significantly increased activity at the site of the proposed pods would impact upon the tranquillity of the Cotswolds AONB landscape, particularly as experienced from the local footpath network. As such, conditions are recommended to control noise emissions at the holiday pods and, with these imposed, officers are content that any activity would be unlikely to materially add to the activity associated with the well-established use of the Inn and its existing curtilage.

10.50 Officers are content that, whilst some low-level landscape harm may result from the proposed development in the case of the pods, this has been proactively minimised in the proposals and the recommended conditions, to the extent that their materiality relative to the existing impacts from the use of the Inn and the public benefits associated with the long-

term viability of the Inn as part of the historic landscape, would outweigh any such harm, having regard to Local Plan policies EN1, EN4, EN5 and EN7.

**(d) Biodiversity**

10.51 Policy EN8 (Biodiversity & Geodiversity: Features, Habitats & Species) requires that development should conserve and enhance biodiversity and provide net gains where possible. It also supports development that would create or restore biodiversity interest.

10.52 Section 15 requires that the planning system should contribute to and enhance the natural and local environment and seek to minimise impacts on biodiversity and provide net gains where possible and aim to conserve and enhance biodiversity through planning decisions.

10.53 Bats are known to occur in the woodland surrounding the site, including lesser horseshoe bats and other light sensitive species. As explained earlier in this report, the design of the proposed pods has sought to limit any illumination from internal lighting. The use of one-sided, downward directional lighting bollards as part of the proposed design for external lighting is welcomed. A condition is recommended to control the introduction of any further artificial lighting.

10.54 Assessment has also been undertaken for the potential for bats to be using the stone barn and the Inn building itself, which has confirmed that the areas to be affected by the proposed extensions do not support suitable features for roosting bats.

10.55 The woodland on site forms lowland mixed deciduous woodland priority habitat and is identified as part of the core woodland habitat in the Nature Recovery Network and natural capital mapping. The pods and the boardwalks to each will be installed using screw-pile foundations, so that there will be limited impact on ground/soil and tree roots, particularly in terms of compaction. It is recommended that a 'Construction Environmental Management Plan for Biodiversity' should be submitted for approval as a condition of planning consent to provide details of how the proposal will be implemented in order to limit disturbance to the woodland, including the soil.

10.56 Great crested newts are present in a pond within 325 metres of the application south-western boundary. The Newt Officer has advised that the precautionary working methods outlined in the Ecological Assessment report are satisfactory in this instance to ensure appropriate protection.

10.57 The site is considered to be suboptimal habitat for dormice, but there are records from Hailey Wood to the north of the site. Although it is accepted that the woodland within the application site is sub-optimal, they may still be passing through and foraging within the woodland, and it is likely that the additional woodland planting and appropriate management will have benefits for this species.

10.58 No evidence of badger setts was found as part of the ecological assessment, but it is likely that this species will occur within the woodland and precautionary measures should be implemented to take account of this protected species. This can be covered in the recommended CEMP condition.

10.59 The Preliminary Ecological Assessment report makes recommendations for bird and bat boxes, which could be attached to or integrated into the structure of the pods in line with the recommendations of the report, or to attach to suitable trees instead. Full details of bird and bat box types and their locations can be submitted for approval as a condition of permission. The proposals also represent an opportunity to install a barn owl box on a suitable tree or on a stand-alone pole as a significant enhancement of the site for biodiversity as there are existing records of this species in the area.

10.60 Officers are satisfied that the proposals accord with Policy EN8, paras 174, 179 and 180 of the NPPF and Circular 06/2005.

10.61 Additionally, the application site lies within the Zone of Influence of the Beechwoods Special Area of Conservation (SAC) relating to the associated SSSI. As such, appropriate assessment has been undertaken and the proposed additional accommodation is considered to have a potential significant impact on the SAC in relation to increased visitor pressures. Consequently, the adopted Beechwoods Mitigation Strategy has been applied to the proposals and appropriate financial contribution has been agreed and paid via S.I.I.I legal agreement.

#### **(e) Other Matters**

10.62 Although a small part of the application site lies within Flood Zones 2 & 3, the proposed new pods and access to them are outside of them and are on the raised embankment from the canal spoil. As such, it is considered unlikely that the safety of occupiers of the pods would be affected by any flood events, having regard to Local Plan Policy EN14.

### **11. Conclusion:**

11.1 Support for the continued use of the historic Inn as a community facility is embedded in national and Local Plan policies. As such, the proposed extensions to the public house and associated barn are uncontentious. Officers are also mindful of the wider policy context in this instance regarding the implicit promotion of the canal as a heritage asset and visitor attraction, of which the Thames and Severn Canal Conservation Area is a focal point. Officers are satisfied that the site is an integral part of the important historic heritage site and associated public footpath network and, as such, collectively can be considered to be a visitor attraction and therefore the proposals can also be considered in relation to Policy EC11, which allows for the principle of new-build tourist accommodation in association with the visitor attraction. The detailed siting, design, landscape and biodiversity impacts have all been assessed against relevant Local Plan policies and are considered to be acceptable. Consequently, permission is recommended.

11.2 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.

### **12. 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 submitted 'Kabina Units Proposal - Appearance, Material & Scale', dated June 2022, document by Enchanted Creations and the following drawing number(s): LPC.009.21.03, LPC.5009.21.05, P/001, P/214, P/613 Rev. A, P/614, 199-100, 199-101, 199-102, and 199-103.

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

3. The new-build holiday units hereby permitted shall only be used/occupied for purposes incidental to the use of the public house, currently known as The Tunnel House Inn.

**Reason:** Separate units of accommodation would not be permitted in this location because new-build holiday accommodation is only acceptable outside Development Boundaries in association with a visitor attraction, in accordance with Cotswold District Local Plan policies EC10 and EC11.

4. Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other change of use permitted by any subsequent Order, the new-build units shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation, second homes or a principal or primary place of residence.

**Reason:** This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no new openings, extensions, buildings, engineering operations or means of enclosure shall be inserted, constructed or undertaken in the new-build holiday units or within the site of the new-build holiday units shown within the submitted 'Kabina Units Proposal - Appearance, Material & Scale' document, dated June 2022, by Enchanted Creations, other than those permitted by this Decision Notice.

**Reason:** To protect local biodiversity, AONB, and historic setting, in accordance with Cotswold District Local Plan policies EN1, EN4, EN5, EN7, EN8, EN10, EN11 and SP3.

6. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with Cotswold District Local Plan Policy EN10 and paragraph 205 of the National Planning Policy Framework.

7. No amplified or other music shall be played outside the new-build holidays units hereby permitted or within the woodland area for their siting shown by the submitted 'Kabina Units Proposal - Appearance, Material & Scale' document, dated June 2022, by Enchanted Creations.

**Reason:** To protect the amenity of the locality and tranquillity of the AONB, in accordance with Cotswold District Local Plan policies EN4, EN5, EN10, EN11 and SP3.

8. No development shall take place until a site specific Arboricultural Method Statement and full Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement and full Tree Protection Plan (to be prepared by a suitably qualified arboriculturalist and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations') shall address:-

1. tree removal and pruning,
2. ground protection measures,
3. foundation design to minimise impact upon trees and rooting zones,
4. the construction phase,
5. boardwalk specification and construction,
6. installation of service runs, and
7. a timetable of arboricultural site inspections (to be carried out by a suitably qualified Arboriculturalist and all findings reported in writing to the Local Planning Authority.

The development shall be implemented in full accordance with the details and timescales laid out in the Arboricultural Method Statement and full Tree Protection Plan, 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. 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.

9. The entire landscaping scheme, as shown by drawing 'Landscape Layout' C379/P/02, dated August 2022, shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**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.

10. 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.

11. Prior to the construction of any external wall of the holiday units hereby approved, samples of the proposed walling 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 Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

12. Prior to the construction of any external wall of the extensions 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 Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

13. New external stonework shall be of the same stone type, colour and sizes as existing stonework and coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall match that used for the external walling of the existing 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 policies EN2 and EN11.

14. All windows and external doors shall be of timber construction 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 EN11.

15. The oak shall not be treated in any way and 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.

16. The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located 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 and EN11.

17. No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations of the building.

**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, EN4 and EN11.

18. The development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

**Reason:** To encourage sustainable travel and healthy communities in accordance with policy INF3 of the Local Plan and paragraphs 110 and 112 of the NPPF.

19. Prior to the first use/occupation of the development hereby approved, secure cycle parking shall be provided within the application site fully in accordance with details agreed in writing by the Local Planning Authority and the secure cycle parking shall be permanently retained in accordance with the agreed details thereafter.

**Reason:** To ensure adequate cycle facilities are provided to meet the requirement for sustainable development, in accordance with Cotswold District Local Plan Policy INF3.

20. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution, including in respect of light sensitivity for bats and the minimisation of illumination of the woodland habitat. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. No additional/new internal or external lighting shall be installed without the prior approval of the Local Planning Authority.

**Reason:** To prevent light pollution in the AONB and to prevent harm to protected species, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), policies EN5 and EN8 of the Cotswold District Local Plan, paragraphs 174, 179 and 180 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.

21. The development hereby permitted shall be completed in accordance with the 'Preliminary Ecological Assessment for Land at Tunnel House Inn' report, dated 14th March 2021, prepared by Willder Ecology, including in accordance with Sections 5.1 and 5.2 of the report, and Bat survey report dated 28th February 2023.

All the biodiversity mitigation and enhancement measures shall be implemented in full according to the specified timescales and drawings, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be permanently retained and maintained.

**Reason:** To ensure that biodiversity is protected and enhanced 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, Circular 06/2005, paragraphs 174, 179 and 180 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.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B 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);
- 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 roles and responsibilities of an Ecological Clerk of Works (ECoW) or suitably qualified Ecologist, who will be present on site during construction;
- 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-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To ensure that biodiversity is safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174, 179 and 180 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.

23. A report prepared by the Ecological Clerk of Works or suitably qualified Ecologist certifying that the required mitigation and/or compensation measures identified in the CEMP-B have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

**Reason:** To provide evidence that biodiversity has been safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174, 179 and 180 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.

24. A 10-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation. 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. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. An annual work schedule/matrix;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The BMMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The BMMP 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 policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 174, 179 and 180 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, separately. 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. 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 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

3. 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).

4. There is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is moderately suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

5. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

6. A tree-mounted or stand-alone barn owl box would also be a significant enhancement of the site and the applicant is advised to obtain guidance from the Barn Owl Trust website on the design and location of such a box <https://www.barnowltrust.org.uk/barn-owl-nestbox/barn-owl-pole-nest-box/> The applicant may also wish the box to be monitored and the contact for this is [glosbarnowls@gmail.com](mailto:glosbarnowls@gmail.com) 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).