



COTSWOLD DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE PLANNING PERMISSION

Agent
RPS Group
20 Western Avenue
Milton Park
Abingdon
Oxon
OX14 4SH

Applicant
Livingstone Leisure Ltd
C/o Agent

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

APPLICATION REF: 18/01756/OUT
FILE REF: CD.3304

DATE OF DECISION: 13th March 2019

DECISION NOTICE

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

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

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

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

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

2 Application for the approval of the reserved matters shall be made to the Local Planning Authority by three years from the date of this decision notice.

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

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

Reason: These are "reserved matters" and are listed in the application for later approval. This is only an outline planning permission and these matters require further consideration by the Local Planning Authority. This condition is imposed to comply with the requirements of the Town and Country Planning Act 1990 as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

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

INFORMATIVES :-

1 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

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

Statement in respect of the positive and creative approach undertaken by the Local Planning Authority

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant(s) in a positive and creative manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area.

Your attention is drawn to the NOTES overleaf.

Kevin Field

Kevin Field
Planning and Development Manager on behalf of Cotswold District Council

INFORMATION ABOUT THIS DECISION

This is the Council's formal decision on your application. As your application has been agreed, conditions may have been attached. It is very important that you take careful note of the conditions and comply with them. If there is anything about the decision or conditions that you do not understand, then please contact Customer Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000.

ENFORCEMENT

It is very important that you comply with the Council's decision. As your application has been allowed, you must follow the agreed plans carefully and comply with the conditions.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990 or other legislation. In such circumstances, the Council may well initiate enforcement action.

APPEALING AGAINST A DECISION

If you disagree with the Council's decision, you can appeal to the Secretary of State against any of the conditions that have been imposed under Section 78 of the Town and Country Planning Act 1990. You must do so within **6 months** of the date of this notice.

The Secretary of State can allow longer for you to lodge an appeal, but only in cases where there are special reasons which excuse the delay in giving notice of appeal.

To appeal, you must complete a form which you can obtain from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or the Appeals area at www.planningportal.gov.uk Some personal information will be displayed on this website, please contact the Planning Inspectorate if you have any concerns.

The Secretary of State need not consider an appeal if it seems to him that the Council have no option under planning legislation but to refuse permission or impose a particular condition, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

BUILDING REGULATIONS

The development may involve building work which requires approval under the Building Regulations. You are responsible to ensure that Building Regulation Consent is granted prior to commencement of work on site. Information about Building Regulation approval, the procedure to be followed and application forms can be obtained from the Council's Building Control Section, Trinity Road, Cirencester, Gloucestershire GL7 1PX Tel: 01285 623000

DEMOLITION AND OTHER APPROVALS

If the development involves demolition you should contact the Building Control Section for advice on how to proceed.

DISPOSAL OF WASTE CREATED DURING DEVELOPMENT

For advice please contact the Waste Advice Team at the below address or visit www.cotswold.gov.uk/go/WasteCarriers.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owners interest in the land in accordance with the provisions of Chapter I Part VI of the Town and Country Planning Act 1990.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 www.cotswold.gov.uk

OCTOBER 2010