



**COTSWOLD**  
DISTRICT COUNCIL

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **RESERVED MATTERS**

Agent  
Wentworth Country Homes Ltd  
Wells House  
11A Clarence Drive  
Englefield Green  
TW20 0NL

Applicant  
Orwell (Bourton) Ltd & Livingstone Leisure  
C/o Agent

**Erection of two detached dwellings, garages and associated works (Reserved Matters application) at Land Parcel To The South Of Windrush Edge Marshmouth Lane Bourton-On-The-Water Gloucestershire**

**APPLICATION REF: 21/01547/REM**

**DATE OF DECISION: 9th July 2021**

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## **DECISION NOTICE**

In pursuance of their powers under the above Act, and in accordance with the requirements of the Town and Country (Development Management Procedure) (England) Order 2015, the development has been fully considered and assessed to comply with the relevant policy(ies) contained within the Development Plan.

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 hereby approved shall be carried out in accordance with the following drawing number(s): A.100, A.101 A, A.102, A.103, A.104, A.105, A.106. A.107, A.108 A, A.109. A.110, A.111 C, A.112 B

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

2 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.

3 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.

4 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.

5 No windows shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**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.

6 Prior to the first occupation of each dwelling hereby permitted, the windows of each respective dwelling shall be finished in their entirety in a colour that has first been approved in writing by the Local Planning Authority.

**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 .

7 The entire landscaping scheme shall be completed by the end of the first planting season 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 Policies EN4 and EN5.

8 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 Policies EN4 and EN5.

9 Development shall not begin until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

**Reason:** In the interests of highway safety in accordance with Local Plan Policy INF4.

10 Prior to the first occupation of each dwelling hereby approved, each respective dwelling shall be fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

**Reason:** To promote sustainable travel in accordance with Local Plan Policy INF3.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained for the parking of vehicles.

**Reason:** In order to provide adequate car parking space on the site in accordance with Local Plan Policy INF5.

12 Notwithstanding the provisions of Schedule 2 Part 1 Class A and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or outbuildings shall be erected or constructed within the application site other than those permitted by this Decision Notice.

**Reason:** In order to prevent potential harm to protected species due to the presence of a nearby watercourse and to reduce the risk of flooding in the local area in accordance with Cotswold District Local Plan Policies EN8 and EN14.

13 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 walls, fences, gates, gate piers or other means of enclosure shall be erected or constructed within the application site other than those permitted by this Decision Notice.

**Reason:** In order to prevent potential harm to protected species due to the presence of a nearby watercourse and to reduce the risk of flooding in the local area in accordance with Cotswold District Local Plan Policies EN8 and EN14.

Your attention is drawn to the NOTES overleaf.

*Robert Weaver*

**Chief Executive**

## 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. It is a developer's responsibility to ensure that the plans granted permission and those approved under the Building Regulations are consistent.

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](http://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](http://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.

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Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 [www.cotswold.gov.uk](http://www.cotswold.gov.uk)  
**OCTOBER 2010**