Item No 02:-

.

.

. .

22

18/00051/FUL

Land At New Covert Ewen Gloucestershire

د.

.

Item No 02:-

Proposed erection of single dwelling at Land At New Covert Ewen Gloucestershire

Full Application 18/00051/FUL		
Applicant:	Mr & Mrs Mussell	
Agent:	Hunter Page Planning Ltd	
Case Officer:	Christopher Fleming	
Ward Member(s):	Councillor Tony Berry	
Committee Date:	11th July 2018	
RECOMMENDATION:	PERMIT	

Main Issues:

- (a) Principle of Development
- (b) Design, impact on the setting of the Conservation Area and nearby listed buildings
- (c) Impact on the landscape and surrounding area.
- (d) Impact on trees
- (e) Biodiversity
- (f) Impact on living conditions
- (g) Impact on the safe operation of the Highway Network

Reasons for Referral:

The application has been referred to committee by Cllr Berry for the following reason set out below:

'This is a new development outside the Ewen Village boundary (and just outside the Ewen Conservation Area and the Kemble/Ewen Special Landscape Area). If we were to approve the application based on para 55 of the NPPF, the only applicable reason for approval would be that it meets condition 4 of this paragraph. I believe the Committee should decide whether it does or does not meet the following subsections of condition 4:-

- 1. Be truly outstanding or innovative, helping raise standard of design more generally in rural areas.
- 2. Reflect the highest standards of architecture.
- 3. Significantly enhance the immediate setting.
- 4. Be sensitive to the defining characteristics of the local area'

1. Site Description:

The site is located at the eastern end of the village of Ewen adjacent to the Ewen Conservation Area and adjacent the Wild Duck Public House. The site sits outside any landscape designation but is adjacent to the Kemble/Ewen Special Landscape Area (SLA).

The site is made up of a coppice of trees to the east and an open area that incorporated a historic quarry that now has power cables running through the site.

Access to the site is obtained from a field gate located along the southern boundary and a further access to the adjacent grassed area and pylons is available in the south eastern corner further along the road.

2. Relevant Planning History:

No relevant planning history

3. Planning Policies:

LPR09 Biodiversity, Geology and Geomorphology NPPF National Planning Policy Framework LPR10 Trees, Woodlands and Hedgerows LPR15 Conservation Areas LPR19 Develop outside Development Boundaries LPR38 Accessibility to & within New Develop LPR39 Parking Provision LPR42 Cotswold Design Code LPR45 Landscaping in New Development LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer - Comments incorporated within report

Landscape officer - Comments incorporated within report

Biodiversity Officer - Comments incorporated within report

Tree Officer - Comments incorporated within report

5. View of Town/Parish Council:

Kemble Parish Council - Objection to the scheme on grounds of the design of the proposal being compliant with policy and the design not meeting the requirements of paragraph 55 of the NPPF. Objection also on the grounds that the proposal falls outside of the settlement boundary and therefore would not result in a new dwelling within the confines of the village assessed against the emerging Local Plan Policy DS3.

The objection also reiterates that there is inadequate information to fully assess the biodiversity of the site and that the proposal would have adverse impacts on the setting of the Ewen Conservation Area and the Special Landscape Area setting.

6. Other Representations:

Two letters of Third Party objection summarised below:

i) Modern design and would be highly visible from within the surrounding area especially at night;

ii) Detrimental to the character of the village of Ewen;

iii) Design not in keeping with the vernacular of the existing buildings

7. Applicant's Supporting Information:

Design Document Planning Statement Arboricultural Impact Assessment Arboricultural Method Statement Landscape and Visual Impact Assessment Heritage Statement Flood Risk Assessment C:\Users\Duffp\Desktop\UULY 2018 SCHEDULE.Rtf Ecological Assessment Ecological Briefing note Lighting Mitigation Strategy Assessment of Shade Illustrative Landscape Masterplan Transport Statement

8. Officer's Assessment:

Proposed Development

The proposal is for the construction of a detached dwelling to be sited to the eastern edge of the woodland. The living space would be accommodated across one storey, but it is proposed that this would be raised up above the ground on stilts at the same level as the surrounding tree canopies. The height of the building above ground would be approx 8.7m. The proposed materials include the use of timber and large panels of glazing to the west and south facing elevations. Access would be obtained from the existing entrance to the south and a surfaced driveway would be introduced along with a small parking area and garage.

The properties private amenity space would be limited to an area underneath and immediately around the dwelling.

(a) Principle of Development

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 2001-2011.

The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Criterion (a) of Policy 19 has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the open market dwelling proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Paragraph 47 of the NPPF states that Councils should identify a supply of deliverable sites sufficient to provide five years' worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for CNUsers\Duffp\Desktop\ULY 2018 SCHEDULE.Rtf

land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

In instances where the development plan is absent, silent or relevant policies are out-of-date the Council has to have regard to Paragraph 14 of the NPPF which states that planning permission should be granted unless;

'- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.

With regard to housing land supply the Housing Land Supply Report finds that the District has a supply of 7.8 years' worth of deliverable housing sites. Furthermore, it is estimated that approximately 9,970 dwellings will be delivered in the District over the Plan period.

In light of the above, it is considered that the Council can demonstrate a robust 5 year supply of deliverable housing land in accordance with Paragraph 49 of the NPPF. Policy 19 is therefore considered not to be automatically out of date when assessed against Paragraph 49 of the NPPF. However, in the Love Lane appeal case the Planning Inspector stated 'The LP development boundaries were drawn at a time of housing constraint and when there appears to have been a comparatively small housing requirement. The Framework maintains a distinction between rural and urban areas as locations for new residential development but, with the current emphasis on increasing the provision of new housing, recognises that housing can help with the vitality of rural communities and that market housing can facilitate the provision of affordable housing. Policy 19 is less flexible in its approach and is thus not fully consistent with the Framework'. Paragraph 215 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight to be given)'. In light of the aforementioned appeal decision, it is considered that little or no weight can be given to Policy 19 at the present time insofar as it relates to applications for new build open market housing. Consequently, an application for new residential development should be assessed on its individual merits having regard to the planning balance whereby the impacts and benefits of the proposal would be weighed against one another.

Of most significance as material considerations will be the policies of the emerging Local Plan which will be described later in this report. The emerging Local Plan is now considered to carry substantial weight given its advanced progress towards adoption.

Notwithstanding the current land supply figures, it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. These issues will be looked at in more detail in the following sections.

Sustainability of Location

Ewen is not designated as a Principal Settlement in the current Local Plan. In addition, it is not identified in emerging Local Plan documents as one of the 17 Key Settlements where new residential development could be acceptable in principle.

Ewen falls within the parish of Kemble. The site is located within a village with a public house and a limited daily bus service. The site is located approximately 2.5km from the centre of Kemble which in itself offers a mainline railway station, shop and primary school. Residential development in Ewen could therefore maintain and enhance services in Kemble which is within a reasonable distance of the application site. The Braintree High Court judgment highlights how development in one village can assist services in another settlement. This accords with guidance in the NPPF. The judgement states that :-

"NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that 'all settlements can play a role in delivering sustainable development in rural areas', crossreferencing to NPPF 55, 'and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided'. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. The policy in NPPF 17 is in favour of focusing development in locations which are or can be made sustainable applies in particular to 'significant development'."

The above judgment was subsequently subject to a challenge to the Court of Appeal. The Court of Appeal issued its judgment on the 14th March 2018 (Case No: C1/2017/3292). The judgment supported the initial High Court judgment. Paragraphs 31 and 32 of the judgment state:

Para 31 - 'In my view, in its particular context in paragraph 55 of the NPPF, the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.'

Para 32 - 'What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a 'community', a 'settlement', or a 'village'. There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another. It does not stipulate that, to be a 'village', a settlement must have any 'services' of its own, let alone 'services' of any specified kind. '

It is evident that the High Court judgment indicates that residential development within a village with no services and facilities can be acceptable as development in one village can help to sustain the services and facilities on offer in other settlements. It would not therefore be possible to sustain an objection to this application on the grounds that the village does not offer a range of services and facilities. It is therefore considered that the application site does not represent an unsustainable location for small scale residential development such as that proposed.

Policy DS4 of the emerging Local Plan states that "New Build open market housing will not be permitted outside Principal and Non-Principal settlements unless it is in accordance with other policies the expressly deal with residential development in such locations". Such policies provide for the provision of agricultural workers dwellings (policy H5) or the delivery of rural exception sites (policy H3) or houses of exceptional design (NPPF para. 55).

Officers have also assessed the application against Policy DS3 (Small Scale Residential Development in Non-Principal Settlements) of the emerging Local Plan. Policy DS3 refers to C:\Users\Duffp\Desktop\JULY 2018 SCHEDULE.Rtf

small scale developments in non-principal settlements and applies to those rural settlements which have reasonable access to everyday services, facilities and employment opportunities either within the settlement itself or within neighbouring settlements. Policy DC3 states;

"1. In Non-Principal Settlements, small-scale residential development will be permitted provided it:

(a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

(b) is of a proportionate scale and maintains and enhances sustainable patterns of development;

(c) complements the form and character of the settlement;

(d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and

2. Applicants proposing two or more residential units on sites in Non-Principal Settlements should complete a rural housing pro-forma and submit this with the planning application."

In light of emerging Local Plan policy, guidance in the NPPF and the recent Braintree High Court judgment, it is considered that the village does represent a sustainable location for a single dwelling in terms of accessibility. It is considered that there is reasonable access to the services and facilities within the village and surrounding settlements. The application site is surrounded by development on three sides of the site and is made up of a coppice of trees that relates to the development on the edge of the village, to the east of the site are open fields where the character changes. Taking this into account, Officers do not consider the site to be sited within an isolated location, and consider the application site to be within the village. As such, the siting of the dwelling is considered to meet the criteria set out within the policy DS3. Given the proximity of the site to the village of Ewen it is considered that the proposal would represent a sustainable location and follow sustainable patterns of development that meet the requirements set out within paragraphs 29 and 34 of the NPPF.

The conclusion by Officers that the site falls to be considered under DS3 rather than DS4 is a judgement on the basis of the characteristics of the site and Members may of course reach a different conclusion. If that was the case, Members would need to assess the proposals under Policy DS4, which is more limited in its support for new build housing unless there are other exceptional circumstances. In this case it would be necessary for Members to have regard to the applicant's submission that the proposals meet the criteria set out in paragraph 55 of the NPPF, and would deliver other material planning benefits. The criteria set out within paragraph 55 of the NPPF include a design that is of an exceptional quality or innovative nature and that:-

"Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area."

The application submitted provides a comprehensive and detailed design document that exhibits the design evolution and innovation of the dwelling. The proposal seeks to demonstrate that the design of the proposed dwelling has evolved to be sensitive to the defining characteristics of the area and to provide a number of biodiversity and important landscape enhancement works to its immediate setting. The design also incorporates energy conservation features and renewable energy sources.

As set out above, to meet the conditions of Paragraph 55, the design would need to be sensitive to the defining characteristics of the local area and the design needs to be reflective and considerate in this regard. These considerations are addressed in the following text of this report.

(b) Design, impact on the setting of the Conservation Area and nearby listed buildings

With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset [such as a listed building or conservation area], great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Paragraph 134 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Adopted Local Plan Policy 15 states that construction 'within or affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area.' Paragraph 2 of Policy 15 states that development will be permitted unless:

(a) They result in the demolition or partial demolition of a wall, structure or building, or the replacement of doors, windows or roofing materials, which make a positive contribution to the character or appearance of the Area;

(b) the siting, scale, form, proportions, design, colour and materials of any new or altered buildings, are out of keeping with the special character or appearance of the Conservation Area in general, or the particular location; or

(c) they would result in the loss of open spaces, including garden areas and village greens, which by their openness make a valuable contribution to the character or appearance, or allow important views into or out of the Conservation Area.

Adopted Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'.

With regard to the emerging Local Plan, the following policies are considered relevant and to now carry substantial weight:

Policy EN1 Built, Natural and Historic Environment states:

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

a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;

b. Contributing to the provision of multi-functional green infrastructure;

c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;

d. Seeking to improve air, soil and water quality where feasible; and

e. Ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN2 Design of the Built and Natural Environment states:

'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

'1. In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.

2. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

3. Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:

- The importance of the asset;
- The scale of harm; and
- The nature and level of the public benefit of the proposal."

Policy EN11 Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;

b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;

c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.

d. Have regard to the relevant Conservation Area appraisal (where available); and

e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

The application site lies at the eastern edge of the village adjacent to open countryside. It defines the eastern edge of the village. At present the site is characterised by a large coppice of trees that makes up the majority of the site. On the eastern edge of the site, two pylons are situated with power cables running north to south.

It is noted that the eastern edge of the settlement is characterised by a linear development pattern. The site is distinct from the more uniform development to the north of the site. There are also dwellings to the south of the site. The introduction of a dwelling within this particular site at the edge of the settlement is therefore very sensitive and, given the context of the site, consideration is required over the design and the impact this would have on the site and surrounding area. It is nevertheless considered that the site can accommodate the proposed development without having an adverse impact on the character or appearance of the area, having regard to the landscaping proposal submitted, due to the fact that views of the dwelling would be limited as a result of the retention and improved maintenance of the coppice.

The site is also within the setting of The Wild Duck public house to the west of the site which is a Grade II Listed building. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The property also lies just outside the boundary of the Ewen Conservation Area, 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 locality.

The Wild Duck is a collection of buildings said to originally date from 1563 with extensive 20th Century extensions. In terms of the setting of the buildings, it is considered that they generally C:\Users\Duffp\Desktop\JULY 2018 SCHEDULE.Rdf

'turn their backs' on the development site along the lane to the East. The pub buildings along the lane appear to be 20th Century and of limited merit. The woodland is relatively dense and elevated at this point and the proposed new buildings would be set back considerably into the woodland.

The site is on the edge of the Ewen Conservation Area. Ewen is characterised by a linear pattern of dispersed houses, cottages and farmsteads. The proposed new buildings are set beyond the Eastern boundary of the conservation area and are heavily screened from wider views into and out of the settlement. Once the planting and landscaping is fully established it is unlikely that the proposed buildings would be particularly discernible to this approaching or leaving the settlement.

There are concerns regarding potential light spillage from the large glazed screens along the West facing elevations. The impact is unpredictable and the scope of available mitigation is limited. In a worst case scenario, if all internal lighting was on and no blinds were closed, it is likely that the glow of the building would be visible beyond the site and would illuminate the woodland. However, it is less likely that the inhabitants would wish to be exposed and on view in this way under normal living conditions. Given the unlikeliness of the full extent of light spillage, the distance from the edge of the woodland and the intervening screening from the tree canopy, it is considered on balance that the risk of a substantial impact regarding light spillage is acceptable. External lighting should however be controlled through a condition.

In terms of the specific design, the building is uncompromisingly contemporary and is not sympathetic to the historic character of Ewen or the setting of the adjacent listed building. However the proposal relies on the integration of the new dwelling within the woodland as a focus for the development and a screen to mitigate the external manifestation of the development beyond the site.

Concern has been raised by the Parish Council that the proposal does not relate to the local Cotswold vernacular or is in keeping with the architectural styles within the village. Whilst the design of the building in not reflective of a traditional Cotswold design, the design approach selected does respond the specific characteristics of the site and its setting which include the form, materials and detailed design. Within the emerging Local Plan, the Cotswold Design Code sets out that whilst many of the District's buildings are designed in the Cotswold vernacular style, the same design approach will not be applied to all contexts in the District and the decision whether to adopt a more vernacular or contemporary architectural style will depend on the type of development, the site and its setting. In this case it is clear that given the sensitive nature of the site, the traditional Cotswold design would not be appropriate, given the setting within the woodland. This resulted in the design of the building responding to the local context providing an innovative solution that respects and is in keeping with the character of the site. Furthermore the Design Code goes on to state that in some instances the use of modern, non-local materials may contribute towards a successful contemporary design this might include the use of more extensive areas of glazing, zinc or copper roofs or timber cladding which is included within the design. Additionally, the design seeks to address NPPF Paragraph 55 and includes a number of innovations and important landscape enhancement works that result in a highly sustainable dwelling of truly outstanding design and innovation, full details of which are set out within the comprehensive design document submitted as part of this application.

Overall the design approach taken is considered to be acceptable and in keeping with the surrounding area. The property is set back within the site with mitigation and landscape management proposed that will help integrate the proposal within the site context. Officers therefore consider the proposal to accord with the adopted Local Plan policy 42, policies EN1 (Built, Natural and Historic Environment) and EN2 (Design of the Built Natural Environment) of the emerging Local Plan and the design requirements set out within paragraph 55 and section 7 of the NPPF.

It is considered that the development as proposed (including additional planting and woodland management and being screened within the tree canopy) would also have little or no impact upon the setting of the listed building or the character and appearance of the Conservation Area. As CiUsers/Duffp/Desktop/ULY 2018 SCHEDULE.Rf

such this application is recommended for approval with appropriate conditions having regard to the design and impacts upon the designated heritage assets.

(c) Impact on the landscape and surrounding area

Within the Core Planning Principles of the NPPF, at Paragraph 17, it is stated that the planning system should recognise the intrinsic character and beauty of the countryside.

The site is located within the setting of the Kemble/Ewen Special Landscape Area (SLA), which wraps around the site to the south and west. Policy 8 of the Local Plan states that development in Special Landscape Areas will be permitted, provided it does not unacceptably harm the area's landscape character or appearance.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

The emerging local plan policy EN6 set out that proposals within Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area includes its tranquillity.

The submitted Landscape Visual Impact Assessment (LVIA) dated December 2017 concludes that the effect on the character of the village setting would be negligible and effect on the landscape value would be minor beneficial.

Having assessed the information submitted, Officers consider that the site is sensitive to change as a consequence the edge of village rural location and also given the proximity of the SLA boundary. It is considered that the woodland provides an important buffer between the village edge and the countryside and creates a distinct enclosed character to the entrance into the village which must be preserved.

With regard to views from the surrounding area, it is of note that the existing tree canopies will screen much of the proposed dwelling from view. If a majority of these trees were to be removed, the proposed dwelling would be seen in isolation. It is therefore important to ensure adequate control over landscape and tree management of the site to ensure the successful integration of the proposed dwelling within the site. Taking the above into account, whilst the proposal will not therefore appear as an isolated development in the countryside, careful consideration is required to ensure the dwellings design will be seen in the context of the site and surrounding area.

Architecturally, the proposal is unusual; however, it is considered that the design is sensitive to the defining characteristics of the woodland setting. The main bulk of the building would be raised up allowing the existing tree canopies to soften the building mass and allowing views through at ground level. Furthermore, Officers consider that the use of natural materials will allow the building to blend into the surroundings.

As has been stated previously in this report, the design incorporates large panels of glazing to the southern and western facing elevations. Given the rural context of the site, external lighting must also be limited and any proposed lighting should be sympathetic. A lighting strategy would be required at this stage and lighting should be controlled through a condition.

The woodland has received little management in recent years and has become degraded. While the layout would include a small clearance of trees around the siting of the dwelling, the overall intention is to remove conifer species, enhance the existing woodland with new native C:Users/Duffp/Desktop/ULY 2018 SCHEDULE.Rtf

In terms of the domestic curtilage, whilst this appears to be restricted to the immediate area around the dwelling, it is not clear how this area will be contained and officers have concerns that domestic paraphernalia and ornamental planting may spread out into the wider woodland. This would have an urbanising impact and could impact upon the tranquillity of the wider woodland setting. A detailed landscaping scheme will therefore need to be submitted and agreed by the LPA, which would be conditioned as part of any subsequent permission. It is also recommended that Permitted Development rights are removed, to include the erection of fencing, to prevent the encroachment of intrusive features and also to prevent the lower section of the dwelling being enclosed.

Overall it is considered that the design and siting of the dwelling responds well the immediate setting and that the proposed landscaping works would be beneficial with the enhancement of the woodland and also the introduction of further wildlife areas to the eastern boundary in accordance with the adopted Local Plan polices 42 and 45, emerging Local Plan policies EN6 (Special Landscape Areas) and section 11 of the NPPF.

(d) Impact on trees

The application site is not within a Conservation Area and there are no Tree Preservation Orders at the site. As such no tree specific policy of the Local Plan applies. Policy 45 of the Local Plan applies with regard to existing landscape (trees). The proposal would result in some tree removal and has the potential to cause harm to trees to be retained.

The Council's Tree Officer has examined the proposal and following the submission of a revised Arboricultural Impact Assessment and method statement the Tree Officer raises no objection providing the details contained with the Arboricultural method statement and tree protection plan are implemented in full and in accordance with any timescales therein. There should be no significant harm to the trees being retained. The new proposed planting should benefit the visual amenity of the location. Conditions would be added to any subsequent permission to ensure this is carried out.

Concern was raised in relation to the impact of trees on the living conditions of future occupiers. However, following the submission of a shade and daylight assessment and a revised tree removal plan, there are no issues in relation the impact of the proposal on the future living conditions of future occupiers of the property.

(e) Biodiversity

Section 11 of the National Planning Policy Framework (conserving and enhancing the natural environment). Paragraph 109: 'The planning system should contribute to and enhance the natural and local environment by... Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including by establishing, coherent ecological networks that are more resilient to current and future pressures'.

Paragraph 118: 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles... opportunities to incorporate biodiversity in and around developments should be encouraged'.

The adopted Local Plan Policy 9 (Biodiversity, Geology and Geomorphology) sets out that protection is given to internationally and nationally designated sites, and development that would be harmful would only be permitted if there is no alternative solution and if there are imperative reasons of overriding public interest for permitting the development. Development that would have an adverse impact upon locally designated sites will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the site. Where development is permitted, conditions and/or planning obligations will be used to secure appropriate mitigation and compensatory measures and they will be used to safeguard legally protected species and their habitats and habitats for priority species should be enhanced or created. The NPPF has more emphasis on enhancement, but overall this policy is consistent and can be afforded some weight.

The Council's emerging Local Plan Policy EN8 (Biodiversity and Geodiversity: Features, Habitats and Species) advises that development that conserves and enhances biodiversity and geodiversity will be permitted, and net gains should be provided where possible. Development will not be permitted if it would result in significant habitat fragmentation, loss of ecological connectivity, the loss or deterioration of irreplaceable habitats and resources, or would have an adverse effect on protected species.

The Council's emerging Local Plan Policy EN9 (Biodiversity and Geodiversity: Designated Sites) provides protection for international, national and locally designated sites.

The emerging Local Plan policies are most up-to-date and consistent with those of the Framework which indicates that local planning authorities should aim to conserve and enhance biodiversity. It indicates that, unless the benefits of development clearly outweigh the loss, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.

Following the submission of additional information Officers are now satisfied with the assessment of the biodiversity and the mitigation proposed. The proposal now accords with the requirements set out within section 11 of the NPPF, policy 9 of the adopted Local Plan and emerging local Plan policies EN8 (Biodiversity and Geodiversity: Features, Habitats and Species) and EN9 (Biodiversity and Geodiversity: Designated Sites).

(f) Impact on living conditions

Policy 46 of the local plan states that development will only be permitted if the proposal provides adequate space around residential dwellings so to ensure reasonable privacy, daylight and adequate private outdoor living space.

Emerging local plan policy EN2 (The Built Environment): The policy requires development to accord with the Cotswold Design Code which considers the impact of proposals on neighbouring living conditions in terms of loss of light, overlooking and overbearing impact.

The proposal is sited a large parcel of land set away from neighbouring properties. Having assessed the details of the application, it is considered given the size, siting and design of the proposed dwelling the proposals would not give rise to any adverse impact on the living conditions of the neighbouring properties. The scheme therefore accords with Policy 46 of the Local Plan, Policy EN2 of the emerging Local Plan and Section 7 of the NPPF regarding amenity issues.

(g) Impact on the safe operation of the Highway Network

The existing access will open onto a Class C highway which is subject to a 30mph speed limit. The access opens onto a relatively straight section of road. The requisite visibility of 54m in each direction can be provided from a point 2.4m back from the carriageway edge. The access and driveway can be provided in accordance with GCC Highways Standing Advice. Adequate on-site parking and turning can also be provided. It is considered that the proposal accords with the CiUsers/Duffp/Desktop/UULY 2018 SCHEDULE.Rtf

adopted Local Plan Policies 38 and 39, emerging Local Plan Policy INF4 (Highway Safety) and section 4 of the NPPF.

9. Conclusion:

Having assessed the proposal, it is considered that the site represents a suitable location where the principle of new residential development would be considered acceptable in line with the guidance contained within the NPPF and the emerging Local Plan Policy DS3.

The proposed design responds positively to the context of the surrounding landscape, biodiversity and woodland. The proposal, including the proposed landscaping, would enhance the surrounding area and immediate setting and provide adequate mitigation for protected species and management of the woodland. The application is therefore recommended for permission.

10. Proposed conditions:

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.

The development hereby approved shall be implemented in accordance with the following 212 PN P1 3114, 212 PN P4 3410 A, 212 PN P4 3411 A, drawing number(s): 212 PN P4 3412 A, 212 PN P4 3413 A, 212 PN P4 3414 A, 212 PN P4 3416 A, 212 PN P4 3419. 212 PN P4 3423, 212 PN P4 3421, 212 PN P4 3425. 212 PN P4 3437 A, 212 PN P4 3438 A, 212 PN P4 3450 A 212 PN P4 3402 A. DLA.1721.L001.16 REV C, DLA.1721.L001.17 C, DLA.1721.L001.18 REV B, and DLA,1721.L001,20 REV C

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling, roofing and stilts 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 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the first occupation of the development hereby permitted, details of the external timber finishes shall be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed 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 42.

Prior to installation any proposed boundary treatments around the site shall be first submitted to and approved in writing by the local planning Authority and retained as such thereafter, unless alternative details are submitted to and approved in writing.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 42.

. .

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, or any other statutory instrument amending or replacing it no development included within Schedule 2, Part 1 Class A to H (including new openings, external alterations, extensions, flues, chimneys or curtilage buildings), Schedule 2 Part 14 Class A to O (domestic micro-regeneration equipment) or Schedule 2 Part 2 Class A (fences, walls or other means of enclosure) shall be undertaken, other than that approved by this decision notice.

Reason: To ensure the original agricultural character of the barn is retained in accordance with Cotswold District Local Plan Policy 42 and NPPF.

The development shall be completed in accordance with:

The development shall be completed in accordance with:

i. The recommendations in Sections 5.2 and 5.3 of the Ecological Assessment report dated December 2017 prepared by Ecology Solutions Ltd, including precautionary measures for badgers, polecats and hedgehogs;

ii. Reasonable avoidance measures for great crested newts in the Briefing Note - Addendum dated April 2018 prepared by Ecology Solutions Ltd.

All the recommendations and measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently retained.

Reason: To ensure that great crested newts, badgers, nesting birds, hedgehogs, polecats, woodland, hedgerows, trees and bluebells are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Before development starts, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall be in accordance with the principles set out in the landscaping drawings submitted with the application (drawing nos. DLA.1721.L001.16 REV C, DLA.1721.L001.17 REV F and DLA-1721-L001-20 REV C). The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes, and full details of all biodiversity enhancements, including the preparation of the existing grassland to receive the tussocky grassland seed mix, bird and bat boxes (types, locations and positions), and a 5-year maintenance plan to ensure successful planting.

Reason: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006 - and to comply with landscape policies.

The entire landscaping scheme 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 45.

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 45.

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not necessarily be limited to, the following:

i. Risk assessment of potentially damaging construction activities;

ii. Identification of 'biodiversity protection zones';

iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

v. The times during construction when specialists ecologists need to be present on site to oversee works;

vi. Responsible persons and lines of communication;

vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);

viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and

ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and

x. Management responsibilities and maintenance schedules for all landscape areas during the construction period.

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

Reason: To ensure that ^protected and priority species (amphibians, reptiles, badgers and hedgehogs)^ and ^priority habitats^ 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 section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 - and to comply with landscape policies.

A report prepared by a professional ecologist certifying that the required mitigation and/or compensation measures identified in the CEMP 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 protected and priority species, and priority habitats, have been 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 section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to occupation, a detailed lighting mitigation strategy shall be submitted to and approved in writing by the local planning authority (based on the lighting mitigation strategy and recommendations in the Briefing Note - Addendum dated April 2018 prepared by Ecology Solutions Ltd. submitted with the application). The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory and control levels of light pollution.

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

Reason: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 - and to comply with landscape policies.

A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. 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 locations 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, including maintenance schedules for all landscape areas;

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

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

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy 9 of the adopted Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 - and to comply with landscape policies.

Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan (TPP-1, Rev C, dated 5-6-2018), shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

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

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45. 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.

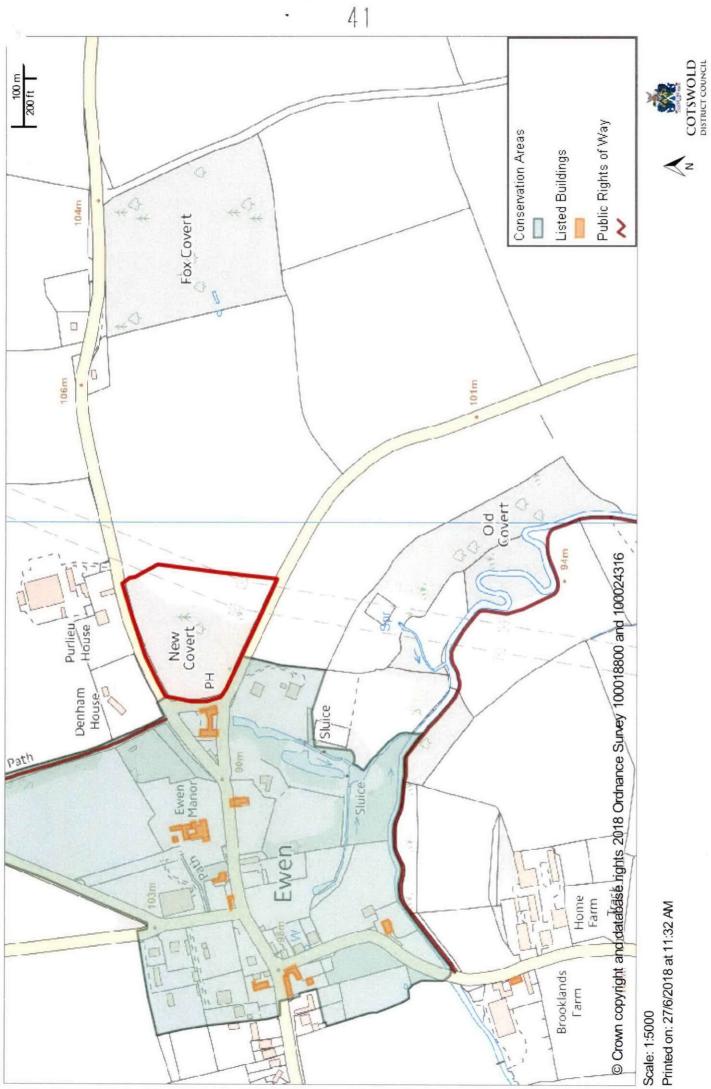
The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report (Arboricultural Method Statement For development works on Land at New Covert, Ewen, dated 5th June 2018). All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45.

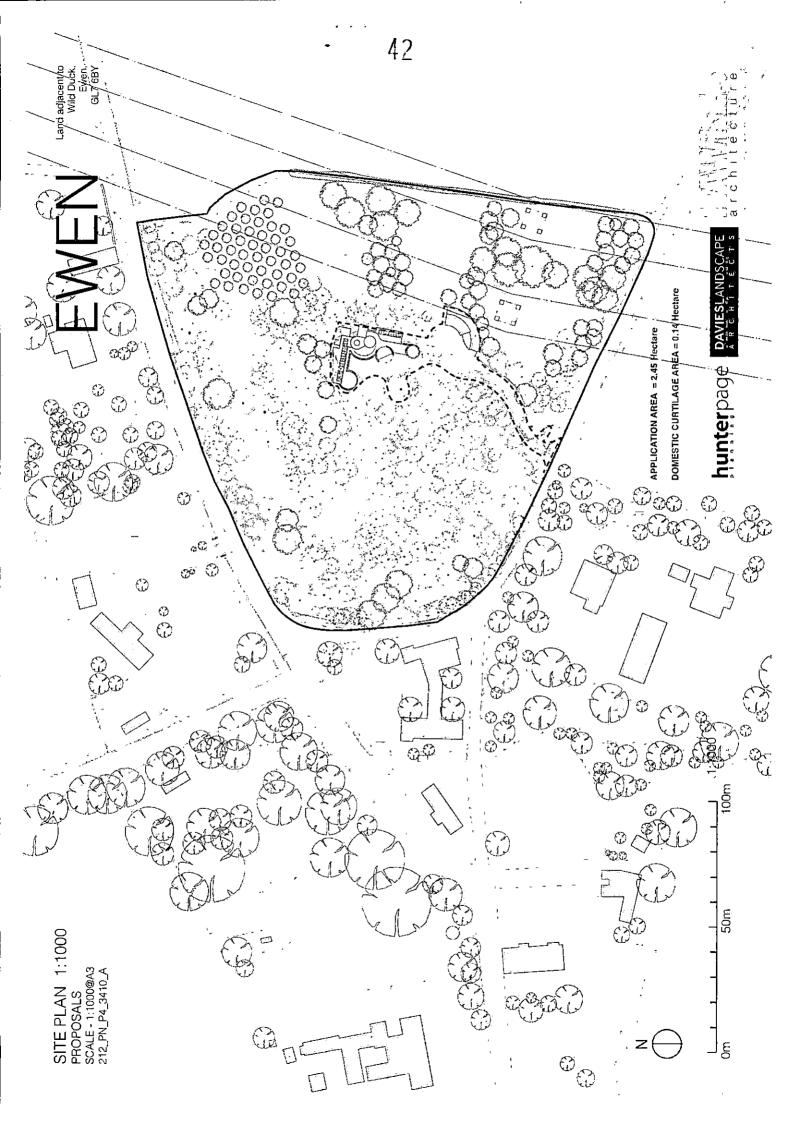
Prior to installation of services, including sewerage, full details of the location and method of installation of the services shall be submitted to the Local Planning Authority for agreement in writing. Once agreed the details must be completed in full and in accordance with any timescale therein, unless otherwise agreed in writing with the Local Planning Authority.

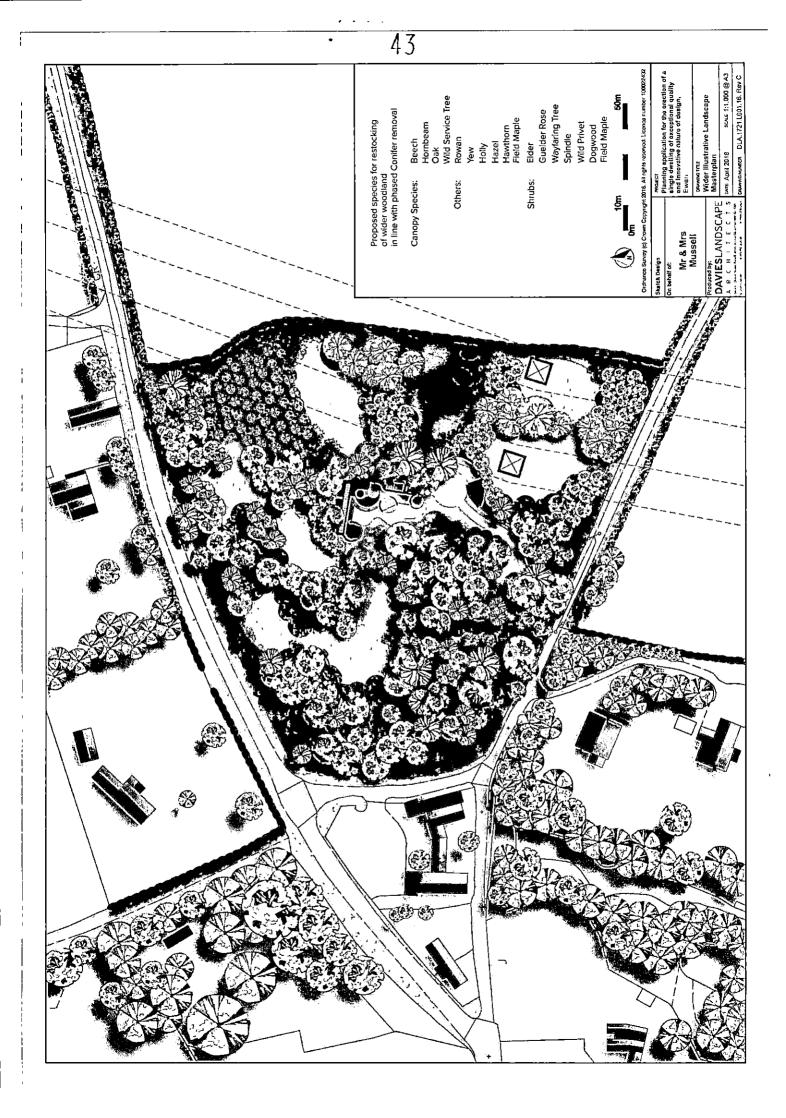
Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy 45.

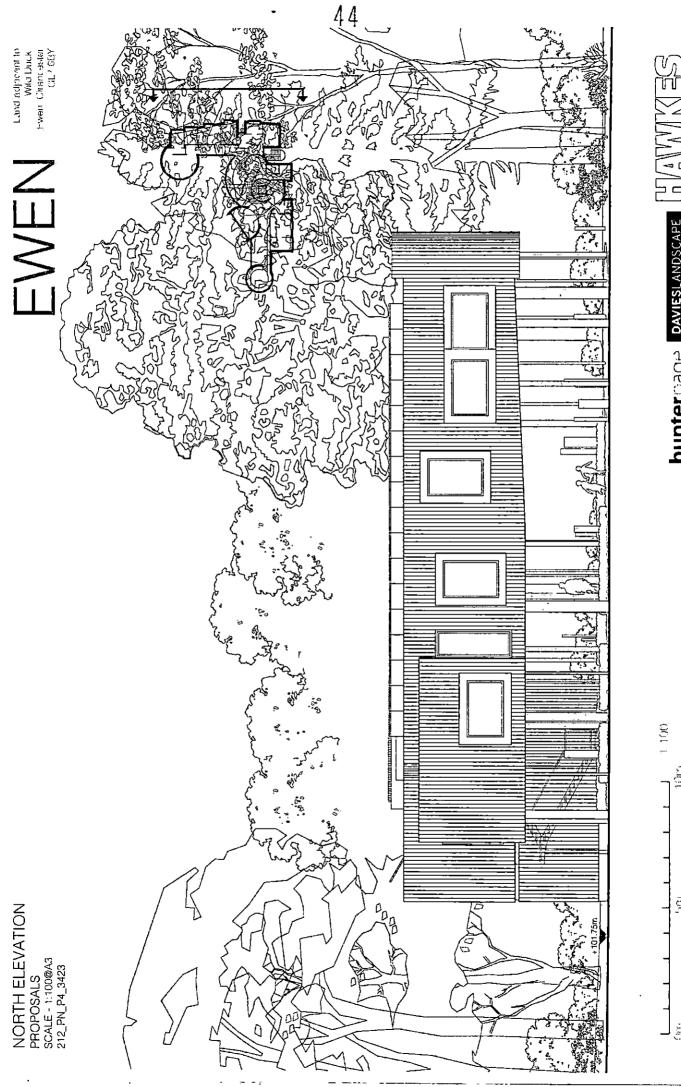




• •



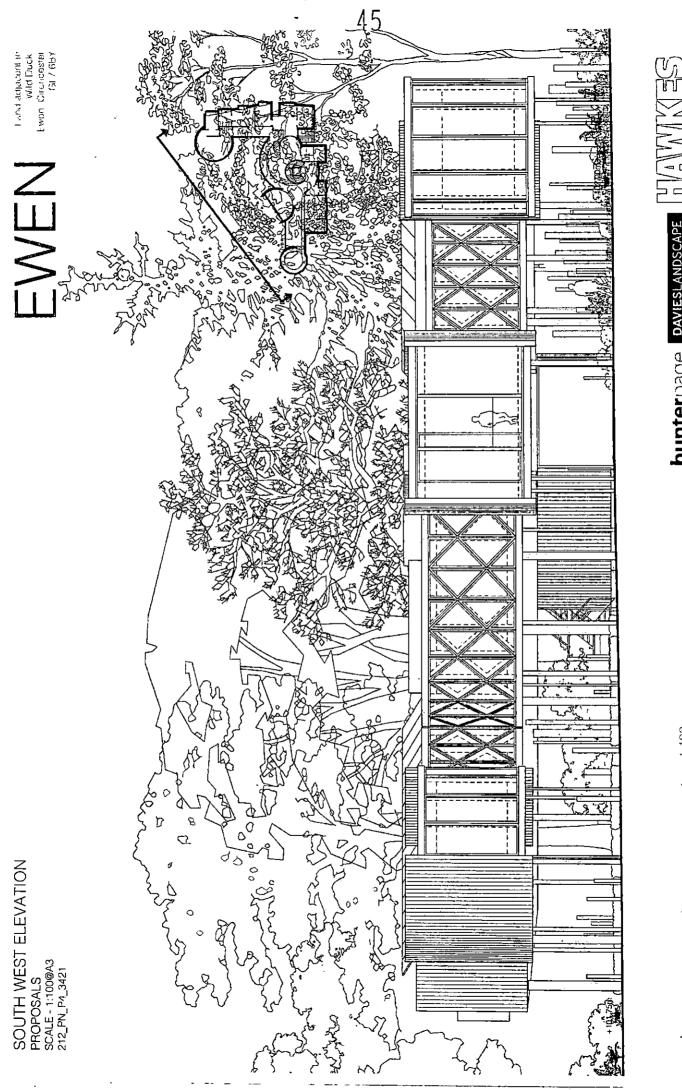




DAVIESLA **hunter**page

1015 Ē

<u>S</u>



DAVIESLAND **hunter**page

> 100 : QIII: μr_j راية. راية



4,6

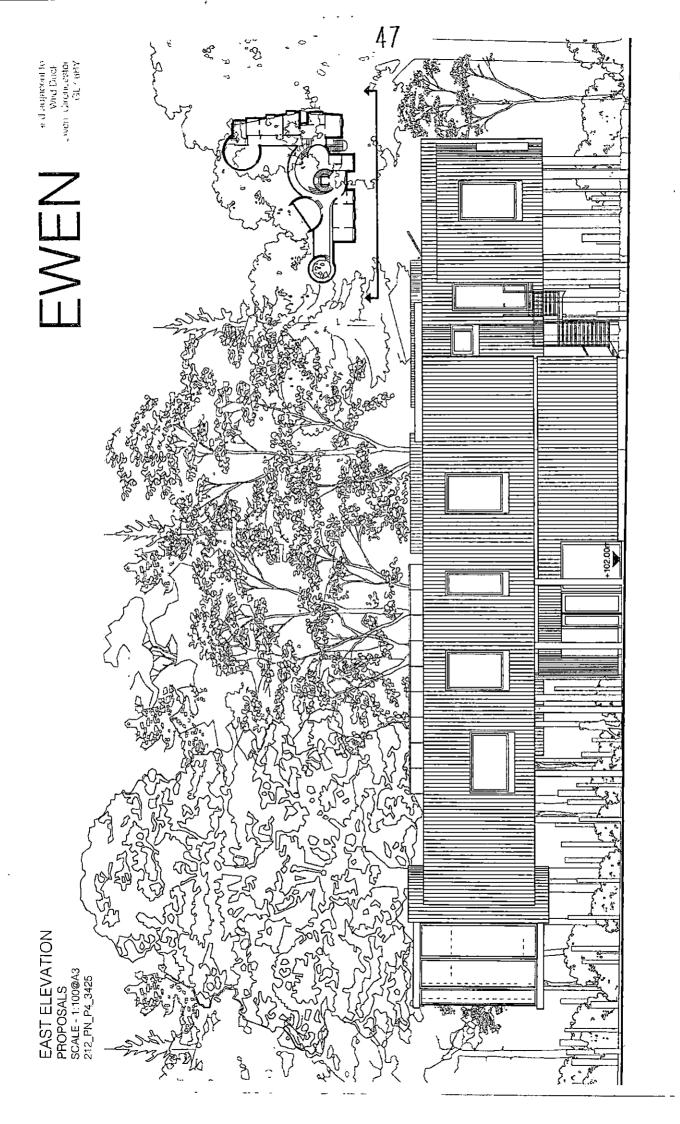
5

٤

ວົ

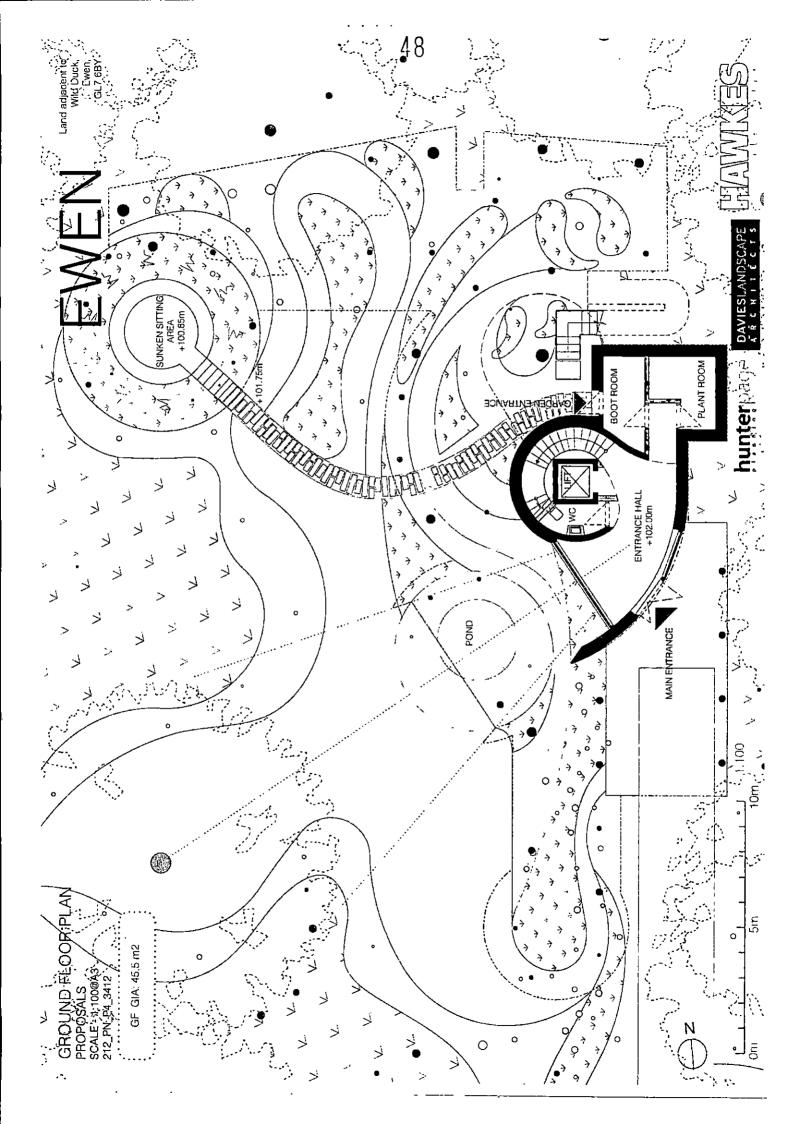


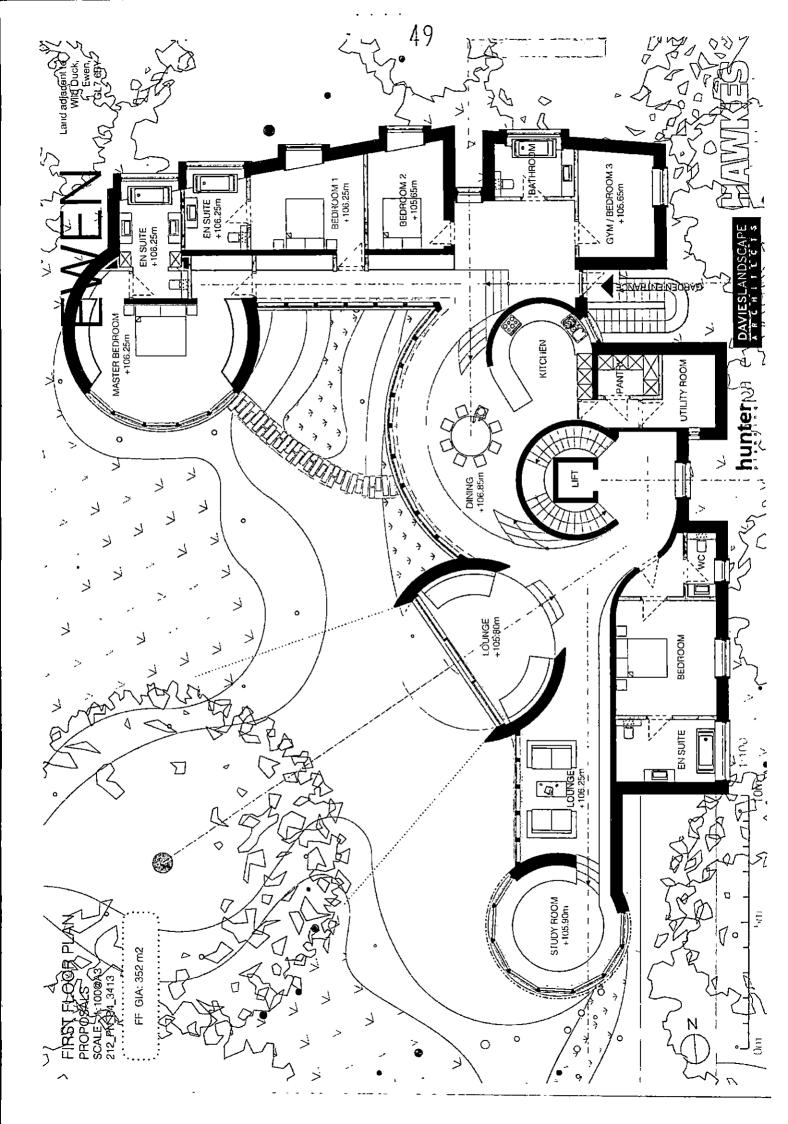
0m 5n 10m 10m

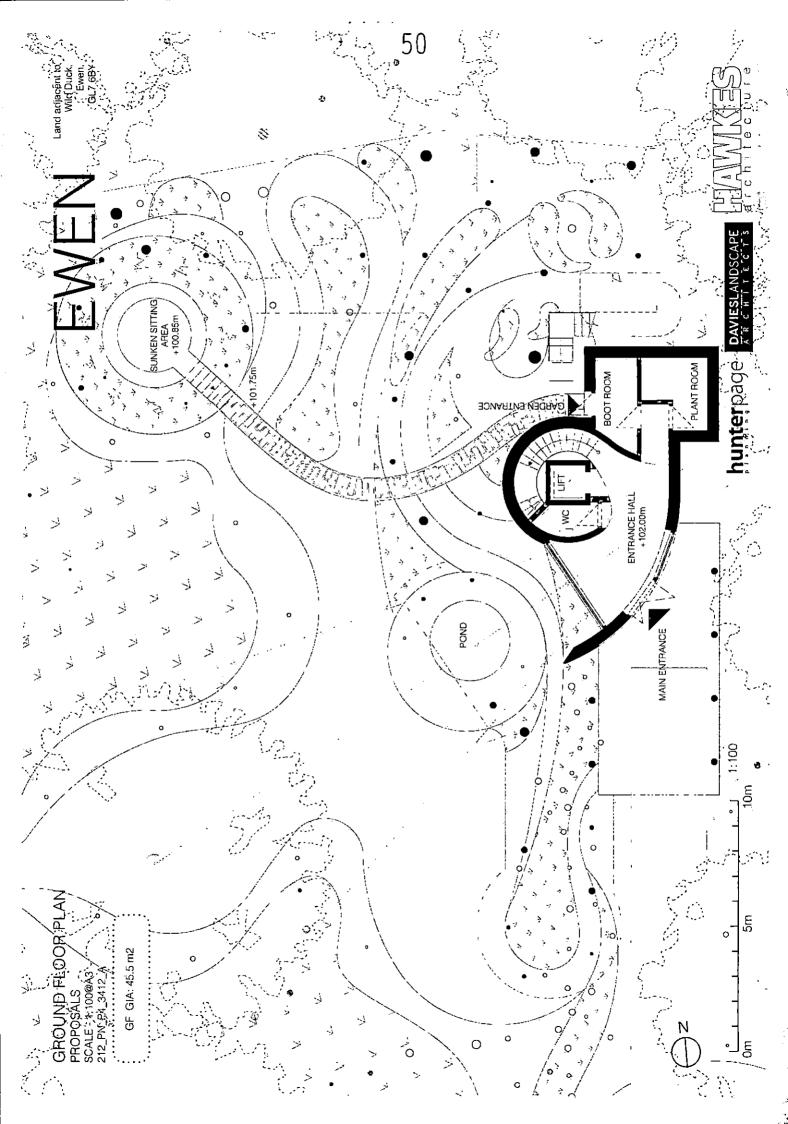


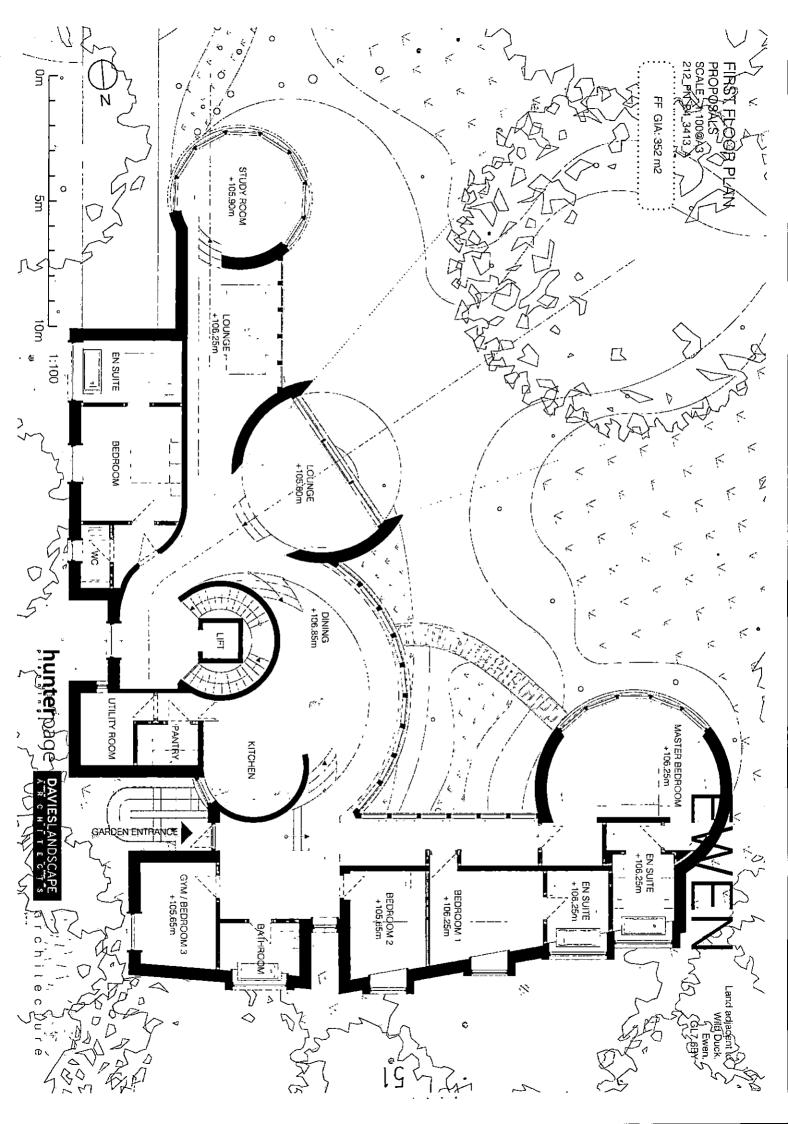


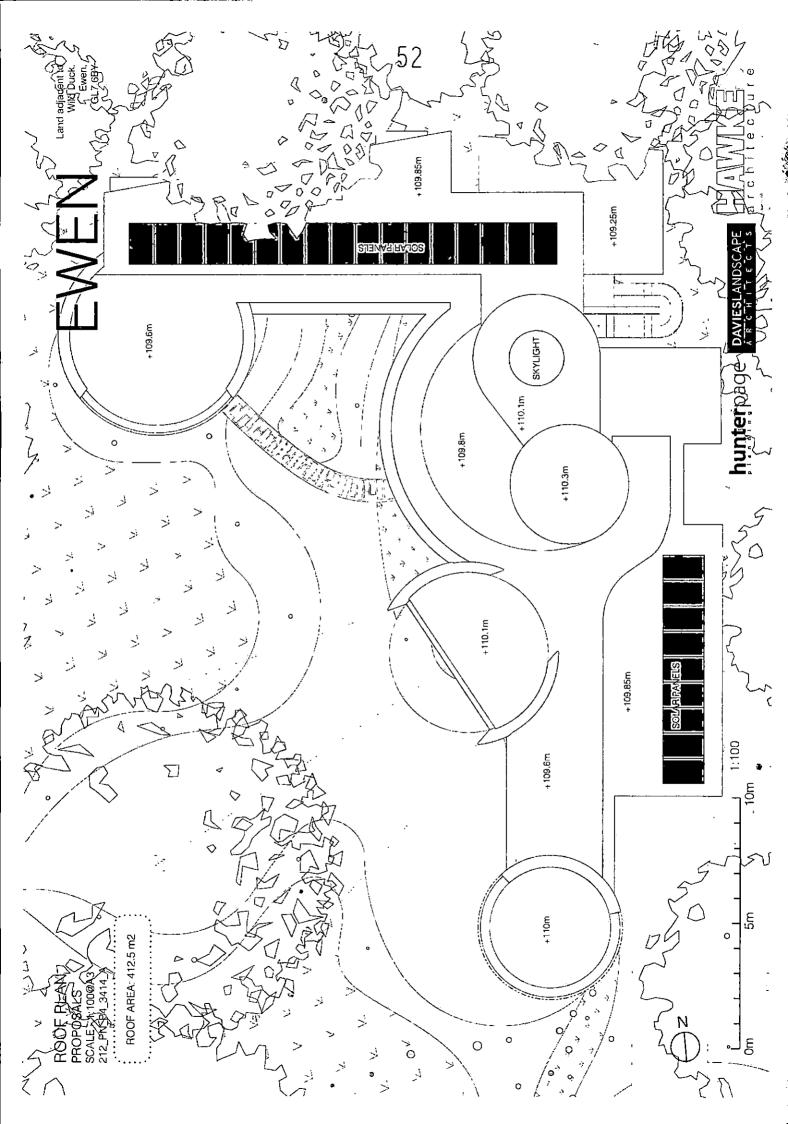


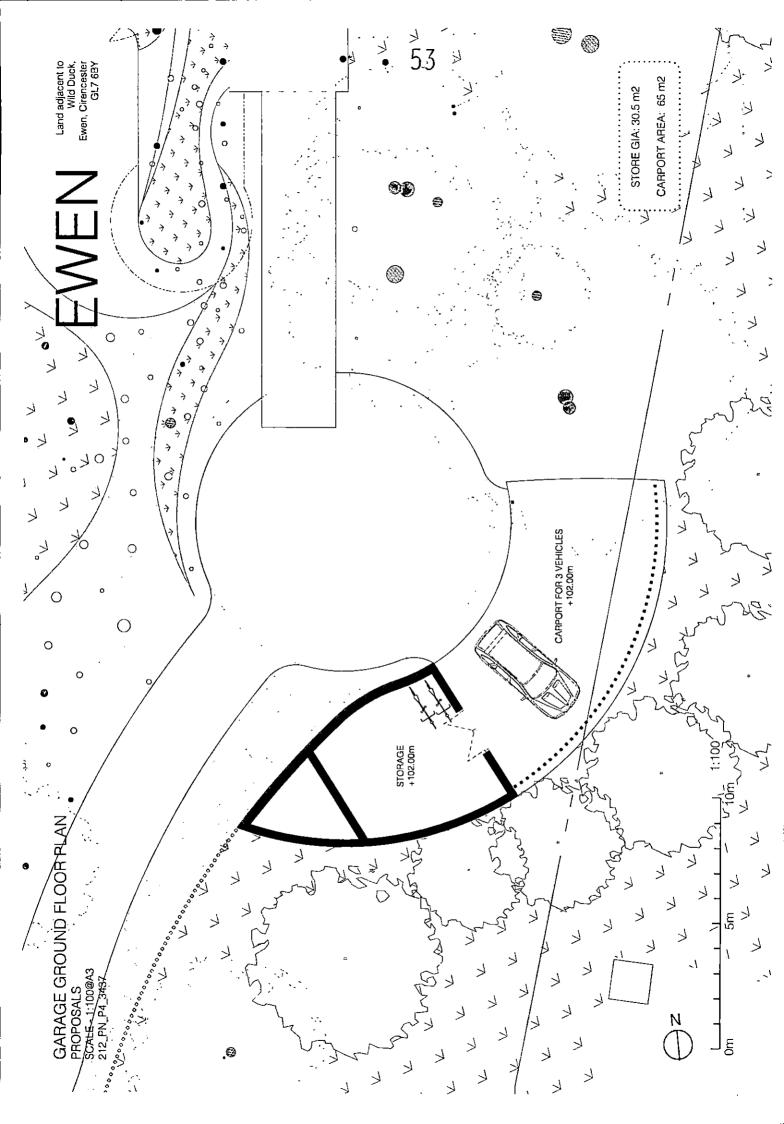


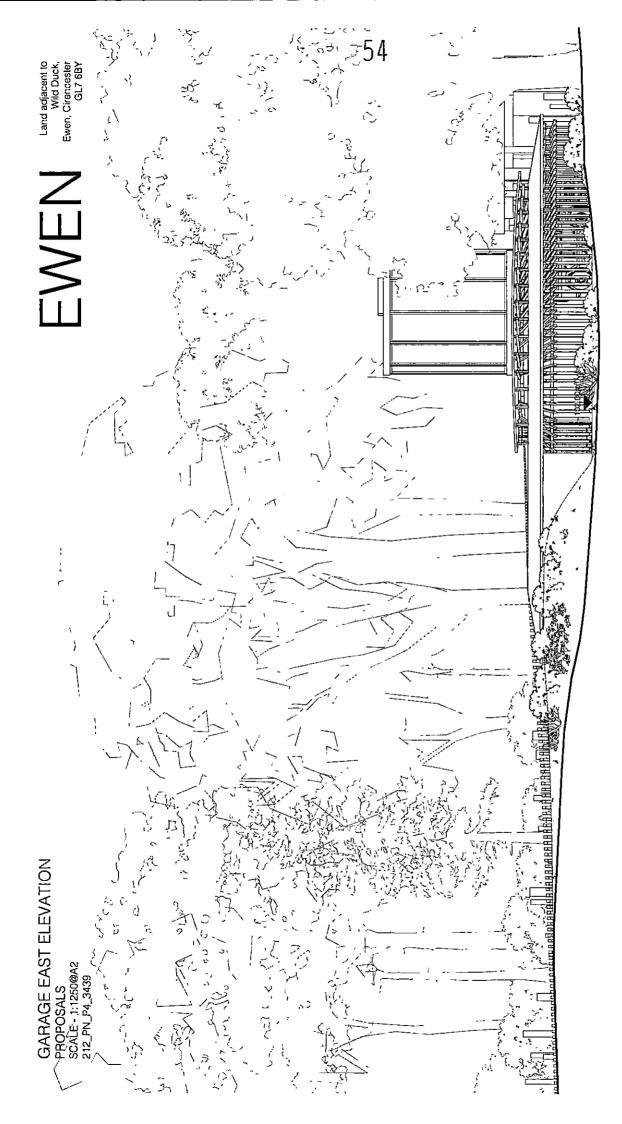


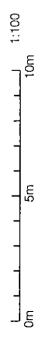












.

