



# COTSWOLD DISTRICT COUNCIL

## TOWN AND COUNTRY PLANNING ACT 1990

### PLANNING PERMISSION

Agent  
The Dolphins Recreation Centre Trust  
96 Teesdale Street  
London  
E2 6PU

Applicant  
The Dolphins Recreation Centre Trust  
Dolphins Hall  
New Church Street  
Tetbury  
Gloucestershire  
GL8 8DS

**New Community Hall and Sports and Youth Building; pair of semi-detached dwellings and all associated landscaping at Dolphins Hall New Church Street Tetbury Gloucestershire GL8 8DS**

**APPLICATION REF: 20/01306/FUL  
FILE REF: CT.1645/J**

**DATE OF DECISION: 26th August 2020**

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

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

- 2 The development hereby approved shall be carried out in accordance with the following drawing numbers: 480DH\_ARC\_PR\_010 Rev. P1; PR\_050 Rev. P6; PR\_200 Rev. P4; PR\_A\_100 Rev. 2; PR\_A\_110 Rev. P2; PR\_A\_200 Rev. P2; PR\_A\_210 Rev. P2; PR\_A\_300 Rev. P2; PR\_B\_100 Rev. P7; PR\_B\_101 Rev. P1; PR\_B\_110 Rev. P6; PR\_B\_200 Rev. P6; PR\_B\_210 Rev. P6; PR\_B\_300 Rev. P5; PR\_C\_100 Rev. P2; PR\_C\_110 Rev. P2; PR\_C\_120 Rev. P2; PR\_C\_200 Rev. P2; PR\_C\_210 Rev. P2; PR\_C\_300 Rev. P2; PR\_D\_200 Rev. P2 and AA/TPP-24.03.20

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

3 Prior to the construction of any external wall of the community hall and sports/youth building hereby approved, samples of the proposed metal cladding in all colour finishes (and confirmation of their application to the two buildings) and samples of the timber cladding showing the final finish (with examples of weathered appearance) shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

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

4 Prior to the construction of any external wall of the dwellings hereby approved, samples of the proposed walling and roofing materials for the houses 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.

5 Prior to the construction of any external wall of the dwellings 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.

6 Prior to the construction of any external wall of the development hereby approved, a sample panel of walling for all boundary and landscape walls, showing capping treatments, 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.

7 No glazed door and window framing including finishes, solid timber doors including finish, reveals, verges, rooflights, solar panels, rainwater goods, surfacing to terrace areas below canopies, or any gates shall be installed/inserted/constructed in the sports/youth building 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 full size moulding 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.

8 No glazed door and window framing including finishes, reveals, verges, rooflights, solar panels, rainwater goods, signage lettering, specification of all surface treatments to landscaped areas and car park, any gates, bin store, air source heat pump, street entrance signage and noticeboard shall be installed/inserted/constructed in the community hall 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 full size moulding 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.

9 No ridges, verges, eaves, heads (notwithstanding as shown to openings on approved side and rear elevations), cills, reveals, windows and doors including finishes, interior finish of porches, rooflights, rainwater goods, specification of hard surfacing, or gates shall be installed/inserted/constructed in the dwellings 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 full size moulding 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.

10 The development shall not start before a comprehensive landscape scheme for the Sports and Youth Building (Step 2 in the Phasing Schedule) has been approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

11 Prior to the first use/occupation of the Community Hall hereby approved a comprehensive landscape scheme for this building and the car parking area (Steps 4 and 6 in the Phasing Schedule) shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

12 Prior to the first use/occupation of the dwellings hereby approved a comprehensive landscape scheme for this building (Step 7 in the Phasing Schedule) shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

13 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 EN4.

14 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.

15 The use hereby permitted shall only be open to visitors during the following times:  
7.00am - 12.00pm Monday to Sunday (including Bank Holidays).

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and the National Planning Policy Framework.

16 No demolition or construction works shall take place including the operation of site machinery or plant, deliveries taken at or dispatched from the site and any other process outside of the following times:

07:30 - 18:00 hours Monday to Friday  
08:00 - 13:00 hours Saturdays

There shall be no working on Sundays or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and provisions of the National Planning Policy Framework.

17 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To prevent pollution of the environment in the interests of the amenity in accordance with Cotswold District Local Plan Policy EN15 and the National Planning Policy Framework.

18 The development shall be completed in accordance with the recommendations in Section 5 (page 14) of the Bat Presence/Absence Survey report dated August 2020 prepared by Keystone Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and the 2 no. bat boxes shall thereafter be permanently retained.

**Reason:** To ensure that bats are protected and biodiversity enhancement provided 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 170 to 175 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.

19 The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

20 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 the approved plans 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.

21 No phase(s) of the development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials, including the timing of deliveries to the site;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities.

**Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

22 The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report 'Arboricultural Method Statement Arboricultural Implications Assessment', dated 7th May 2020. All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

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

23 Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on 'Tree Protection Plan, Map Filename AA/TPP-24.03.20, dated 07/05/2020 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 within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

24 All works within the root protection areas of retained trees must be carried out under arboricultural supervision unless otherwise agreed in writing with the Local Planning Authority. No services within the root protection areas of retained trees 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 EN7.

#### **INFORMATIVES :-**

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

#### **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.

*Christine Gore*

**Christine Gore**

**Interim Chief Executive, 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. It is a developer's responsibility to ensure that the plans granted planning 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.

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