

Appeal Decision

Site visit made on 27 April 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01st June 2017

Appeal Ref: APP/F1610/W/16/3165283

Land North of Tesco, Stow on the Wold, Gloucestershire GL54 1WH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against the decision of Cotswold District Council.
 - The application Ref 16/00139/REM, dated 14 December 2015, sought approval of details pursuant to condition No 2 of a planning permission Ref 13/05360/OUT, granted on 1 August 2014.
 - The application was refused by notice dated 13 October 2016.
 - The development proposed is development of 44 extra care apartments and green open space (outline application with access to be determined) and the construction of a 48 bed dementia care home with associated access, car parking and landscaping (full application with all details to be determined).
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 2 attached to planning permission Ref 13/05360/OUT dated 1 August 2014 subject to the conditions in the attached Annex.

Application for costs

2. An application for costs was made by McCarthy & Stone Retirement Lifestyles Ltd against Cotswold District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Under the original planning application, as reflected in the description of development in my fifth bullet point of the above header, full planning permission was also granted for a dementia care home which is now under construction with the external structure approaching completion. This appeal therefore solely relates to the outline planning permission for the provision of 44 extra care apartments. Any references that I make to the development are therefore relating to that concerning the reserved matters extra care apartments.
 4. From the evidence submitted, including in respect of the proposed occupancy, and despite concerns raised by the Ward Member, Town Council and a number of local residents in this regard, I am satisfied that the appeal scheme
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proposals can be determined within the scope of the outline planning permission.

Main Issue

5. Outline planning permission for 44 extra care apartments has already been granted. Therefore, the principle of such development is not for consideration, nor access details which were approved at the outline stage. Instead it is whether or not the details now submitted are acceptable. On that basis, I consider the main issue to be the effect of the proposed development on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty (the AONB).

Reasons

Character and appearance of the AONB

6. The site is located within the AONB, and in the High Wold Character Area, as identified within the Cotswolds Conservation Board document: The Cotswolds Landscape Character Assessment. It is also adjacent to the Vale of Moreton Farmed Slopes Character Area to the east. Paragraph 115 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in AONBs.
7. The principle of a 44 apartment care home on the site is established and so this is a significant material consideration. Furthermore, the Council highlights that the proposed building would be on approximately the same footprint as that indicated on the illustrative drawings submitted with the outline application and I have no reason to consider otherwise, albeit that layout is in any case a reserved matter. It is also the case that when outline permission was granted, the Council took into consideration the need for such accommodation in balancing the environmental harm it identified would be caused by the proposal against the benefits.
8. Against this background, the proposed development as approved under the outline permission would inevitably comprise a substantial development of the site and the massing of the single building would be greater than any other residential properties nearby.
9. However, the massing and depth of the building would be broken up with varying building lines and widths of the different elements of each elevation. The use of pitched roofs and gable and dormer features on those outward facing elevations would further disguise the substantial depth of the building to some degree, and screen the flat roof elements, helping it to pay general respect to the Cotswold vernacular. The varied size and design of the fenestration, often with narrower windows at first floor level, some ridge, eaves and cill height differences, and the occasional use of render as opposed to stone, would provide further interest.
10. Some of the first floor windows in the smaller gables would have a greater window to wall ratio than in respect of the larger gables. However, the extent of exposed stonework across the development as a whole would remain fairly high, taking account of the Cotswold vernacular in this respect. The proposed use of artificial stone roof tiles would further pay respect to that vernacular. Furthermore, other features, such as where doors adjacent to windows on the ground floors of some of the gables would disrupt the symmetry to some

degree, would be unlikely to be sufficiently prominent as to materially detract from the overall appearance.

11. Therefore, despite the inevitable massing and tight knit effect of the single building, and despite some degree of uniformity such as in terms of the main roof pitches, chimney designs and general use of materials, there would still be a high degree of variation in terms of its outward appearance. Those elements of uniformity would also be likely add a degree of simplicity to the development. Further detailing could also be secured by conditions to ensure an appropriate level of design quality that complements those other existing buildings in the vicinity.
12. It would not replicate the lower density, individuality and segregation of the detached dwellings on the opposite side of Fosse Way. However, for the above reasons, it would provide a degree of variety that, on the approach to the site into the town, would not appear as a single uniform block and continuous frontage. It would also be seen significantly and to varying degrees in the context of the noticeably taller and more imposing building comprising the dementia care home. In the vicinity of the site access, it would also be seen in the context of the substantial Tesco building, albeit that this is of generally fairly modest height, set well back from the road and at a lower level.
13. The degree of set back from Fosse Way and intervening boundary wall, roadside bank and existing and proposed vegetation alongside the road and at the northern end of the site, would further soften the overall massing effect of the proposed development. It would therefore be unlikely to represent a dominant and obtrusive form of development when approaching the town at this gateway location.
14. I have also had regard to the likely effect on vistas when approaching the northern end of the site by road from the north-east, or from a restricted byway, publically accessible on foot, beyond fields to the east of the site within the Farmed Slopes Character Area. The site is in a fairly prominent raised position when seen from the east. However, from those vantage points, the proposed development would be generally well screened or significantly softened by the belt of trees along the eastern side of the site and other intervening vegetation, albeit more so in the summer months with the leaves out.
15. Even if glimpsed through the trees, or seen more clearly were that existing screening/softening effect lost in the longer term, it would still be seen clearly in the close context of the taller and more visible dementia care home. As such, it would not appear as an unexpected, dominating or isolated feature within such vistas or any other longer range views. It would therefore be unlikely to materially detract from the current pleasant openness of the countryside surrounding the existing settlement.
16. I have also had regard to concerns raised about light pollution of the area arising from the proposal. However, it would be located on the edge of and in the context of the existing settlement where there is existing lighting, including street lights along Fosse Way. I have received no substantive evidence to indicate that the proposal would materially add to the general existing emittance of light from this area of the town. The significant tree presence around the site would also reduce the degree of visibility of any light emitted from the site. Furthermore, a condition is attached to the outline planning

permission requiring the submission of a lighting scheme in order to control light pollution.

17. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the AONB. As such, it would accord with policy 42 of the Cotswold District Local Plan which requires development to be designed to respect the character, appearance and local distinctiveness of Cotswold District. It would also accord with sections 7 and 11, including paragraph 115, of the Framework which relate to requiring good design and conserving and enhancing the natural environment.

Other matters

18. I have had regard to concerns raised about provision for adequate parking on the site, including in light of the inadequacy of public transport in the vicinity of the site. However, based on the submitted evidence, the proposed level of on-site parking would be sufficient for the nature of the use and occupancy of the proposed development, also taking account of the town centre being within walking distance. I have not received any substantive evidence to the contrary. Provision would also be made for cycle parking which would be likely to provide some opportunity for non-car use.
19. It is also unlikely that there would be such an increase in traffic movements that would be disproportionate to the nature of the local road network, in terms of any concerns relating to road congestion or additional risk to pedestrian safety alongside Fosse Way. This in any case would have been a factor related to granting the original outline planning permission when the principle of the development was established in this location.
20. With regard to concerns raised about the risks of flooding and provision of adequate drainage, this was a matter considered at the outline stage with the inclusion of appropriate conditions to secure suitable provision for foul and surface water drainage.
21. Some concern has also been expressed about there being scant provision for care or office staff and limited in-house facilities for the residents. However, based on the submitted plans, the proposals would include office and staff room provision, including a staff sleep-over room, a dining room, function room, wellness suite and lounge. I have no substantive basis for considering that such facilities would be inadequate.

Conditions

22. The Council has suggested fourteen conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording. In the interests of clarity, all references to development in the conditions relate to the reserved matters appeal scheme.
23. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be required. The Council refers to Dwg AC-017 in its suggested condition. However, the elevation details in that drawing have been superseded by those shown in Dwg AC-006 revision C.

24. In the interests of the character and appearance of the AONB, conditions would be necessary to secure: completion of the approved soft landscaping; replacement of any approved planted trees or plants which die, are removed, are damaged or become diseased, or grass areas that become eroded or damaged, within 5 years of completion of the landscaping scheme; the repair of the western boundary drystone wall; appropriate materials for the external walls and roofs; sample panels relating to the detailed composition, design and colour of the proposed external walls; all window frames and doors to be of timber construction and their frames recessed by a minimum of 75mm into the external walls; details of the colour(s) of window frames and doors; no use of bargeboards or eaves fascias; full design details of verge and eaves treatments, chimneys and railings.
25. Furthermore, to ensure that appropriate provision is made for the storage of collectable waste, a condition to ensure that such facilities are provided as approved would also be necessary.
26. The appellant has suggested an additional condition to secure the protection of existing trees. Whilst I note that an Arboricultural Survey, Impact Assessment and Method Statement has been submitted, this would need to be updated to reflect the revised appeal scheme. Due to the close proximity of those trees to the area of development on the site, I consider that such a condition would be necessary in the interests of the character and appearance of the AONB.

Conclusion

27. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

ANNEX – Conditions

1. The development hereby approved shall be implemented in accordance with the following drawing numbers: AC-001, AC-002, AC-003 revision D, AC-004 revision C, AC-005 revision C, AC-006 revision C, AC-007 revision C , AC-010 revision C, AC-011 revision C, AC-012 revision C and WM-2222-01-03-LA-001-E.
2. The soft landscaping, as shown on the approved plans, on the boundary of the site shall be completed by the end of the first planting season following the start of construction and the remainder by the end of the planting season immediately following the development being completed or brought into use, whichever is the sooner.
3. 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.
4. The development shall not be brought into use or occupied until the existing Cotswold drystone wall fronting the Fosseway (the western boundary of the site) has been repaired and made sound in accordance with the approved details.
5. Notwithstanding the approved details, the external walls of the development hereby permitted shall be built in a mix of Huntsman Quarry split building stone and K Rend 'buttermilk' render. The distribution of natural stone and render shall accord with the elevational drawings hereby approved.
6. Prior to the construction of any external wall of the development hereby approved, samples of the proposed roofing material shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved material.
7. 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. 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.
8. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority. 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.

9. All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.
10. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.
11. Notwithstanding the approved details, prior to the first occupation of the development hereby permitted, the window frames and doors shall be painted in a colour(s) to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour(s).
12. No bargeboards or eaves fascias shall be used in the proposed development.
13. No verge and eaves treatments, chimneys or railings shall be installed/inserted/constructed in the development hereby approved, until full details of their design have been submitted to and approved in writing by the Local Planning Authority. The 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 thereafter.
14. Provision for refuse/waste storage shall be completed in accordance with drawing number: AC-003 revision D prior to the development being brought into use.
15. Notwithstanding the submission of the Arboricultural Survey, Impact Assessment and Method Statement dated December 2015 (Ref WM-2222-01-03-AS-002), no development shall take place until a revised version of that document has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved, "retained tree" meaning an existing tree which is to be retained in accordance with the approved plans and particulars.