

Item No 03:-

17/01218/REM

**Land Parcel Adj To Bretton House
Station Road
Stow-On-The-Wold
Gloucestershire**

Item No 03:-

Reserved Matters application (providing details of appearance, landscaping, layout and scale) pursuant to outline permission 13/05031/OUT for the development of a Continuing Care Retirement Community consisting of extra care accommodation, communal facilities, internal highways, car parking and associated works at Land Parcel Adj To Bretton House Station Road Stow-On-The-Wold Gloucestershire

Approval of Reserved Matters 17/01218/REM	
Applicant:	Liberty Retirement Living
Agent:	Tetlow King Planning
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Dilys Neill
Committee Date:	8th November 2017
RECOMMENDATION:	PERMIT SUBJECT TO THE RECEIPT OF AMENDED LANDSCAPING PLANS

Main Issues:

- (a) Background
- (b) Design, Scale and Residential Amenity
- (c) Landscape impact within an Area of Outstanding Natural Beauty
- (d) Highway impact
- (e) Impact on protected trees
- (f) Biodiversity

Reasons for Referral:

The proposals are for reserved matters approval for a major development in a rural location and the application has therefore been advertised as a Departure from the Local Plan. The Local Ward Member, Cllr Dilys Neill, has also requested that the application be considered by Planning Committee.

1. Site Description:

The application site is an area of land approximately 2.63 ha in size, that is currently grassland located to the east of the A429 Fosse Way and Bretton House, which is a large detached property to the south-west. The site is to the south-west of Stow-on-the-Wold, with the land immediately to the north being used as allotments and cemetery. To the east is Chamberlayne House, a two-storey building containing 21 apartments, and properties on Bartletts Park. To the south is agricultural land, with the site currently accessed from the Fosse Way by way of an existing field gate.

The land rises from east to west by approximately 10 metres, and generally has an overgrown appearance of grassland with a number of mature trees to its boundaries. Some of those to the western boundary, next to the A429, and along the southern boundary, are subject to Tree Preservation Orders, with other boundary treatments including a stone wall to the A429, trees, hedgerow and fencing.

There are two buildings upon the site, which are single storey structures that appear to have formerly been used for housing animals / storage use. Other residential properties are located on the western side of the A429, as well as a recently constructed Gospel Hall.

The site is located outside the development boundary allocated for Stow-on-the-Wold in the Cotswold District Local Plan, and is also within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2. Relevant Planning History:

15/05031/OUT: Outline application to include details of the means of access for a Continuing Care Retirement Community (Use Class C2). The development will incorporate a core building (including Care bedrooms, Close Care units, Linked Assisted Living Units and ancillary facilities), detached Assisted Living Units, landscaped grounds, internal highways, car parking and associated works. Refused 13.03.2014; Appeal allowed 21.07.2015

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR05 Pollution and Safety
 LPR09 Biodiversity, Geology and Geomorphology
 LPR10 Trees, Woodlands and Hedgerows
 LPR19 Develop outside Development Boundaries
 LPR24 Employment Uses
 LPR32 Community Facilities
 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 into the report

Landscape Officer: No objection in principle, amendments to proposed planting requested

Biodiversity Officer: No objection subject to conditions

Tree Officer: No objection subject to conditions

Highway Authority: No objection

Environment Agency: No comment

County Archaeologist: No objection as condition attached to outline permission

5. View of Town/Parish Council:

Stow-on-the-Wold Town Council:

Comments received 26/4/17

As you are aware this council has received no formal approach in terms of giving pedestrian access to the allotments in their ownership. However, Mr Sneddon said last night that his client had given him permission to begin negotiations with the council with regard to this.

The objections to the plans are as follows:-

- Deeply concerned with the design of the buildings which are totally alien to the Cotswolds vernacular. Cotswold District Council should insist that the developer be asked to submit new plans bearing in mind this is a hill top development that will be seen for miles. The revised plans should reflect a more traditional design for the buildings in keeping with the Cotswolds and the

historic town of Stow on the Wold. It was summed up by one member saying 'it looks like a 1970's office development'!

- Object to balconies; French windows and the overall expanse of glass and plain facades. In relation to the expanse of glass members are concerned that the sun will reflect on the glass and will be seen for miles around.

- Height of buildings should be reduced to two storeys maximum.

- All boundaries should be shielded with particular emphasis on the boundary with Chamberlayne House who bear the brunt of this development. Council suggest a berm with tree planting to be created to shield the outlook from Chamberlayne House.

- Historic wall on allotment boundary must be restored along with any other stone walls on all boundaries. Members were told by the architect that it was their intention to restore all the walls but council would like this placed as a condition of planning.

In a nutshell the council appreciate that outline permission has been given and therefore development will take place. This is why they are very anxious that the plans submitted should be amended and that the revised ones should be of a design much more in keeping with its surroundings and location. This design may work in a town like Cirencester or Cheltenham but not in Stow on the Wold.

Finally, the council would also like to comment that this is yet another large development in the town which offers little for the community. No affordable housing because it is a C2 classification and apart from a footpath extension on A429 offers nothing to compensate the impact that this development will have on the town and its residents.

Comments received 14/8/17

This council strongly supports the adverse comments on this application made in the Conservation Officer's response dated 2nd August 2017 and those made by Mangersbury Parish Council too.

Despite minor adjustments, the proposed design still shows little attempt to reflect the Cotswold style. The design is a stark utilitarian institutional style that would be unattractive even in an urban setting and has no place in a sensitive location in the Cotswold AONB.

Council consider the proposed three storey blocks to be particularly obtrusive and their clumping together will create a sombre unattractive feature visible from miles around and should be eliminated from the design.

Comments received 12/9/17

The Planning, Traffic & Parking Committee met last night to discuss the amendments to the above application.

They have asked me to confirm that their original objections still stand and feel that any changes that have been made are merely 'window dressing'.

The council will be asking Cllr Dilys Neill to call this application in if appropriate and no doubt in due course the council will be advised when it will go before the Planning Committee for a decision.

Comments received 4/10/2017

I respond on behalf of council in relation to the latest amended plans for the above planning application on land adjacent to Bretton House.

Firstly, the council wish to make it clear that the adjacent allotments land is in their ownership and does not have a PROW through it. If you look at the plans it clearly gives the impression that there is unlimited access from the development site to the allotments. The council therefore insist that the plans are redrawn to show the boundary fence. If a potential purchaser was buying off plan then the current plans could mislead them to believe that they could access the town via the allotments/cemetery. This is not the case and access will be via the main entrance to the site down the A429. The council has not been approached by the developer or any of its agents in relation to gaining access.

With regard to the revised plans the council say that they show no improvement whatsoever and in fact believe have taken a step backwards. Their original objections relating to design, landscaping etc. still stand and the design approach is totally alien to the Cotswold vernacular which is on a hill top site and will be seen for miles around.

Maugersbury Parish Council:

Comments received 3/5/17

Maugersbury Parish Council has carefully considered application 17/01218/REM for the land parcel adj to Bretton House, Station Road, Stow on the Wold and wishes to object to the application based on the points set out below:

1. We are concerned, from looking at the site plan, that the footprint of the buildings appears to be larger than that given outline planning permission. Any increase in the mass of buildings is of grave concern. This development is on the edge of town on a highly visible approach. The volume of buildings should be kept to the absolute minimum given the sensitive nature of being in an ANOB (sic) in order to minimise the environmental damage of this development.
2. The design of the proposed buildings is completely out of keeping with Stow-on-the-Wold and totally inappropriate to such an elevated and visible location within the ANOB (sic). We recognise that unfortunately outline planning permission for this site was granted on appeal. It is therefore of great importance that we ensure that the development that takes place is as sensitive to its location as possible.

Buildings should be a maximum of two stories on such an elevated site. Nothing in the immediate surrounds of the development is of such a height and therefore should they be allowed they would totally dominate the landscape and the properties bordering the site. One only has to look at the building being built on the site north of Tesco to see how overpowering a three storey structure looks in context.

The elevation drawings submitted with the application show a huge mass of buildings resembling an office complex. Totally unsuited to such a sensitive environment. Large quantities of glazing that are not only not of the Cotswold vernacular but will reflect sunshine making the scheme even more visible.

The application speaks on numerous occasions about leaving avenues to give views to the landscape. The concern here should be that these avenues may result in damaging views of the development from the surrounding protected landscape.

3. The proposed scheme has made completely inadequate provision for parking on site, just 124 spaces. There are a total of 106 units with a total number of 207 bedrooms. In addition to this are all the staff requirements (40 per 24 hours to start with, up to 100 as the scheme progresses) and visitors to both residents and the proposed Community Hub. The scheme accommodates the over 55's which is by no means old by modern standards. Unless there is a no-car policy when people purchase the properties than we think it is reasonable to assume that a large proportion of residents in the 55-70 age bracket will have a car, especially if they want to explore the beautiful Cotswolds. You also have to consider staff shift changes. Stow-on-the-Wold already has severe

parking challenges due to the period nature of properties within the town. It is imperative that this scheme addresses this under-provision.

4. The Parish Council still has grave reservations over the access onto the A429. It is our understanding that this element may not have been given approval at appeal and is to be determined in consultation with CDC. How will traffic turn in and out of the development safely and without causing significant traffic flow problems to an already heavily congested route?

5. Mangersbury Parish Council has serious concerns over the issue of light pollution resulting from the scheme. As already mentioned the site is on a prominent approach to Stow and as such will be highly visible. Currently there is no light pollution on that side of the road as you approach the town and so the lighting impact of the scheme needs to be kept to an absolute minimum.

6. The Council also has concerns over the proposed Community Hub. A retirement village of this size should be part of/and add value to the community of Stow, not create an enclave on the edge of town. Stow already has a wonderful library which needs to be fully utilised in order to ensure it remains as a service for the local community. Many of the residents of this scheme will be perfectly capable of walking the short distance to town to make use of this fantastic facility. For those that are not, perhaps a scheme could be set up on site whereby those more able bring books for the less able or Liberty Retirement could engage with the Gloucestershire Library service about providing a mobile service.

The same can be said for a hairdressing salon of which there are numerous already in town. Again we are sure some of these would be delighted to have the opportunity to provide a mobile service to those residents unable to visit their salon.

The same principles apply to many of the other services being proposed for the community hub. We would like to see much more creative thinking and collaborative working to integrate this retirement community in to Stow, resulting in community benefits for both the residents and businesses of Stow and the residents of the proposed development.

7. The application references the need for 100 staff once the project is completed. We would like to see some of the site used to provide truly affordable housing to house some of these staff, who will otherwise be unable to afford housing in Stow. Not only would such provision improve the demographic mix in Stow it will also reduce the amount of staff travel to the site, helping to improve the sites sustainability footprint.

8. Our final comment relates to the Statement of Community Involvement. We would like it noted that Mangersbury Parish Council feels this engagement has been woefully inadequate.

A community consultation event was held on Friday 10th March with just one week's notice. A very limited consultation brochure was issued at a similar time. We note from the CDC planning portal that this application was received by the Council on 17 March, just one week later. No comprehensive details of the design look of the development were shown either in the brochure or at the event (especially not the three storey heavily glazed sections). It is hard to comprehend how comments from that meeting would have had any time to have fed into the project design in that time frame, let alone any comments from the postal brochures that were sent out. We find this lack of community engagement extremely disappointing.

Comments received 8/8/17

1. We still have concerns in regard to the visual impact of this development as the site plan hasn't changed, apart from some minor changes in building height. The footprint of the buildings still appears to be larger than that given outline planning permission. Any increase in the mass of buildings is of grave concern. This development is on the edge of town on a highly visible approach. The volume of buildings should be kept to the absolute minimum given the sensitive nature of being in an AONB in order to minimise the environmental damage of this development.

2. The design of the proposed buildings is still out of keeping with Stow-on-the-Wold and inappropriate for such an elevated and visible location within the AONB. We recognise that unfortunately outline planning permission for this site was granted on appeal. It is therefore of great importance that we ensure that the development that takes place is as sensitive to its location as possible.

There has been very minimal change to the look of the buildings since the last application of Reserved Matters. The windows are now more ordered so as to mimic the local vernacular better but there are still large areas of glazing, which give us concern given the highly visible nature of the site. We note that the height of some buildings have been reduced but others increased. This may help alleviate concerns in regard to over-shadowing surrounding buildings but does nothing to remove the issue of the buildings being highly visible for miles around. Three-storey buildings are not appropriate on such an elevated site. Nothing in the immediate surrounds of the development is of such a height and therefore should they be allowed they would totally dominate the landscape. One only has to look at the building being built on the site north of Tesco to see how overpowering a three storey structure looks in context.

3. Given the footprint of the scheme appears to be unchanged from the previous application we presume that the number of proposed car parking spaces is still 124. We restate our previous concern that this is an inadequate number of spaces given the number of units and the number of staff. Stow-on-the-Wold already has severe parking challenges due to the period nature of properties within the town.

4. The Parish Council still have grave reservations over the access onto the A429. How will traffic turn in and out of the development safely and without causing significant traffic flow problems to an already heavily congested route.

5. Mangersbury Parish Council have serious concerns over the issue of light pollution resulting from the scheme. As already mentioned the site is on a prominent approach to Stow and as so will be highly visible. Currently there is no light pollution on that side of the road as you approach the town and so the lighting impact of the scheme needs to be kept to an absolute minimum. We therefore ask that the District Council carefully consider the 'External lighting and power layout' when making their decision.

Comments received 8/10/17

Mangersbury Parish Council (MPC) has considered the latest version of plans for this scheme and does not consider them to be materially different from the original. MPC therefore continues to oppose this application.

MPC's original submission is still relevant and is repeated here for your assistance. Please use this as the basis for MPC's detailed comments.

MPC does recognise that the realignment of the windows and doors has made some improvement to the aesthetics of the scheme, but the major issues of mass and scale have not been addressed. Simply moving three-storey buildings from the edge of the site to the middle does not reduce the impact on the AONB on such a prominent site.

MPC also notes that the Landscape Officer has instructed that many of the trees shown on the landscape plan need to be removed as they have been given insufficient space to thrive. This further raises MPC's concerns about the impact on the landscape.

This scheme continues to be out of context with other buildings in the surrounding area and totally inappropriate for a sensitive site in an AONB.

Broadwell Parish Council:

Comments received 27/4/17

Broadwell Parish Council wishes to make the following comments in relation to this case:

- Broadwell Parish Council strongly objects to this application on the grounds that the proposed plans for the access arrangements have yet to be approved by Cotswold District Council.
- The dangers of any access onto and off the A429 at Stow Hill are highlighted by the Prohibition of Driving Order (PLT 728) that was issued in 1987 along the Arch Road that joins Stow Hill from Mangersbury, approximately 600m from the application site access.

Similarly, application ref: 10/01305/FUL, Beech Tree Cottage, Station Road, dated 26th May 2010, to change the access of a dwelling onto Stow Hill approximately 400m south of the application site access, was refused for the following reason: 'The vehicular access is located at a point on the Class 1 (A429) County Highway where visibility is restricted and the vehicular turning movements would be likely to increase highway dangers and create more hazardous conditions to the detriment of highway safety'.

Potentially, the ONLY option that would provide safety to users of this access in conjunction with the A429 would be the introduction of traffic lights, as used further north at the Tesco site in town. However, the speed reductions and alterations to road conditions that will be required to ensure safety for northbound vehicles on Stow Hill, will reduce the overtaking capacity of this stretch of road exponentially. The congestion that the town deals with on a daily basis will only be further exacerbated by lengthy waits at four-way traffic lights at this access.

- Likewise, access for pedestrians has not been addressed. This development is planned alongside a main arterial road (The Fosse Way.) It is not designed for a mass housing estate and will pose an immediate danger to pedestrians. The safety of pedestrians (particularly the elderly and infirm for whom this development is catering for) has not been considered at all in these plans.

- That Broadwell village will be used as a shortcut or escape route for road users wishing to avoid the traffic congestion that will ensue. Such traffic will be a safety issue to residents as there is a play area in the centre of the village.

- Due to the heights of the buildings, they will be visible from a great distance and will therefore have a negative impact on the landscape of this AONB, severely altering the demography of Stow on the Wold. Chapter 2 of The (emerging) Local Plan covers the Cotswold environment. Policy 7 in particular, relates to the AONB, and states:

In the consideration of proposals for development of land within or affecting the Cotswolds AONB, shown on the Proposals Map and Insets, the conservation and enhancement of the natural beauty of the landscape and countryside will be given priority over other considerations.

In the consideration of proposals within the AONB, regard will be had to the economic and social well-being of the area and its communities.

Major development will not be permitted within the AONB unless:

(a) it is in the public interest including in terms of any national considerations and the impact of permitting it, or refusing it, on the local economy; and

(b) the lack of alternative sites outside the AONB and of means of meeting the need in some other way justifies an exception being made. The Parish Council feels there is little evidence to show how this development meets this Policy.

- The architectural design of the properties is not in keeping to that of the Cotswolds, in a designated area of AONB and particularly the immediate local area. The whole application needs to be considered in relation to local need. Again, we would bring to your attention

Policy 7 of the emerging Local Plan along with Policy 42 The Cotswold Design Code (from Existing Local Plan)

'New development shall comply with the Cotswold Design Code in respect of the Cotswold Style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

Again, the Parish Council feels there is little evidence to show how the plans meet this design code.

- The light and noise pollution that such a big development will undoubtedly bring has not been properly investigated.

- No facilities have been offered by the developers to mitigate the impact of this application. (Section 106). The local Doctors surgery is already over-subscribed and the small town pharmacy would struggle to cater for such an increase in its service. Details of any in-house medical facilities that service users will require have been omitted in this application. In the original application, an extra-care facility was planned for inclusion, which would have met the medical needs of service users. This has now been discarded.

- Insufficient parking for staff, residents and visitors are also a concern in this application. This will put further pressure on the already over-burdened town car parks, particularly the carpark situated at Tesco.

- Likewise, inadequate investigation has taken place into the affects this development will have upon the current sewage system. Thames Water has not sufficiently investigated the suitability of the drains to take on sewage from this large development.

- The application is flawed in that it bears little resemblance to the original application

6. Other Representations:

30 representations have been received objecting to the proposal, raising the following comments:

- Too late to object to principle as outline permission granted, but the scale of development is too large
- Impact of external lighting
- Site is elevated and within an AONB
- Access is dangerous but the Inspector disregarded this
- Would request a speed camera be installed
- 3 storey development is too large
- Design changed significantly from that indicated at outline stage
- Concerned over materials to be used
- Impact upon neighbouring development, particularly Chamberlayne House
- Concerns of Planning Committee over the proposed entrance have not been addressed
- Access onto the A429 is dangerous
- The new access was not approved at outline stage and is contrary to the Council's evidence at the Inquiry
- Already significant demand upon local doctors
- Impact upon wildlife
- Drainage concerns
- Stow does not need this development
- The appeal decision states that details of the access should be submitted before development commences, this has not happened
- No provision for shared ownership meaning young people will be driven away
- Design not appropriate for Cotswold vernacular; gables too wide and proportions wrong
- Community Infrastructure Levy payments must be made
- Staff will not be able to afford to live in Stow
- Scheme is too dense

- Design looks like an office block
- Parking provision is inadequate
- Site is larger than that given permission
- No pedestrian access should be allowed to the allotments

7. Applicant's Supporting Information:

Design and Access Statement
 Arboricultural Impact Assessment
 Flood Risk Assessment
 Extended Phase 1 Habitat Survey Report
 Statement of Community Involvement
 Environmental Noise Assessment
 Landscape Management and Maintenance Schedules

8. Officer's Assessment:

(a) Background

Outline planning permission was granted on appeal following the refusal by the District Council of application 13/05031/OUT, which was an 'Outline application to include details of the means of access for a Continuing Care Retirement Community (Use Class C2). The development will incorporate a core building (including Care bedrooms, Close Care units, Linked Assisted Living Units and ancillary facilities), detached Assisted Living Units, landscaped grounds, internal highways, car parking and associated works'.

Following a Site Inspection Briefing, the application was refused for the following reasons: -

1. The introduction of a new vehicular access on to the A429 will result in additional turning movements from the application site that will interrupt traffic flows on a busy route. In particular, vehicles crossing the flow of traffic to head north after exiting the site, the risk of conflicting turning movements with the access to the Gospel Hall site opposite, and the lack of information regarding non-motorised users, would have a severe impact upon highway safety by way of additional congestion and danger. Furthermore, no exceptional circumstances have been advanced that would demonstrate that this major development in an Area of Outstanding Natural Beauty is in the public interest, such that the benefits of the proposal would not outweigh the harm of the development. The proposal is therefore contrary to Policy 38 of the Cotswold District Local Plan and Paragraphs 32 and 116 of the National Planning Policy Framework.

2. In the absence of a Legal Agreement to secure highway improvements and the provision of a Travel Plan, the proposal is contrary to Local Plan Policies 38 and 49, and the National Planning Policy Framework.

3. In the absence of a Legal Agreement to secure the retention of the development as a Class C2 Residential Institution, and to provide for local care needs, the proposal is contrary to Local Plan Policies 19 and 49, and the National Planning Policy Framework.

The application was in outline with all matters reserved for future consideration other than the means of access, with a new entrance to be constructed onto the A429 Fosse Way, approximately 13 metres to the south of the existing field gate. The proposal was for the development of the site to provide a Continuing Care Retirement Community (Class C2 use). This description is a concept or model designed to meet the changing needs in accommodation, within a single planning unit, of those people requiring varying degrees of care as they become older, ranging from those who are still relatively active to those requiring constant care. Consequently, residents are able to move through the 'dependency scale', according to changing needs, by using the different types of accommodation that the model provides whilst maintaining familiarity with the community and access to its facilities.

The scheme included an indicative layout that showed that accommodation would, in part, be provided by a core building, 'Care Centre', ranging in height from 2 1/2 to 3 1/2 storeys, which would include the provision of a restaurant, cafe, and 'Wellness suite' that would provide facilities such as a hairdressers, spa and treatment rooms, consulting/treatment room, laundry, library and IT room, as well as staff offices. The supporting statements provided with the application referred to 43 full-time and 50 part-time jobs being created.

A 3-day Public Inquiry was held between 31st March and 2nd April 2015, with the appeal decision being issued on 21st July 2015. This granted outline planning permission, and a copy of this decision is attached as an Appendix to this report. The outline planning permission was approved subject to a Section 106 agreement which sets out qualifying criteria for residents (over 55 years or registered disabled), provision of communal facilities and village transport package as well as minimum care package requirements amongst other requirements.

This principle of the development has therefore been established. Within the conditions imposed by the Inspector, Member's attention is drawn to condition 7 which states that 'In accordance with the application details, the total floor space hereby permitted shall not exceed 11,690 sq metres.'

(b) Design, Scale and Residential Amenity

The proposal would provide a total of 106 residential units, in the form of both apartments and bungalows, as set out below: -

- 30 x 1-bedroom apartments
- 48 x 2-bedroom apartments
- 18 x 3-bedroom apartments
- 3 x 2-bedroom bungalows
- 7 x 3-bedroom bungalows

There would also be a main communal building located towards the north-eastern corner of the site, which would provide a range of facilities including: -

- Restaurant - open to residents and the public with provision for 80 covers;
- Bar - incorporated into the restaurant space for purchase of beverages by residents and the wider community;
- Hairdressers and Beauty Salon;
- Gym - small gym containing a range of equipment for light exercise and fitness;
- Library / Reading room;
- Activity room- flexible space for residents and public use;
- Spa - relaxation suite;
- Changing Rooms - located next to spa, gym and treatment rooms;
- Staff Facilities including office spaces for administration and domiciliary care; and
- Roof Garden.

A total of 21 apartments would also be provided within the main building. The proposed layout also includes the provision of 5 courtyard areas around which the proposed residential units would be arranged, in addition to a Village Green adjacent to the main building.

It should be noted that under the terms of the S.106, the communal facilities are not exclusively provided for use by residents, and may be used by the wider public.

With regard to the remaining residential accommodation, as stated above this would vary in form from bungalows to 2 and 3-storey height buildings. The bungalows are shown to be sited around the western and southern boundaries of the site, whilst the scheme has been amended to include the 3-storey apartment buildings within the heart of the site.

Having regard to condition 7 of the appeal decision, which sets a maximum floor space of 11,609 sq metres, the development as proposed total 11,491 sq metres. Therefore, whilst there are

objections to the development from third parties with regard to the scale of development, Members should note that what is proposed is less than what the Inspector determining the appeal against the refusal of outline planning permission considered to be acceptable.

The design of the proposed buildings has been subject to considerable discussion between Officers and the applicant, and has been amended in response to concerns that have been raised. This has included discussion over the scale and layout of the proposed buildings, the proportions of the form and roof pitches, eaves details, window and door design. Whilst Officers still have some concerns regarding the detail of the proposal, a balance has to be made with regard to the scale of development considered acceptable at the outline stage, and it is considered that the proposal has now reached the stage where further amendments are unlikely to be agreed by the applicants. Officers acknowledge that in the balance Members may conclude that the design fails to pay sufficient regard to the context of the site and the local vernacular to warrant refusal notwithstanding the benefits that will accrue from the scheme.

The Design and Access Statement indicates that the proposed materials would be rough dressed Cotswold stone, with smooth dressed Ashlar stone at the entrances. The proposed roofing material would be primarily slate tiles, although the 3-storey buildings would have a light brown tile. Officers consider that the use of an artificial Cotswold stone slate would be more appropriate, and the recommended conditions are worded to this effect. However, all proposed materials can be the subject of a condition such that samples are provided for approval. Therefore, on balance the proposed development is considered to accord with Policy 42 of the Local Plan and Section 7 of the NPPF regarding design considerations.

With regard to residential amenity, objections have been made with regard to the relationship to the development to the eastern side of the site, in particular Chamberlayne House. The development towards the south-eastern corner of the application site would be a bungalow and a 2-storey height apartment building, and even allowing for the difference in levels considering that the 2-storey building would be 33 metres from the nearest property at Bartletts Park.

With regard to Chamberlayne House, the nearest building upon the application site would be the main communal building, which has a combination of 2 and 3-storey elements. The elevation facing towards the existing development would be 3-storeys in height, as this would include a lower ground floor within which would be accommodated facilities such as staff facilities, plant rooms, storage and a refuse store.

The concerns that have been raised are noted, however included as an Appendix to this report are shadow diagrams that have been provided by the applicant, in addition to a plan showing building separation distances. The closest point between Chamberlayne House and the proposed main building would be 26.4m, although it should be noted that this gable is blank. Other distances that are attained vary between 31.4m, 34.7m and 36.6m. On the basis of this information, whilst acknowledging that the 3-storey height of the building will have an impact upon the outlook from Chamberlayne House, it is not considered that this impact would be so harmful as to warrant the refusal of the application, particularly when considering the distance separation between the building. The proposal therefore accords with Policy 46 of the Local Plan and paragraph 17 of the NPPF.

(c) Landscape Impact within an Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

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. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

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.

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection. Paragraph 116 continues to state that planning permission should be refused for major developments in such designated areas except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

In determining the appeal, the Inspector commented that the landscape has a moderate to low sensitivity and as the appeal proposal could be sympathetic in scale and design and would result in no material impact on protected trees, it would result in a low to negligible magnitude of change in landscape character. He continued to state that he considered there would be slight harm to the AONB, but that this was not considered so significant as to warrant the appeal being dismissed. The issue of the proposal being a 'major development' was dealt with by the Inspector in determining the appeal, with his comments upon this matter commencing at page 11 (see appendices to this report).

A Landscape and Visual Impact Assessment was submitted with regard to the outline planning application, and an Addendum has been provided with regard to the current reserved matters application. Concerns were expressed regarding the layout as originally proposed, which resulted in a 3-storey block being moved away from the northern boundary of the site. Otherwise, and taking into account the appeal decision, it is considered that the proposal would be acceptable in landscape impact terms, although at the time of writing amended plans are awaited to amend the soft landscaping details, and Members will be updated upon this. The hard landscaping palette is, however, considered acceptable.

(d) Highway Impact

A number of representations have repeated objections with regard to the new access onto the A429, however this has been considered at great length during the Public Inquiry into the refusal of the outline planning application, with the Inspector concluding that the proposal, in conjunction with the highway works proposed, was acceptable. The access details have, therefore, been approved and may not be revisited in the consideration of this reserved matters application.

With regard to parking provision, the latest revised plans show a total of 112 car parking spaces for residents, visitors and staff, plus 10 cycle spaces for staff. Members should note that a Travel Plan was included at the outline stage, and was included within the S.106 legal Agreement. This includes the developer paying a sum of money to the County Council for the purposes of monitoring the Travel Plan.

The Highway Authority has requested amended plans to show vehicle tracking, and upon the basis of these plans is not raising any objection to the proposal. The proposal therefore accords with Policies 38 and 39 of the Local Plan and Section 4 of the NPPF.

(e) Impact on Protected Trees

The trees along the western and southern boundaries, many of which are mature specimens, are protected by Tree Preservation Order. The retention of these trees is important in retaining the character of the southern approach into the town, and to provide screening from views into the site. Therefore, at the outline stage the provision of the new access from the A429, which inevitably includes some loss of existing vegetation including smaller tree specimens that the not protected, was carefully designed to preserve the more important trees, as well as consideration being given with regard to the provision of utilities.

With regard to the reserved matters proposal, an Arboricultural Report has been submitted to demonstrate that there would be no impact upon any trees to be retained arising from the current layout, including a Tree Protection Plan. The Council's Tree Officer has considered the content, and is not raising any objection subject to the conditions recommended.

The proposal is therefore considered to accord with Policies 10 and 45 of the Local Plan.

(f) Biodiversity

An Update Ecology Survey has been submitted with the application, in view of the length of time that had elapsed since that submitted in 2013 with regard to the outline planning application.

This concludes that the site is dominated by unmanaged grassland habitat that may provide habitat for reptiles, and that any clearance of the site that may affect nesting birds must take place outside the breeding season. Further, any trees to be removed must be checked for bat roosts prior to removal, whilst a check for badger setts must also take place in advance of site clearance. The Biodiversity Officer is satisfied with the content of the report, and is raising no objection to the proposed development.

It is also recommended that a Landscape and Ecology Management Plan be provided, which is the subject of a condition. Subject to this, the proposal accords with Policy 9 of the Local Plan and Section 11 of the NPPF.

9. Conclusion:

The principle of development upon the site has been established through the granting of outline planning permission, with the means of access having also been approved. Having had regard to all of the relevant planning considerations described within this report and subject to the resolution of the currently outstanding matter referred to in the Officer Recommendation, it is considered that the proposal would accord with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for reserved matters approval to be granted.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing numbers: 0100 A; 0103 H; 0104 D; 0106 C; 0107 B; 0108 B; 0109 C; 310 F; 0311 G; 0312 C; 0313 D; 0314 E; 0315 D; 0316 C; 0318 D; 0320 B; 0321 B; 0322 B; 0323 C; 0324 B; 0325 B; 0326 C; 0327 B; 0350 B; 0351 B; 0375 A; 0600 E; 0602 E; 0650 E; 0652 E; 0700 E; 0703 E; 0750 F; 0752 F; 0800 E; 0801 E; 0850 E; 0851 E; 0900 E; 0901 E; 0950 F; 0951 G; 0952 G; 0953 G; 0955 E; 147-PP-01-D; 147-DD-10-A; 147-MP-01-H; SK147-001-A; 16505-E-EXT-XX-01 T2; CWA-16-568-533-P2 and 534 P4.

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 natural walling stone, Ashlar stone, roofing materials and Oak panelling shall be submitted to and 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.

The roofslopes of the development hereby permitted to be covered with artificial stones tiles shall be laid in diminishing courses and permanently retained as such thereafter.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Prior to the construction of any external wall of the development hereby approved, a sample panel of natural stone 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 42, 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.

Prior to the construction of any external wall of the development hereby approved, the design and details of the gables and connecting glazed sections of buildings, ridges, verges and eaves, porches, balconies, and parapet roofing shall be 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 42.

No bargeboards or eaves fascia shall be used in the proposed development.

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 42.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

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 42.

All windows and doors shall sit flush in their frame when closed with details including heads, cills, surrounds and manner of opening to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

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

Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

Reason: The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Policies 10 and 45.

Before development takes place, details of the provision of bat roosting features and nesting opportunities for House martin, House sparrow, Starling and Swift into the new buildings and boxes in trees shall be submitted to the Local Planning Authority for approval, including a drawing showing the locations and types of features. The approved details shall be implemented before the development is first brought into use, and thereafter permanently maintained.

Reason: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy 9 of the Cotswold District Local Plan 2011 and Policy EN8 of the emerging Local Plan 2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

The development hereby approved shall be carried out in accordance with the Landscape Management and Maintenance Schedules Revision D and the Landscape: Softworks Layout drawing no. 147-PP-01 Rev. E. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the character and appearance of the site and surrounding area in accordance with Cotswold District Local Plan Policy 45. These details are required in order to ensure proper management of the landscape at the site both during and following the construction of the approved scheme.

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.

The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report, Arboricultural Report, dated 12th July 2017, report reference Stow_AIA_12072017_SRv3, by Stuart Roberts of Tree Research. 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 the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan, Drawing Number: 170713-FW-TPP-Rev C-LI&AM, dated July 2017, 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 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 development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off-road parking is provided, in accordance with Local Plan Policy 39.

Prior to the first use/occupation of the development hereby approved, secure cycle parking shall be provided in accordance with details shown on drawing no. 0103 H, 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 39 and the National Planning Policy Framework.



LAND PARCEL ADJ TO BRETTON HOUSE STATION ROAD STOW ON THE W

Organisation: Cotswold District Council

Department:

Date: 26/10/2017



COTSWOLD
DISTRICT COUNCIL





Appeal Decision

Inquiry held on 3 February 2015; 31 March-2 April 2015

Accompanied site visit made on 21 April 2015

by R M Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 21st July 2015

Appeal Ref: APP/F1610/A/14/2225029

Land to the east of Fosse Way, Chamberlayne Close, Stow-on-the-Wold, Cheltenham GL54 1DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by ECVF (Stow) Ltd against the decision of Cotswold District Council.
- The application Ref 13/05031/OUT, dated 29 November 2013, was refused by notice dated 13 March 2014.
- The development proposed is an 'outline application for a continuing care retirement community (use class C2). The development will incorporate a core building (including care bedrooms, close care units, linked assisted living units and ancillary facilities), detached assisted living units, landscaped grounds, internal highways, car parking and associated works. Full details of access are to be determined at outline stage'.

Decision

1. The appeal is allowed and outline planning permission is granted for a continuing care retirement community (use class C2). The development will incorporate a core building (including care bedrooms, close care units, linked assisted living units and ancillary facilities), detached assisted living units, landscaped grounds, internal highways, car parking and associated works. Full details of access are to be determined at outline stage at land to the east of Fosse Way, Chamberlayne Close, Stow-on-the-Wold, Cheltenham GL54 1DZ, in accordance with application Ref 13/05031/OUT, dated 29 November 2013, subject to the conditions set out in Annex D to this decision.

Main Issues

2. The main issues are :
 - Whether or not the proposed development would conflict with development plan policy seeking to restrict development in the open countryside;
 - Whether the proposed development would amount to sustainable development, for the purposes of the Framework, with particular reference to its effect on the safety and convenience of highway users and the conservation and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB).

Procedural Matters

3. The Inquiry was opened on 3 February 2015. However, as one of the Council's witnesses had fallen ill, having consulted with both parties, the decision was taken to adjourn until the next suitable date, set as Tuesday 31 March 2015, as to continue may have prejudiced the Council's case.
4. The appeal application was submitted in outline with access arrangements to be determined at this stage. All other matters, including layout, appearance, scale and landscaping are reserved for future consideration.
5. An indicative site layout plan along with indicative site elevations and cross sections were submitted with the appeal application. It was confirmed, at the Inquiry, that these were for illustrative purposes only. In addition, a land survey drawing and arboricultural impact assessment drawing were also submitted. It was confirmed at the Inquiry that these were for information only and did not form part of the appeal application drawings. I am determining the appeal on that basis.
6. At the start of the Inquiry, the Appellant submitted a revised drawing (Ref P1004/301) indicating mainly revised proposed off-site highway works, intended to revise the arrangement set out in drawing SK02 Rev F. The Council did not raise objection to its submission. On that basis and as it takes on board some of the Council's and third parties' objections to the proposed highway works, which would in any event be in the control of the Highway Authority, I can be assured that its consideration as part of this appeal would not prejudice the interest of those third parties. I am therefore determining this appeal on the basis of that plan.
7. The Council refused the appeal application for three reasons. However, at the Inquiry, the Council confirmed that it would not be defending the second reason for refusal. This is on the basis that the completed Section 106 Agreement, submitted at the beginning of the Inquiry, would secure the implementation of proposed highway works and a travel plan and would overcome its concern in this regard.
8. As a result of agreement between the main parties, at the Inquiry, regarding the detailed wording of the executed Section 106 Agreement to provide for local care needs and suggested planning condition 6, in relation to restricting the proposed development to a Class C2 use, the Council confirmed that it did not intend to defend reason for refusal 3.
9. The Inquiry remained open to receive the executed Section 106 Agreement dated 17 April 2015, the wording of which was as agreed at the Inquiry. On receipt the Inquiry was closed in writing.

Reasons

Site and Surroundings

10. The appeal site includes an area of land, approximately 2.63 hectares in size, which fronts onto the A429 known as the Fosseyway, accessed by a field gate. At present it is generally open, with the appearance of overgrown grassland. It accommodates two single storey structures, which it is suggested in the evidence, were previously used for housing livestock. It has planted boundaries with many trees. Some of those on the frontage are included

within Cotswold District Council Tree Preservation Order 14/00004. The trees near the boundaries of the appeal site generally have the effect of enclosing it and interrupting views from the A429 and surroundings.

11. The appeal site sits adjacent to Bretton House, a large detached two storey property located to one side of the appeal site near to the A429. To the rear of Bretton House and further south are open fields. North of the appeal site is a cemetery and allotments, with a childrens' play area at its rear. Roughly opposite is the entrance to the Brethren Hall, a place of worship and some residential properties. To its rear, near to the appeal site boundary is Chamberlayne House, a two storey building containing 21 apartments and residential properties in Chamberlayne Close and Bartletts Park.
12. The appeal site is situated outside the development boundary for Stow-on-the-Wold (SOTW) and is included in the Cotswold Area of Outstanding Natural Beauty (AONB).

Cotswold District Local Plan 2001-2011 (2006) (LP) Policy 19

13. There is no dispute between the parties that the appeal proposal would be sited outside the development boundary of SOTW as defined by LP Policy 19. That policy generally permits development outside development boundaries that would be appropriate to a rural area, relate well to existing development, would meet the criteria set out in other relevant policies of the Development Plan and would not fall within development set out in (a) to (e) of that policy.
14. The appeal proposal would conflict with LP Policy 19, in as much as it would result in development outside the development boundary of SOTW that would not be appropriate to a rural area as defined by that policy. The Council does not advance a case in relation to its effect on the open countryside. Whilst it would result in development on a green field site in the open countryside around SOTW, as it would be well related to it and on the basis of my findings with regard to its impact on the AONB later in my decision, I have no reason to take an alternative view.
15. In assessing the weight to attach to this conflict, I note that LP Policy 19 is part of an adopted development plan which is time expired and makes provision for housing only up to 2011. The development boundaries referred to were consequently drawn up on the basis of the housing requirement contained in that LP. Those development boundaries and the restraint policy contained in LP Policy 19 can no longer be considered to be up-to-date and are unlikely to reflect any revised objectively assessed need (OAN), now that the plan has expired. This reduces the weight that I accord the policy conflict identified. In this context, whether that policy is out of date for any other reason would not affect this conclusion.
16. I will go on to assess whether there are other material considerations that would outweigh the development plan conflict identified.

Highway Safety

17. The A429 is one of the main routes into SOTW and connects it to areas such as Bourton-on-the-Water and Cirencester. It is agreed between the two main parties that it is one of the most trafficked roads in the North Cotswolds, is a designated lorry route in the County Council's Lorry Management Strategy and can be described as a strategic inter-urban non-trunk road. It is classified as a

primary route in the National Primary Route Network and part of the County Council's Principal Route Network. The daily traffic flows on the A429 were in the order of between 15,000 and 18,000 per day in 2013. However, the character and speed limit of that road changes throughout its length, particularly as it approaches and passes through built up areas.

18. The proposed access would be positioned in a section of road with varying speed limits. To the south of the proposed access, the road changes from an unrestricted speed, approximately 52m to the south. The speed limit is 40 miles per hour (mph) where the proposed access would be positioned and reduces to a 30mph speed limit at a point approximately 118m nearer to SOTW. Further, the road has an uphill gradient on the southern carriageway and two lanes that reduce to one near to the top of the hill travelling towards SOTW. Traffic therefore will generally be accelerating in a southerly direction out of SOTW and decelerating in a northerly direction towards SOTW. These matters were agreed between the two main parties.
19. Traffic surveys carried out by the Appellant suggest that the average speed of traffic in the unrestricted section of the road near the appeal site is approximately 43mph and in the 40mph section, in which the proposed access would be sited, 38mph. The Appellant calculates the 85th percentile speeds as 51mph and 44.8mph respectively. Regardless of these results, it is agreed between the two main parties that the 85th percentile speeds are in excess of 40mph regardless of speed limit.
20. On my site visits, two unaccompanied, one accompanied, I was able to assess the conditions, nature and function of this part of the A429 including all of the elements referred to above, along with traffic behaviour, its volume and its speed.

The Appropriate Standard

21. Gloucestershire County Council's Manual for Gloucester Streets (MfGS) provides guidance on how new development within Gloucestershire can contribute towards the provision of a safe and sustainable transport network within the county. It states¹ that the principles in Manual for Streets (MfS) to setting road hierarchies and prioritising amongst road users will generally be applied within Gloucestershire, but acknowledges that there will be some circumstances where other priorities will take precedence, for example, giving priority to the movement of traffic in the most efficient manner on those routes identified as part of the Principal Route Network.
22. That document² explains that MfS1 and 2 is a pair of documents that generally focuses on urban streets and lightly trafficked routes. It defines Design Manual for Roads and Bridges (DMRB) as a series of documents setting out best practice design principles to be applied to the design of strategic roads. Further, it confirms that within Gloucestershire, DMRB would generally be used on A and B Class roads and heavily trafficked or high speed unclassified roads. Partly for this reason, it is the Council's case that this is the applicable standard in the circumstances of this appeal; the Appellant suggests that it is MfS2 on the basis of an assessment of local context. If MfS2 is the appropriate standard, safe and convenient access can be provided, if it is DMRB, it cannot.

1 Paragraph 2.4

2 The glossary on page 8-10 of MfGS

23. The A429, in the vicinity of the appeal site, does not fall neatly within the description of an urban street or lightly trafficked route. However, MfGS³ states that it is the Council's role as Local Highway Authority to determine which design guidance best fits a specific location on the highway network. In these circumstances, it would not be contrary to the advice in MfGS, taken as a whole, to apply the standards in MfS2 to this appeal. Its appropriateness in any case is a matter of planning judgement, even though DMRB will generally be used in relation to A Class roads.
24. It is undeniable that the part of the road in question is an A Class road which is heavily trafficked, in the vicinity of the appeal site. However, it is just outside SOTW and the appeal site abuts its development boundary. The nature and function of this part of the road has some characteristics of a more urban context. This includes properties with access directly onto the road, including some shops and a garage, traffic lights nearby, pedestrian refuges and a right hand lane turn into Brethren Hall opposite. There is a significant uphill gradient on the north bound carriageway, where two lanes merge into one at which point double white lines prevent traffic from overtaking. Even though the Council expressed 'there is a lot going on in this section of the road', all these matters together act to increase driver awareness and reduce traffic speeds. Accident rates in this section of road have historically been low, a matter that is uncontested.⁴ Based on an assessment of the local context outlined above, I consider that the principles in MfS2 could be used in this circumstance, even though 85th percentile speeds are above 40mph. Whilst MfS2 states that much of the research behind Stopping Sight Distance (SSD) is limited to locations with traffic speeds of less than 40mph⁵ it indicates that at higher speed limits (up to 50mph plus) MfS2 can be used subject to a more detailed assessment of local context.⁶
25. MfS2⁷ advises that its purpose is to explain how the principles of MfS1 can be applied more widely. I find it to accord with advice in MfGS⁸ that design principles will differ depending on the character of each part of a highway. As this section of road changes character and speed limit along its length, MfS2 based on actual speeds with standards dealt with on a more case by case basis seems to me more appropriate than a uniform standard based on design speed, as in DMRB. This is the case even though MfS2 may not provide all detailed technical guidance and generally prioritises the pedestrian.
26. That the Highway Authority took a similar view when assessing the appeal application adds some weight to this finding, even though I acknowledge that its evidence was not tested at the Inquiry. However, I attach some weight to the Highway Authority's considerations of the appeal application and that it raises no highway objection.

3 Paragraph 2.6 MfGS

4 Between January 2009 and December 2013 three accidents involving personal injury, Section 7 App2

5 Paragraph 1.3.5

6 Table 1.1 MfS2

7 Paragraph 1.1.2 of MfS2

8 Paragraph 2.7 of MfGS

Forward Visibility

27. Measurement of forward visibility indicates whether approaching traffic has a clear view of the road layout ahead or not. On my site visit I assessed forward visibility in both directions at the point of the proposed access at the appeal site to an object height of 0.26m, 0.6m and 1.5m. In this regard I have no reason to take an alternative view to the main parties, that forward visibility to the north, to an object height of 0.6m, is approximately 132m and to the south is approximately 140m. Using an object height of 0.6m equates to the height of a small child and accords with that suggested in MfS2.⁹
28. The SSD is the distance drivers need to be able to see ahead and they can stop within from a given speed. There is no dispute, regardless of which standard is applied that the relationship between SSD and forward visibility to the north of the proposed access for southbound traffic would be appropriate. On the basis of what I have seen and heard, the lower speed limit in that direction and the more urban environment towards SOTW, I have no reason to disagree with this position.
29. However, to the south there is dispute as to what the appropriate SSD would be. Using the formula in MfS2,¹⁰ SSD is calculated as 136.1m for a vehicle travelling at 51.0mph northwards. Whilst this is the Appellant's calculation, it was agreed between the two main parties that it accords with the standard in MfS2. Further, I am assured that this is a robust calculation as no potential deduction for wet weather speeds has been made, driver perception time has not been discounted and neither has deceleration rate. As the SSD is less than the forward visibility available, which is agreed to be approximately 140m to an object height of 0.6m the forward visibility in this location conforms to standards in MfS2. On the basis of all the evidence before me, in this regard, I am satisfied that forward visibility would be sufficient to enable the driver of a car approaching the junction to see a car emerging from the proposed access and have time to stop if required. It would also enable that driver to see an object at a height of 0.6m at the point of the proposed junction.
30. Whilst the Council suggest a SSD derived from DMRB, and this would be 160m, I have found that the standards set out in MfS2 would be appropriate in the circumstances of this appeal. The suggested calculation of SSD in MfS2 deviates from that in DMRB only by taking into account the gradient of the hill on the northbound carriageway which in my view, would be a factor in determining SSD.

Junction Visibility

31. Visibility at the proposed access needs to be available for traffic on the proposed minor road joining the major road. Junction visibility comprises two measurements. The first is the X distance, which is the distance back along the minor road (the proposed access) from where visibility along the major road is measured. The second is the Y distance, which is the visibility distance along the major route (the A429) to the left and right of the proposed junction measured from the setback distance (the X distance). The Y distance should generally be the same as the SSD. On the basis of my previous findings, I consider a Y distance of approximately 140m to the south and 132m to the

⁹ MfS2 paragraph 10.2.4

¹⁰ Paragraph 10.1.5 of MfS2

north appropriate in this appeal. The remaining matter in dispute therefore is the appropriate set back distance or X distance.

32. A setback distance of 2.4m would enable a driver and the front of a waiting car in the proposed access to see vehicles approaching and to be seen by approaching vehicles and enter the main carriageway. On the basis of the number of traffic movements anticipated, which would be in the region of 222 a day, and their generally random timings, an arrangement that would enable traffic from the minor arm to enter the major route one at a time seems appropriate and would comply with advice set out in MfS2.¹¹ Whilst there may be times when more than one vehicle wishes to exit the minor arm at the same time, such as at staff change over times, such circumstances will be unlikely to be common place due to the shift pattern of staff, the breakdown of full and part time staff and their overall number (93 in total). Further, measures in the travel plan will aim to reduce employee dependence on private transport. The visibility achievable in each direction would provide adequate visibility of oncoming traffic and enable drivers to see a car or child in the proposed access waiting to enter the A429. In this regard I note that a similar set back was recently approved at the access to the Brethren Hall opposite.
33. The Council suggests that the appropriate X distance would be 4.5m referring to amongst other things, TD 42/95,¹² which provides the relaxation standard for a lightly trafficked simple priority junction as no exceptional circumstances exist to justify a relaxation to 2.4m. Such a distance would enable one car to be seen whilst waiting to exit the proposed access and a second car to exit straight after the first if possible. Whilst a distance of 4.5m would provide for additional capacity of traffic, as set out in MfS2,¹³ it can also result in more shunt accidents and may increase the possibility that drivers on the minor approach fail to take account of other road users, particularly pedestrians and cyclists. Whilst it may increase capacity, for the reasons stated, I do not consider it would be necessary in this case.
34. Whilst the plans accompanying the Transport Statement submitted with the appeal application and other application drawings indicate other X and Y distances, I am making my decision on the basis of the appeal application plans as set out in paragraph 9 of this decision. These plans provide adequate information on which to base my findings.

Position of the Proposed Access

35. The location of the proposed access would be near to the crest of the hill where double white lines restrict vehicles passing, the gradient of the A429 in the vicinity of the proposed access is greater than 4% and it is suggested that it would be near to a climbing lane. These matters would all be contrary to advice set out in TD 41/95 and TD 42/95¹⁴. However, the proposed access would generally accord with guidance set out in MfS2; a set of standards that I have found could reasonably be applied in this case.
36. The Council suggest that the stagger distance between the proposed access and that to Brethren Hall opposite is inadequate on the basis that it would give

¹¹ Paragraph 10.5.6 and 10.5.7

¹² TD42/95 -Geometric Design of Major/Minor Priority

¹³ MfS2 paragraph 10.5.7

¹⁴ TD42/95 -Geometric Design of Major/Minor Priority Junctions and Paragraph 2.21 of TD41/95- Vehicular Access to All-Purpose Trunk Roads

- rise to potential interaction between right hand turning movements from the two sites and a queue of vehicles waiting to turn right into either site could obscure views from exiting vehicles of oncoming traffic.
37. The reason for a greater stagger distance between the two accesses is partly to avoid a cross roads that could cause highway safety concerns. However vehicle movements from one site to the other are likely to be unusual and infrequent as the two sites are so close to one another. It would represent an unsustainable journey that, based on the short distance involved, would be more likely to take place on foot. To this matter I therefore attach limited weight.
 38. The Council raises concern that right turning vehicles from the appeal site and those waiting to access Brethren Hall may interact. To reduce any potential interaction a right hand ghost lane to serve the appeal development is proposed. In addition, it has been demonstrated that the peak use of the Brethren Hall takes place regularly in the short period between 17.00 and 19.00 on Sunday evenings, when services are held. This peak does not coincide with the peak traffic movements on the A429 or the more random traffic movements expected at the appeal site. At other times traffic using the Brethren Hall access is very small. In addition, 70% of that traffic arrives and departs from the north. These matters further limit the potential for conflict between the traffic using the two accesses. That the proposed back to back arrangement is a common arrangement known to both highway witnesses gives me further confidence on this matter.
 39. Whilst service times at Brethren Hall could change in the future, it is most likely that they would take place at weekends or in the evenings, or in any event at times which would be unlikely to coincide with the peak traffic times on the A429. Further, whenever they were, the pattern of movement is unlikely to alter significantly. Moreover, I am satisfied that any change of use of Brethren Hall, which would impact the traffic movements that would be generated from it would be likely to require planning permission and therefore could be controlled in the future.
 40. Additionally, the final layout and detail of the proposed access could be controlled through the imposition of a suitably worded planning condition. The highway works suggested to accommodate the proposed access, the proposed right hand turn, including its taper length, the road markings, pedestrian refuge and footway links will be subject to further approval. Any S 278 works will be subject to further design detail and a safety audit. This could ensure that the proposed layout is not confusing for road users. At this stage however, I am satisfied that space is available within the highway to accommodate the proposed highway alterations. Further, S 278 works could include the movement to the south of the unrestricted speed limit taking it further away from the proposed access. If this were the case it would be likely to further reduce the traffic speeds in this stretch of road.
 41. On the basis of the number of traffic movements anticipated from either the Brethren Hall or the appeal site, the potential for a queue of vehicles waiting to turn right into either site to obscure views from exiting vehicles of oncoming traffic is significantly reduced. Further, that potential is reduced again by the timing and nature of those movements, such that I cannot be convinced that the residual cumulative impact of development would be severe, in this regard.

Accessibility

42. The appeal site would be close to SOTW, and within walking distance of its facilities and services. Whilst the walking route to the 801 bus stop in SOTW at Market Square would be likely to be over 600m from the appeal site, which would exceed the standard set out in the Institution of Highways and Transportation Guidelines for Planning and Developments (1999), other bus stops would be closer. If, in the future, pedestrian access were to be provided through the allotments next door, this would further reduce the walking distance to SOTW and its services, facilities and public transport.
43. Further, the appeal development would provide some communal services and facilities that could be used by prospective residents. Measures which aim to encourage walking, cycling, public transport and car sharing are set out in the submitted travel plan. Its implementation could be secured through a planning obligation which would further help to reduce the prospective occupiers' dependence on private transport.
44. Whilst an audit of non-motorised users (NMU) has not been carried out as part of the appeal application, this matter could be dealt with by a suitably worded planning condition. This could require a NMU survey and the implementation of improvements to the highway to ensure that routes into SOTW and other destinations are safe and suitable for all people. Such measures could include widening the footway from the appeal site into SOTW.
45. The provisions of the Section 106 Agreement would ensure that the measures set out in the travel plan were implemented which would help to ensure that the appeal proposal would be a sustainable form of development. Further the provisions secure the implementation of off-site highway works which are required to protect the safety of highway users.

Other Highway Considerations

46. Local residents and SOTW Town Council (TC) have raised concerns regarding the impact of the additional traffic which would be generated by the appeal proposal. However, it would not be significant in comparison with existing traffic flows. On this basis, it would be unlikely to result in a material impact.
47. It has also been suggested that shortening the overtaking lane to accommodate the proposed right turn to the appeal site would reduce opportunities to overtake on a road that has limited other overtaking opportunities and this could lead to driver frustration. No substantive evidence is before me to demonstrate a severe capacity issue. In any event, this will be subject to further design consideration and a safety audit.
48. At the Inquiry the Appellant requested that if I found that the appeal proposal would result in an adverse effect on the safety and convenience of highway users that access be treated as a reserved matter. However, on the basis of the above findings, I have no reason to consider this matter further.
49. In coming to my conclusions on highway safety issues I have had regard to a previous Council decision in relation to Beech Tree Cottage, Station Road (Council Ref 10/01305/FUL). However, this is not before me and in any event, relates to a different development.

Conclusion

50. I conclude that the appeal proposal would not result in harm to the safety and convenience of highway users and would generally accord with LP Policy 38. This seeks to ensure sustainable and safe access to a development. In addition it would accord with paragraph 32 of the Framework, which requires that safe and suitable access to the site can be achieved for all people.

Conservation and Scenic Beauty of the AONB

51. A Landscape and Visual Impact Assessment (LVIA) was submitted with the appeal application. As it generally follows the current LVIA guidance I find its methodology robust. Together with the evidence of Mr Whitton, this concludes that the appeal site is located within the Vale of Bourton Farmed Slopes Landscape Character type.¹⁵ Due to the appeal site's natural tree, hedgerow and woodland screening, it has a much closer association with the existing urban fringe of SOTW. For this reason, its landscape has a moderate to low sensitivity and as the appeal proposal could be sympathetic in scale and design and would result in no material impact on protected trees, it would result in a low to negligible magnitude of change in landscape character.
52. In respect of visual effects, as the appeal site is visually contained, by the trees, hedgerows and woodlands which surround it, overall its visual effects would be of negligible significance and with only slight adverse effects on the isolated parts of the allotments and a very short section of the A429. Overall, there would be slight changes to views and landscape with negligible impacts. These slight adverse effects were agreed by the two main parties and on the basis of all the evidence; I have no reason to take an alternative view. Further due to the enclosure of the appeal site by planted boundaries and the presence of traffic noise from the A429, I agree that construction impacts would not be significant, although in the short term some harm would be likely to result.
53. It is not a matter in dispute between the two main parties, therefore that the appeal development would result in some, albeit slight, harm to the AONB. The harm that would arise as a result of built form where none was previously has been taken into account in this analysis and in any event does not affect the weight that I attach to that harm. In accordance with paragraph 115 of the Framework, to this matter I attach great weight against the appeal development.
54. I have taken into account the views of an Inspector in dealing with a case nearby at land at Oddington Road, SOTW (Ref APP/F1610/A/13/2203411). Whilst the Council in that appeal made the case that harm would arise due to the loss of green fields, it had concerns on landscape grounds in any event, with which that Inspector concurred. These matters differentiate it from this appeal.
55. I conclude that the appeal proposal would result in slight harm to the AONB, to which, in accordance with paragraph 115 of the Framework, I attach great weight. In coming to my conclusion on this matter I have also had regard to Section 85 of the Countryside and Rights of Way Act 2000, which sets out the requirement to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

¹⁵ The Cotswolds AONB Landscape Character Assessment 2004

Whether it would be Sustainable Development

56. Paragraph 14 of the Framework indicates that at its heart is a presumption in favour of sustainable development. For decision taking this means that where relevant policies of the Development Plan are out of date, granting planning permission, amongst other things, unless specific policies in the Framework indicate that development should be restricted, for example those policies relating to the AONB.
57. The Council and Appellant agree that the appeal proposal would amount to major development within the AONB.¹⁶ Paragraph 116 of the Framework indicates that planning permission should be refused for major development in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It indicates that the consideration of such applications should include an assessment of a number of factors, which I will deal with in turn.

The Need for the Development and the Effect on the Local Economy

58. The appeal proposal would provide additional residential units which would contribute to the housing supply in the District. This would accord with paragraph 47 of the Framework, which aims to boost significantly the supply of housing. This would still be the case whether the Council could demonstrate a five year supply of deliverable sites or not.
59. It is an agreed matter that there is a national and District wide need for housing of the type proposed. The Cotswold District Council Corporate Strategy 2012-2015,¹⁷ identifies that there is an ageing population in the District for which care needs are likely to increase in the future. It was confirmed at the Inquiry, and in the evidence of Mr Boughton, that there are no beds available in continuing care retirement community (CCRC) developments within a roughly 30 minute drive of SOTW, including the Fairford facility referred to by the Council.¹⁸ The level of need for the District is agreed between the two main parties as 419 units whilst the supply is 196 units, taking into account the recently approved Brackley CCRC development to the north of Tesco at SOTW.¹⁹ The Extra Care Housing Strategy for Gloucestershire 2007 recognises the CCRC model as a form of extra care accommodation. In this regard, the appeal proposal would contribute to meeting that need. It would add to the mix of housing based on current and future demographic trends, market trends and the different needs of different groups in the community, in accordance with paragraph 50 of the Framework. It would also widen the choice of high quality homes available, which would meet the overall aim of that paragraph.
60. The adopted LP is time expired and unlikely to be based on the current level of need for the aging population. Adoption of an emerging LP 2011-2031 is some way off with examination expected in the winter 2015.²⁰ Therefore, there is no LP at present that meets that need. Whilst it is accepted that the identified need could be met through windfall sites, this provides less assurance that it would be met, a matter that weighs in favour of the appeal.

¹⁶ Paragraph 41 IQ25 and paragraph 51 IQ 26

¹⁷ Key facts on page 3

¹⁸ Paragraph 43 (i) IQ24

¹⁹ Council Ref 13/05360/OUT

²⁰ Cotswold District Local Plan Local Development Scheme April 2014-March 2017

61. The appeal proposal may help to support local services and facilities, but through measures set out in the Section 106 Agreement, as most prospective residents would live near SOTW prior to their occupation of the appeal development, the impact of any additional spending power would be unlikely to be material. I have found that it would result in some adverse effects on the AONB, but as this would be slight it would be unlikely to materially affect tourism.

Alternative sites

62. Mr Boughton provided evidence to suggest that the appeal development would help to address a need in SOTW. He suggested that as there was a local need in and around SOTW this would reduce the appropriateness of alternative sites outside the AONB to meet that need. However, the Council suggested that the methodology used is not a recognised industry standard. In addition, it deviates from that which supported the appeal application in the EVC Statement of Need which relied on the Housing Learning and Improvement Network (LIN) Strategic Housing for Older People Tool (SHOP).
63. In examining the local need, Mr Boughton²¹ defined the catchment area as the land nearer to SOTW than any other sizeable settlement. This included a number of wards and parts of others. The population that is over 65 years within that catchment is defined using the District-wide Office of National Statistics figures, discounting them in relation to the size of each ward outside the defined catchment. Whilst this is not a tested or scientific assumption, it is sufficient to provide an indication of the numbers of those over 65 living in that catchment in the absence of an alternative methodology.
64. Mr Boughton's methodology concludes that there is a local need for 55 extra care beds by 2030 and registered care provision required by 243 for those over 75. As the proposal provides 65 assisted living units and provision for roughly 50 close care, I am satisfied that the appeal proposal would relate appropriately to the suggested level of need in SOTW. Further, as the Section 106 Agreement sets out measures to ensure that through a cascade mechanism any vacant accommodation at the appeal site is first offered to people within SOTW, I can be confident that the appeal proposal would firstly help to meet the need in SOTW.
65. Regarding the scope for alternative sites outside the AONB, as the appeal development would help to meet a local need then it follows that it should desirably be met as close to SOTW as possible. It is impossible to meet the needs of SOTW in locations remote from it, such as those outside the AONB, without some social cost arising in terms of prospective occupiers being removed from their existing environment, social networks and community. Whilst the distance that people are prepared to relocate and the effect it would have are not quantified, there are clear social advantages to meeting the need where it arises and disadvantages of not.
66. In addition, I note that sites within the AONB are suggested to be allocated for development in the emerging LP. However, that is not an adopted plan and as it has not yet be subject to examination I accord it limited weight. However, I am aware that the Secretary of State in considering a number of appeals in the District has similarly concluded. The most recent appeal relating to another

site in SOTW (Ref APP/F1610/A/13/2203411) accepts the Inspector's findings,²² which conclude that it appears likely that some development will have to take place within the AONB at SOTW if future housing needs are to be met and that some of this growth will be on greenfield land at the periphery of the settlement. As development within the AONB is inevitable around SOTW and the appeal proposal would result in only slight harm to the AONB, I attribute limited weight to the lack of a detailed search for alternative sites or alternative ways of meeting the need.

67. All in all, there is no convincing evidence of any realistic alternatives to the appeal proposal which would have less impact on the AONB and there are strong reasons why it should be in or close to SOTW.

Effect on the Environment

68. The appeal development would result in some, albeit slight harm to the AONB. In accordance with paragraph 115 of the Framework, to this matter I attach great weight against the appeal development.
69. On the basis of the proposed access arrangements and the suggested 'no dig' method of construction, I am satisfied that the best trees near the road frontage could be protected from harmful development including the proposed access road, services, drainage and any street lighting required. This could be controlled through the imposition of suitably worded planning conditions. Further, I am satisfied that the ecology and archaeology of the appeal site could be protected in the same manner. As the appeal proposal is in outline any adverse effect of flooding could effectively be dealt with in the same way. For the same reason, and with the imposition of suitable planning conditions, I am satisfied that a high quality development that reflects the design principles seen in SOTW could be achieved.

Other Matters

70. There would be other public benefits of the appeal proposal. It would provide economic benefits through the provision of jobs, both during construction works and the operation of the proposed development, whether these would be for local people or not. Whilst it would provide additional income in terms of Council tax and the New Homes Bonus for the 65 assisted living units, I have no details of where and how this would be spent and on that basis it does not weigh in favour of the appeal. Whilst it may help to support local services and facilities, as most residents would be likely to live near SOTW prior to their occupation of the appeal development, I attach limited weight to this suggested benefit. As some local services and facilities would be provided on-site and would include some care provision, the appeal proposal would be unlikely to result in materially greater demand for off-site facilities and services.
71. Turning to the social benefits, there would be additional communal facilities for the elderly and others living within the catchment but not in the appeal development. This would include the proposed communal facilities and the village transport service. Any care provision would be limited to those occupying the proposed development. The Council suggested this would not be secured through the Section 106 Agreement but through private care contracts between the prospective occupiers and the on-site care agency. If this were

22 Paragraph 12.8.9

- the case it would reduce the weight that I accord them. Whether this is the case or not, those benefits would not materially alter my decision.
72. Whilst the appeal proposal would not include affordable housing provision, the Council, in its officer's report, has confirmed, that as it would fall within Class C2, such provision would not be triggered by LP Policy 21. On the basis of the nature of the proposed development, I have no reason to take an alternative view. Whilst the Council raised concern at the lack of affordable housing provision at the Inquiry, limited substantive evidence is before me in this regard.
73. I have already found that the appeal proposal would be located close to the facilities and services at SOTW which would reduce future occupier's reliance on private transport. The provisions of the travel plan would contribute to its encouragement of sustainable forms of transport.
74. Whilst some residents have raised concern regarding detailed design matters, including the appeal proposal's scale in relation to Chamberlayne House, possible overlooking and views from other properties including South Hill Lodge. I consider that it would be possible to lay out and build a scheme which would not cause unacceptable harm to the living conditions of those residents, by reason of overlooking or overbearing impact. As this is an outline application matters of appearance and scale would be controlled at reserved matters stage.
75. In addition, proposed parking provision for the same reason would be subject to further consideration and at this point I am satisfied that adequate space is available to lay this out in a manner that would not adversely affect the character or appearance of the locality or the conservation and scenic beauty of the AONB.
76. A number of recent appeal decisions have been brought to my attention concluding that the Council cannot demonstrate a five year supply of deliverable sites, the most recent of which (APP/F1610/A/13/22033411) dated 27 March 2015. However, the Council suggests that this relies on outdated evidence and since that new evidence has become available²³ to demonstrate a five year supply of deliverable sites. Limited substantive evidence is before me in this regard. However, as the planning balance that would be applied to the appeal would be unaffected whether a five year supply of deliverable sites could or couldn't be demonstrated due to Footnote 9 of the Framework, I have no need to address this matter further.
77. An executed planning obligation is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.²⁴ The provisions would ensure that the proposed development would be available to people living in SOTW in the first instance and thereby ensure that it would contribute to meeting any local need, ensure through provisions in the travel plan that it reduced the reliance of occupier's and employees on private transport and secure the implementation of the

23 Cotswold District Council Evidence Paper: Housing December 2014 and the Cotswold District Council Local Plan Reg 18 Consultation: Development Strategy and Site Allocations January 2015

24 Regulation 122 Community Infrastructure Regulations 2010 (as amended)

proposed highway works. All these provisions meet tests set out above and I intend to take them into account in making my decision.

Conclusions on Sustainable Development

78. I have found that the appeal proposal would not result in harm to the safety and convenience of highway users and would provide a safe and suitable access for all people. The absence of harm, however, weighs neither for nor against the appeal proposal.
79. Weighing against the appeal proposal, I have identified slight harm to the AONB to which I accord great weight. I have also identified a development plan conflict with LP Policy 19. However the weight that I attach to that conflict is reduced as I have found that the development boundaries on which it is predicated are not up to date. The appeal proposal would not offend any other provision of that policy. On that basis I accord moderate weight to that development plan conflict.
80. Weighing in its favour is its contribution to the housing supply in the District and its contribution to meeting a District wide and local need for housing to serve the needs of an ageing population. Further those residential units would be sustainably located. To these matters, together, I attach substantial weight. Whilst I have read and heard very little evidence on the existence or otherwise of a five year housing land supply, if it were the case that the Council could not demonstrate a five year supply of deliverable housing sites this would increase the weight that I attach to this matter.
81. Other matters weighing in favour of the appeal proposal are the economic benefits identified. There would be some social benefits for the elderly in the locality not living in the appeal proposal from the communal facilities and the village transport service. I attach some weight to these benefits.
82. Even though I have found that slight harm to the AONB would result, to which I accord great weight, this would be outweighed by the identified benefits. In my view the above matters together amount to exceptional circumstances, where permitting the proposed development can reasonably be considered to meet the wider public interest, in terms of the Framework. In this regard it would fall within the definition of sustainable development as set out within the Framework.

Planning Conditions

83. A list of suggested planning conditions was agreed between the two main parties at the Inquiry. I have agreed with the imposition of most of these subject to refinements to improve clarity and ensure consistency with national policy and guidance.²⁵ A list of planning conditions to be imposed is set out in Annex D.
84. To provide certainty and for proper planning I have imposed the standard conditions relating to timing of development, compliance with approved plans and submission of reserved matters. A condition relating to site levels is necessary to ensure that the approved development would blend into the locality and conserve the landscape and scenic beauty of the AONB. For the same reasons, conditions to restrict its use and floor space are required. I

²⁵ Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

have not imposed a condition to ensure that the proposed buildings reach an appropriate level of energy efficiency, taking account of the Written Ministerial Statement dated 25 March 2015. A condition to ensure that measures are in place to advance an understanding of any archaeology that may be present is required. Submission of a drainage strategy would ensure that sufficient capacity would be made available to cope with the new development and that any adverse environmental impact upon the community is avoided.

85. To ensure that the appeal site is fit for purpose and to avoid potential harm to health, an assessment of ground conditions for contamination, including securing any remedial work required is necessary. A condition to secure measures to protect existing trees is necessary to protect the character and appearance of the appeal site and that of the proposed development. A condition to secure appropriate access, including visibility splays, is required to ensure highway safety and convenience to road users, along with the provision of the proposed off-site highway works.
86. Conditions to control external lighting and ventilation are required to ensure that the proposed development would blend into the locality and would not cause harm to the living conditions of proposed and existing residents. Conditions to control the hours of working and deliveries are required to limit inconvenience to nearby residents during construction works. A waste management plan would ensure that the development provides adequately for the sustainable management of waste. A condition to require a working method statement for reptiles and an ecological and landscape management plan would help to protect wildlife and its habitats. Further a condition to require a construction management statement would ensure that safe access to the site would be maintained throughout the construction period.
87. Conditions to secure the provision of on-site parking and to ensure that the internal street network would be in place to serve the new buildings are required to ensure highway safety and the convenience of prospective residents. A condition to secure the future management of the internal streets would be required to ensure a high quality development that would blend into the locality. The implementation of the recommendations of a NMU audit would ensure that the appeal development would promote sustainable forms of transport. A condition to secure the provision of fire hydrants is required to ensure adequate water infrastructure provision would be made on-site for the local fire service to tackle any property fire.

Conclusion

88. For the above reasons, and taking all other matters raised into consideration, including those of local residents and other third parties, I conclude that the appeal should be allowed subject to the conditions listed in Annex D to my decision.

R Barrett

INSPECTOR

APPEARANCES AT THE INQUIRY**Annex A****FOR THE COUNCIL**

Mr George Mackenzie of Counsel

Instructed by Jonathan Noel Principal
Solicitor at Cotswold District Council

He Called:

Mr Peter Finlayson
BSc CEng MICE MIHT MCIWEM

PFA Consulting Ltd

Mr Simon Firkins
BA (Hons) MTP MRTPI

SF Planning Ltd

FOR THE APPELLANT

Mr Hugh Richards of Counsel

Instructed by BB Architecture +
Planning Ltd

He Called:

Mr Andrew Boughton
MA RIBA MRTPI

BB Architecture + Planning Ltd

Mr Nigel Vening
BSc (Hons) CEng MICE MCIHT

Banners Gate Transportation Ltd

Mr John Whitton CMLI

Portus + Whitton Landscape Architects

Ms Sian Griffiths BSc (Hons) Dip TP
MSc (Real Estate) MRTPI MRICS

RCA Regeneration Ltd

**OTHER INTERESTED PERSONS WHO
SPOKE AT THE INQUIRY**Mr Andrew Lord
BA (Hons) MA MRTPI

Cotswold Conservation Board

Councillor Alun White

SOTW TC

Mr Chris Turner

Local Resident representing SOTW TC

Mr John Morris

Stow-on-the-Wold Gospel Halls Trust

Mrs Susan Jones

Local Resident

DOCUMENTS

Annex B

The Council's Documents

- LA1 Council's Statement of Case
- LA2 Proof of Evidence plus appendices of Mr Finlayson
- LA3 Proof of Evidence of Mr Firkins

The Appellant's Documents

- AP1 Appellant's Statement of Case
- AP2 Proof of Evidence plus appendices of Mr Boughton
- AP3 Proof of Evidence plus appendices of Mr Vening
- AP4 Proof of Evidence plus appendices of Mr Whitton
- AP5 Proof of Evidence plus appendices of Ms Griffiths
- AP6 Statement of Common Ground

Third Party Documents

- TP1 Proof of Evidence of Mr Morris
- TP2 Proof of Evidence of Cllr White

Documents Submitted at the Inquiry**Annex C**

- IQ1 Proof of Evidence of Mr Morris
- IQ2 Executed Section 106 agreement
- IQ3 Proof of Evidence of Cllr Alun White
- IQ4 Revised Proof of Evidence of Mr Boughton (including page 40)
- IQ5 Appeal decision APP/F1610/A/13/2203411 plus letter from Secretary of State dated 27 March 2015
- IQ6 Written Statement to Parliament: *Housing Update, March 2015*
- IQ7 Plan P1004/301: *Access Proposals for New Care Village A429 Station Rd SOTW*
- IQ8 Appendices F, G and H to the proof of Evidence of Mr Vening
- IQ9 Supported Housing and Care Homes: *Guidance on Regulation* Department of Health August 2002
- IQ10 Letter of notification of resumed Inquiry dated 4 February 2015, list of those to whom it was sent, copy of the site notice and newspaper advertisement
- IQ11 Draft letter (V2 18 Mar 15), titled Gloucestershire Local Transport Plan Consultation, SOTW comments
- IQ12 Gloucestershire Local Transport Plan 2015-31-Consultation, SOTW TC Observations and Comments plus Appendix A (V5-15 Mar 15)
- IQ13 Opening Statement on behalf of the Appellant
- IQ14 Opening Statement on behalf of the Council
- IQ15 Appendices to the Proof of Evidence of Mr Whitton
- IQ16 Cotswold District Council Tree Preservation Order No 14/00004
- IQ17 Letter to Mr Moody (Cotswold District Council) from PFA Consulting, dated 7 March 2014, with regard to 13/05031/OUT
- IQ18 Extract from MfS2 including Ministerial Foreword and Status and Application
- IQ19 Plan Ref SK01 proposed access arrangements dated 29.11.13 and Plan Ref SK02 proposed highway alterations dated 20.11.12
- IQ20 Extract from Gloucestershire County Council manual for Gloucestershire Streets (June 2013) pages 1-21
- IQ21 Department of Transport Traffic Counts Gloucestershire 2013
- IQ22 Proposed revised wording to Section 106 Agreement, as agreed between the main parties
- IQ23 Revised list of suggested conditions
- IQ24 Closing Statement on behalf of the Council

IQ25 Closing Statement on behalf of the Appellant

IQ26 Revised list of suggested conditions, as agreed between the main parties

IQ27 Executed S. 106 Agreement dated 17 April 2015

LIST OF PLANNING CONDITIONS**Annex D**

- 1) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans 2249/003; 140108-FW-AIA (Entrance)-Rev F LIAM; P1004/301.
- 5) A detailed plan showing the levels of the existing site and the precise floor slab levels of the new buildings, relative to the existing development on the boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters prior to the commencement of the development. Development shall be retained as approved thereafter.
- 6) The application site, as a planning unit, shall be used only for C2 (Residential Institutions) use, and for no other purpose, including any other purpose in Class C3 (Dwelling Houses), of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or the equivalent to that Class in any statutory instrument amending or replacing the 2010 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 1995.
- 7) In accordance with the application details, the total floor space hereby permitted shall not exceed 11,690 sq metres.
- 8) Buildings shall achieve Level 3 of the Code for Sustainable Homes or BREEAM 'very good' rating as appropriate or any other current appropriate standard at the time of determination. No Building hereby approved shall be occupied until confirmation has been issued from the relevant authority certifying that the relevant rating has been achieved.
- 9) No development shall commence until a drainage strategy detailing any on and/or off site drainage works including a full surface water drainage scheme has been submitted to, and approved in writing, by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The approved drainage works shall be retained in that condition thereafter.
- 10) No development shall take place within the application site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 11) Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

- 12) No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 and 18:00 nor at any time on Sundays, Bank or Public Holidays.
- 13) No development shall commence until a precautionary working method statement for reptiles and a 10 year landscape and ecological management plan for the site based on recommendations in an Updated Ecology Report (Applied Ecology Nov 13) and email dated 30/01/14 from the agent (to confirm retention of woodland areas and 0.4ha of grassland) has been submitted to and approved in writing by the Local Planning Authority. Once approved all the works must be carried out in accordance with the approved details and retained as approved thereafter.
- 14) No development shall commence until a scheme for the installation of equipment to control the emission of fumes and smell from any catering units has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 15) No development shall commence until a Waste Management Plan, including details of waste, bin storage and recycling facilities, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented prior to the first occupation of the development and retained as approved thereafter.
- 16) No development shall commence until a scheme of external illumination, including measures to prevent the control of light pollution, has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development and maintained in accordance with the approved details and retained as approved thereafter.
- 17) No development shall commence (including demolition and site clearance) until, a revised Arboricultural Implications Assessment, Tree Constraints and Protection Plan, including the location of all existing and proposed services, and Arboricultural Method Statement to accord with BS5837:2012 ('Trees in relation to design, demolition and construction - recommendations') has been submitted to and approved in writing by the Local Planning Authority.
- 18) The approved details shall be installed in accordance with the specifications set out within the plan and BS5837:2012 and shall remain in place until the completion of the construction process.
- 19) No development shall commence until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development commences. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development commences.
- 20) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first

occupied. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

- 21) No works shall commence (other than those required by this condition) until full details of the principal access road, in general accordance with drawing P1004/301, including the junction with the existing public road, and relocated traffic islands and road markings, for the first 20m of the proposed access road, have been completed to at least binder course level.
- 22) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be commenced until details of the access has been submitted to and approved in writing by the Local Planning Authority. Details shall include the provision of visibility splays of 2.4 metres x 132 metres to the north of the access and 2.4 metres x 144 metres to the south. The access shall be implemented and retained in accordance with those details.
- 23) Before the first occupation of the development hereby approved, vehicle parking shall be provided in accordance with details to be approved at the reserved matters stage and maintained available for those purposes for the duration of the development.
- 24) Before the development hereby approved is first occupied the carriageways within the development (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to the development shall have been completed to at least binder course level and the footways to surface course level.
- 25) No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development has been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 26) No development shall commence until a full Non Motorised Audit has been carried out and submitted to and approved in writing by the Local Planning Authority. Details of approved measures, identified in the Audit, shall be completed prior to the first occupation of the development and retained thereafter.
- 27) No 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. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Wheel washing facilities;
 - v. Access routes to the site.

- 28) No development shall commence on-site until a scheme has been submitted to, and approved in writing by the Local Planning Authority, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.



South Elevation



East Elevation



North Elevation



West Elevation

Notes:
 The elevations are based on the Planning Application Land
 The elevations are based on the existing ground level and are not to be used for construction purposes. They are not to be used for construction purposes.
 The elevations are based on the existing ground level and are not to be used for construction purposes. They are not to be used for construction purposes.

100
 01/02/17
 0955
 3760
 0955

AWW inspired environments
 London: 020 7464 4400
 Bristol: 0117 924 2000
 Manchester: 0161 275 1130

Central Building
 Stow on the Wold
 Retirement Village

Elevations

Scale	Sheet	Drawn	Checked	Date
1:200	A1	GC	MG	01/02/17
Project		3760		
Drawing Title		Elevations		
Drawing No.		0955		
Revision		E		

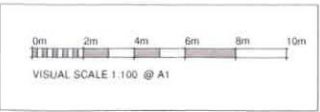


Notes
 1. This drawing is a conceptual representation of the proposed development. It is not intended to be used for construction purposes. It is subject to change without notice.
 2. The drawing is for informational purposes only. It is not intended to be used for construction purposes. It is subject to change without notice.
 3. The drawing is for informational purposes only. It is not intended to be used for construction purposes. It is subject to change without notice.

2 Village Green West Elevation
 1 : 100



3 Village Green East Elevation
 1 : 100



1 Village Green Courtyard Plan.
 1 : 500

109

10/11/17 10:30 AM
 10/11/17 10:30 AM
 10/11/17 10:30 AM



Retirement Living
 Stow on the Wold

Village Green East & West Elevations

Issue	Drawn	Checked	Checked by	Date
As indicated	A1	GC	MG	23/02/17
Author	PLANNING			
Project No.	3760			
Drawing No.	0327			
Revision	B			



EXTRACT FROM PROPOSED SITE
 PLAN DRAWING 0103:
 Diagram showing minimum separation
 distances between facades

Notes
 This drawing may be scaled for the purposes of Planning Applications,
 Land Registry and for Legal plans where the scale for is used, and
 where it verifies that the drawing is an original or an accurate copy, it
 may not be scaled for construction purposes.
 Always refer to figured dimensions. All dimensions are to be checked
 on site. Discrepancies and/or ambiguities between the drawing and
 information given elsewhere must be reported in a redaction to the office
 for clarification before proceeding. All drawings are to be read in
 conjunction with the specification and all works to be carried out in
 accordance with latest British Standards / Code of Practice.

A	12.7.17	GC	Issued for information	MC
Rev	Date	Int	Notes	Client

Client

Drawing Originator
AWW inspired environments
 London - 7 Birchen Lane, London, EC4V 9BW 020 7160 6000
 Bristol - Rivergate House, Bristol, BS1 0L3 0117 623 2535
 Plymouth - East Quay House, Plymouth, PL4 0HN 01752 261 252
 RIBA Chartered Practice www.aww-uk.com

Project Title
**Retirement Living
 Stow on the Wold**

Drawing Title
**Building separation distances at
 Eastern boundary**

Scale	Sheet	Drawn	Checked	Date
1 : 500	A3	GC	MC	July 2017

Status	Project No.
PLANNING	3760
Drawing Reference	Revision
0103 ⁰⁵ extract	A

110



1 Site Plan - Shadow Analysis - Summer Solstice @ 12pm
1:1000



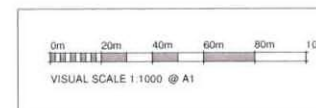
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1:1000



2 Site Plan - Shadow Analysis - Winter Solstice @ 12pm
1:1000



4 Site Plan - Shadow Analysis - Autumn Equinox @ 3pm
1:1000



NOTES
This drawing may be used for the purposes of Planning Applications, Land Registry and all other applications where the site plan is used and where it is not intended to be used for any other purpose. It is not intended to be used for any other purpose.
The drawings are for information only. All dimensions are to be used as an indication of the proposed development. The drawings are not intended to be used for any other purpose. It is intended to be used for information only. It is not intended to be used for any other purpose.

W. 2712 GC: Unimproved Street Lighting
A. 110111 GC: Street Lighting
The Line GC: Notes

Client
Liberty
PROPERTY LIMITED

Planning Consultant
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RIBA Chartered Practice

Project Title
**Retirement Living
Stow on the Wold**

Drawing Title
Shadow Analysis

Scale	Sheet	Drawn	Checked	Date
1:1000	A1	GC	MC	22/02/17
PLANNING			3760	
Drawing Reference:			0350	B



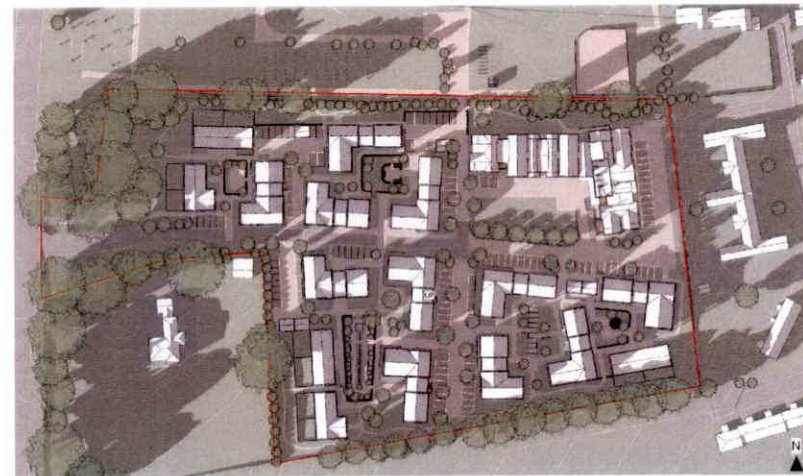
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1:1000



3 Site Plan - Shadow Analysis - Spring Equinox @ 2pm
1:1000



2 Site Plan - Shadow Analysis - Spring Equinox @ 12pm.
1:1000



4 Site Plan - Shadow Analysis - Spring Equinox @ 4pm
1:1000

Notes
 This drawing may be used for the purposes of Liberty Development Local Review and is a legal instrument of the State of Oregon. It is subject to the provisions of the Oregon Land Use Decree Act (ORS 227.010-227.080).
 Liberty Development Local Review. All dimensions are in feet unless otherwise noted.
 Dimensions are shown in feet and inches. All dimensions are shown in feet and inches.
 All dimensions are to the center of the line unless otherwise noted.
 All dimensions are to the center of the line unless otherwise noted.
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112
 W. 2172 S. Liberty Development Local Review
 A. 11/21/11 S. 11/21/11
 Plan No. 300-0000

Client
Liberty
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 Planning Division
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Project Title
**Retirement Living
 Stow on the Wold**

Project Title
 Shadow Analysis 2

Scale	Sheet	Drawn	Checked	Date
1:1000	AT	GC	MC	
Discipline	PLANNING		3760	
Drawing Reference		0351		B

114

04/04/2017



115

04/04/2017





116

116

04/04/2017





118



120

