Item No 03:-

17/04950/FUL

Land Parcel At Upper Rissington
Upper Rissington
Gloucestershire
GL54 2NP

## Item No 03:-

Variation of condition 3 of planning approval reference 12/03810/REM to regularise the materials used in the construction of the development at Land Parcel At Upper Rissington Upper Rissington Gloucestershire GL54 2NP

Full Application 17/04950/FUL	
Applicant:	Bovis Homes
Agent:	Hunter Page Planning Ltd
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Mark MacKenzie-Charrington
Committee Date:	11th April 2018
RECOMMENDATION:	PERMIT

#### Main Issues:

- (a) Visual amenity and conformity with the Cotswold Design Code
- (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB)

#### Reasons for Referral:

This application has been reported to Planning Committee for determination as it is a retrospective application and there is significant community interest in the proposals.

## 1. Site Description:

The site to which this application relates lies to the south of the original village of Upper Rissington (which comprises former RAF housing and later new-build housing developments) and to the north of the airfield, which remains active. The site is bounded on the east by the Barrington Road and beyond the road is open countryside. The western boundary is open countryside (this boundary can be seen from the Stow-Burford Road - A424).

The site is now known as Victory Fields and comprises a residential development of 368 dwellings (predominantly comprising new-build dwellings but does include the conversion of the former Officers' Mess and two other pre-existing buildings on site), a primary school, a community centre and a village square providing a supermarket and other commercial uses. Planning permission has been granted for employment land and a public house which have not yet been delivered. The nursery and gym originally approved have been provided on the site but in different locations to those originally approved. The construction of the dwellings has been completed and all properties are now owner occupied.

There is a significant amount of tree cover within the site, but less so along the boundaries. The majority of the trees within the application site are mature and are the subject of a blanket Tree Preservation Order (TPO) served in 1997.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty, wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving or enhancing the natural beauty of the landscape.

# 2. Relevant Planning History:

08/03697/OUT: Outline application for the partial demolition of former military buildings and existing commercial buildings and redevelopment to provide up to 368 dwellings, up to 3,140 sq.m of D1 and D2 floor space, up to 2050 sq.m of A1- A5 floor space, up to 7,100 sq.m of B1 floor space, including conversion of the former Officer's Mess, the former Station Sick Quarters, the former Station Headquarters and the former Education Block for residential purposes & conversion of the former Watch Tower, the former Guardhouse and the former Sergeants' Mess for employment purposes, together with the provision of public open space, associated access and junction improvements and other associated works. Refused 18.09.09. Allowed on appeal 25.02.10.

12/03810/REM: Reserved matters application for the erection of 368 dwellings (comprising 304 new-build dwellings and 64 dwellings provided within existing refurbished buildings) together with associated works, garaging/parking, provision of public open spaces and including details of layout, scale, external appearance of the buildings and landscaping of the site pursuant to Outline permission (ref. 08/03697/OUT). Approved 23.01.2013.

# 3. Planning Policies:

NPPF National Planning Policy Framework LPR42 Cotswold Design Code

#### 4. Observations of Consultees:

Conservation Officer: views incorporated within the Officer's report

Landscape Officer: views incorporated within the Officer's report

#### 5. View of Town/Parish Council:

The Parish Council does not object to this application, but would like to make comments:

- i. The changes to the Materials Dispersion plan might not be considered modest by some;
- ii. While it conflicts with the original planning consent, we understand that what has been built in the main is acceptable in terms of the Cotswold Design Code, and would have been acceptable had it been in the original application but there are some exceptions where the departure from the original scheme is less acceptable, for example, a mismatched Cotswold stone porch on a red brick house:
- iii. Unfortunately, the Parish Council is led to believe that if consent isn't granted, then the local planning authority would be required to bring enforcement action against the owner/occupiers of the properties, rather than against the developer and the Parish Council does not wish to create legal difficulties for any homeowner and thus does not feel it is appropriate to object to the application; and
- iv. The Parish Council is disappointed that the developer cannot be held to account, and sympathises with homeowners who find themselves in a house that is not finished how they expected it to be finished.

## 6. Other Representations:

32 third party representations lodging the following objections:

- i. Object on the basis that approval should not be given retrospectively as this would send the worst kind of message to Bovis and other developers that it is ok to ignore planning departments:
- ii. 94 out of 154 dwellings (61%) have been built with incorrect materials against the approved material dispersion plan;

- iii. We need the right balance of design and materials to ensure a new development keeps in line and respects the surrounding area of outstanding natural beauty and there are now too many rendered and red brick properties within the development and more blue slate roofs;
- iv. There is an imbalance of the look of the new community and it is not in keeping with the area or similar nearby developments;
- v. Some plots have been constructed in mis-matched materials and consequently spoil the visual amenity of the locality and the wider AONB;
- vi. Larger dwellings in prominent locations should not be built in red brick as they appear incongruous in the streetscene and detract from the site;
- vii. Consider that the development as built does not accord with the NPPF;
- viii. Welsh slate is not in keeping with the natural environment of the Cotswolds and is an inferior building material; and
- ix. Disagree with the findings of the applicant's supporting statement produced by Define and the legal opinion which forms part of the applicant's submission.

# 7. Applicant's Supporting Information:

Amended Materials Dispersion Plan - C1292 MAT Rev C Materials Plot Comparison Schedule Streetscene and Townscape Review produced by 'Define'

## 8. Officer's Assessment:

## **Background**

Outline Planning permission was granted on appeal in 2010 for the re-development of the former RAF base to include 368 dwellings, employment land, a primary school, a community centre and a village square providing shops. The Reserved Matters for the residential element of the scheme, which are pertinent to the consideration of this application, were approved in January 2013 (12/03810/REM).

#### Condition 3 of 12/03810/REM stated that:

"The development hereby approved shall be constructed strictly in accordance with the Materials and Boundary Dispersion Plan drawing no. C1292\_MAT Rev B, unless otherwise agreed in writing by the Local Planning Authority." The reason for the condition was "To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with the provisions of the NPPF and Cotswold District Local Plan policies 42."

Subsequent to that permission being granted, samples of the proposed walling and roofing materials were submitted to and approved by the Local Planning Authority (LPA) as part of a condition compliance application (13/00580/COMPLY). The approved materials for the residential part of the site are: for the walls - Ibstock Mercia Weathered Orange (plain brick), Ibstock Bridgwater Weathered Red brick and Atlas Rustic Cotswold stone (an artificial stone); and for the roofs: Bradstone Cotswold in Conservation colour and natural Spanish blue slate (Cupa N25).

However, it has recently come to light that Bovis Homes who, jointly with Linden Homes, has developed the site, has not fully complied with the approved Materials and Boundary Dispersion Plan and consequently has submitted this retrospective application to vary Condition 3 to regularise the distribution of materials used across the site.

It is also apparent that a different artificial walling stone than that approved has been used on a proportion of the Bovis-built houses. Only 21 of the 80 plots that were approved in artificial stone have been constructed in the approved Atlas stone. It is understood this was due to a supply issue as Atlas stopped supplying stone when they were bought out by the Huntsman's Quarry at Norton. The remaining 59 plots (74%) were built using Bekstone Golden Buff

(tumbled/weathered). This change in material is also addressed as part of this current planning application.

# (a) Visual amenity and conformity with the Cotswold Design Code

# **Policy Context**

Local Plan Policy 42 (Cotswold Design Code) seeks to ensure good design. It states "Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship".

The NPPF advises that new development should "respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation" and that developments are "visually attractive as a result of good architecture and appropriate landscaping".

## Walling materials

The walling materials for the dwellings although now used in slightly different locations remain of the same proportions agreed previously, i.e. 52% artificial Cotswold stone, 19% render and 29% brick.

The Bekstone Golden Buff artificial stone used as a substitute for the approved Atlas stone is of very similar colour, texture and size to the Atlas stone and thus, it is considered that this change is indiscernible. On that basis, the substituted stone is considered to be acceptable.

The walling materials for the garages have been amended so that 5% more than approved have now been constructed in brick (12% as opposed to the approved 7%). As outbuildings are often and traditionally in this area, built in a different material to the main house, this increase is considered to be appropriate and acceptable.

## **Roofing materials**

The roofing materials for the dwellings have changed, resulting in 10% more natural blue slate being used (66% as opposed to the approved 56%). However, the total of 66% is still considered an acceptable amount bearing in mind in many instances this is coupled with brick walling which is entirely appropriate. Overall, it is considered that the materials dispersion is not dominated by the increased proportion of blue slate used and the overall visual impact is not markedly affected by the change.

The roofing materials for the garages have seen the largest increase in the use of natural blue slate in place of artificial stone (89% as opposed to the approved 61%). However, in these contexts, blue slate is commonly used for outbuildings/ancillary structures and the latter are also often located less prominently within the development. In light of this, Officers consider that visually, the development is not adversely affected by this change.

It is also worth noting that Officers achieved an improvement in terms of the materials proposed as part of the initial submission by the developers. Both the quality of artificial stone tiles and the use of a natural rather than an artificial blue slate were improvements sought as part of the planning process and this has resulted in a higher quality of development than initially proposed.

It is regrettable that un-approved changes have been made to the approved distribution of materials, bearing in mind that Officers felt it important to agree those specific proportions and types of materials. However, having re-visited the site and looked at the impact the changes have had on the overall appearance and quality of the development, Officers are of the view that what has been constructed remains of a high quality in terms of materials (and design, form etc.) and that the overall character of the development in question is in keeping with the prevailing

character of the area and in line with the Cotswold Design Code. Officers consider that the type and distribution of the materials as now used would have been equally acceptable if originally proposed.

Officers consider that the 'as-built' development at Victory Fields, Upper Rissington achieves the aims of LP Policy 42 and the design considerations of the NPPF, even taking into account the changes to the distribution and proportions of materials ultimately used. It is noteworthy that the latter have been changed but not significantly.

# (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB)

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S.85 of the Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise the "intrinsic character and beauty of the countryside and support thriving rural communities within it."

Section 11 of the NPPF encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes".

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

In the context of the wider AONB, the changes in the dispersal of materials across the site are minor and, as Officers are content that the proposals are in accordance with LP Policy 42 and the design provisions of the NPPF, it is considered that the revisions also have a neutral impact upon the character and appearance of the AONB.

#### 9. Conclusion:

In summary, Officers consider that the revised dispersion and proportions of materials, and the change in artificial walling stone used are in keeping with the prevailing character of the area and accord with the Cotswold Design Code and thus Policy 42 of the Cotswold District Local Plan and the equivalent Policy EN2 of the emerging Local Plan, and the design principles of the NPPF.

Furthermore, it is considered that the development as built does not have any greater impact upon the character and appearance of the AONB than the originally approved scheme and thus complies with Paragraph 115 of the NPPF.

It is therefore recommended that the application to regularise the materials as built is approved.

# 10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing numbers:

OM / E / 001, 103, 41 / E / 001, 42 / E / 001, 002, 45 / E / 001, 45 / E / 002, OM / 101/A, 102, 103, OM / 201/A, 202/A, 203/A, 41 / 101, 41 / 201, 42 / 101, 201, 45 / 101, 201, 3H79 SC01/A, SC02/A, SC03/A, 3H91 SC01/A, SC02/A, SC03/A, 4H110 SC01/A, SC02/A, SC03/A, 4H110 AC01/A, AC03/A, 4H113 SC01/A, SC02/A, SC03/A, 4H113 AC03/A, 4H120 FP/A, 4H120 02/A, 03/A, 4H122 SC01/A, SC02/A, SC03/A, 4H122 AC01/A, 4H128 SC FP/A, 4H128 SC01/A, SC03/A, 4H128 AC01/A, AC03/A, 4H148 FP/A, 4H148 SC01/A, 4H148 AC01/A, 5H213A FP/A, 5H213A AC01/A, 5H182 FP/A, 5H182 AC01/A, AC03/A, 5H185 FP/A, 5H185 AC01/A, A03/A, 5H223 FP/A, 5H223 AC01/A, AC03/A, 5H228 FP/A, 5H228 AC01/A, P302 SC01/A, SC02/A. SC03/A, P303 SC01/A, SC03/A, P303 AC01/A, AC03/A, P306 SC01/A, P306 AC01/A, P306 AC03/A, P401 SC01/A, SC03/A, P401 AC01/A, AC03/A, P403 SC01/A, SC03/A, P403 AC01/A, SW4038 FP/A, SW4038 SC01/B, SC03/B, SW4038 AC01/B, AC03/B, SW4038A FP, SW4038A SC01, SC03, SW4038A AC01, P408 FP/A, P408 EL/A, P504 FP/A, P504 SC03/A, P504 AC03/A, SW5006 FP/A, SW5006 SC01/A, SW5006 AC01/A, AC03/A, SW5007 FP/A, SW5007 AC01/A, AC03/A, P601 SC FP/A, P601 SC01/A, P601 AC FP/A, P601 AC01A, AC03/A, C1292/1B2P V1 SC02/A, C1292/1B2PV2 SC02/A, 3B5PV1 SC02, 3B5P V2 SC02, SC03, SC03, 3B5P V3 SC02, SC03, 3B5P V1 AC02, 3B5P V2 AC02, AC03, 3B5P V3 AC02, AC03, 4B6P V1 SC02, SC03, 4B6P V2 SC02, SC03, 4B6P V1 AC02, AC03, 4B6P V2 AC02, AC03, C1292 GAR 01, 02, 03, 04, C1292 P101, P102, C1292 P001/F, P002/E, P003/F, C1292/MAT/D, C1292 201, 202, C1292/RM PP1/C. PP2/B. PP3/C. PP4/C. PP5/C. PP6/C. PP7/A. RRL/TS/704482/3/A, RRL/TS/704482/4/A, RRL/TS/704482/5/A, RRL/TS/704482/6/A, RRL/TS/704482/7/A, RRL/TS/704482/8/A, 7108.01.01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 0090-5\_801/A, 802, 803, 0412/ATR/101/E, 102/E, 104/D, 105/F, 106/D, 107/D, 108/G, 109/B, 0412/SK/102/B, 0412-SD-114/B. C1292 / 601/D. 602/C. 603/C. 604/C, 605/C, 606/C, 607/C, 608/C, 609/C, 610/C, 611/C, Design and Access Statement, Landscape and Ecology Strategy (5109.LBS.003 dated 04/01/13)

**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 commencement of the development hereby permitted, plans showing the existing and proposed ground levels at the site, the finished floor levels, the eaves and ridge heights of the proposed buildings and any neighbouring buildings adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority (such levels and heights shall be datums above sea level). The development shall only be carried out in accordance with the agreed details.

**Reason:** It is important to clarify the levels and height of the development in relation structures both on and off the site. The information is necessary to allow the impact of the development to be accurately assessed. These details need to be established prior to the commencement of development in order to ensure that groundworks and slab levels are clearly established thereby avoiding future ambiguity over the height of the development.

The development hereby approved shall be constructed strictly in accordance with the Materials and Boundary Dispersion Plan drawing no. C1292\_MAT Rev.D.

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

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belied outwards over the heads of doors, windows or any other opening.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, 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, a sample panel of walling of at least one metre square in size showing the proposed brick type and colour, bonding, method and colour of pointing has been 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 and the provisions of the NPPF, 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, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. 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 and the provisions of the NPPF, 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.

All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

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

All the windows and doors shall be painted in a colour chosen from a palette of colours to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

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

No external woodwork shall be installed in the development hereby approved, until a sample of the external woodwork (e.g. fences) finished in the proposed colour has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located 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 and the provisions of the NPPF.

All garage doors shall be of vertical boarded timber 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 and the provisions of the NPPF.

No dormers, ridges, eaves, verges, chimneys, rooflights, extract and flue terminals, external joinery (windows, doors and garage doors), door canopies, porches (including posts), door surrounds, bay windows, rainwater goods, cill and head treatments, stone dressings, railings, steps and balustrading, fencing and boundary walling shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with 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 and the provisions of the NPPF.

Notwithstanding the submitted details, full engineering details of the proposed build out to be located by the school shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details and thereafter maintained in that form until or unless adopted as highway maintainable at public expense.

**Reason:** In the interests of highway safety to provide a safe and suitable crossing point and speed control measure, in accordance with Cotswold District Local Plan Policy 38.

Before each phase of the development hereby permitted is brought into use, the land designated as visibility splays and hatched pink on drawing numbers: 0412/ATR/104/D, 105/F, 106/D and 108/G, shall be cleared of all obstructions between 0.6 metres and 2 metres over the level of the adjoining road and nothing shall be permitted to remain, be permanently placed, built planted or grown within the above specified dimensions.

**Reason:** In the interests of highway safety to provide a safe and suitable access for all, in accordance with Cotswold District Local Plan Policy 38.

#### Informatives:

This permission is subject to, and must be read in conjunction with, a legal agreement and a unilateral undertaking (both dated 29th January 2010) under Section 106 of the Town and Country Planning Act (1990) as amended and with the conditions of the associated Outline permission LPA ref. 08/03697/OUT, dated 25.02.10.

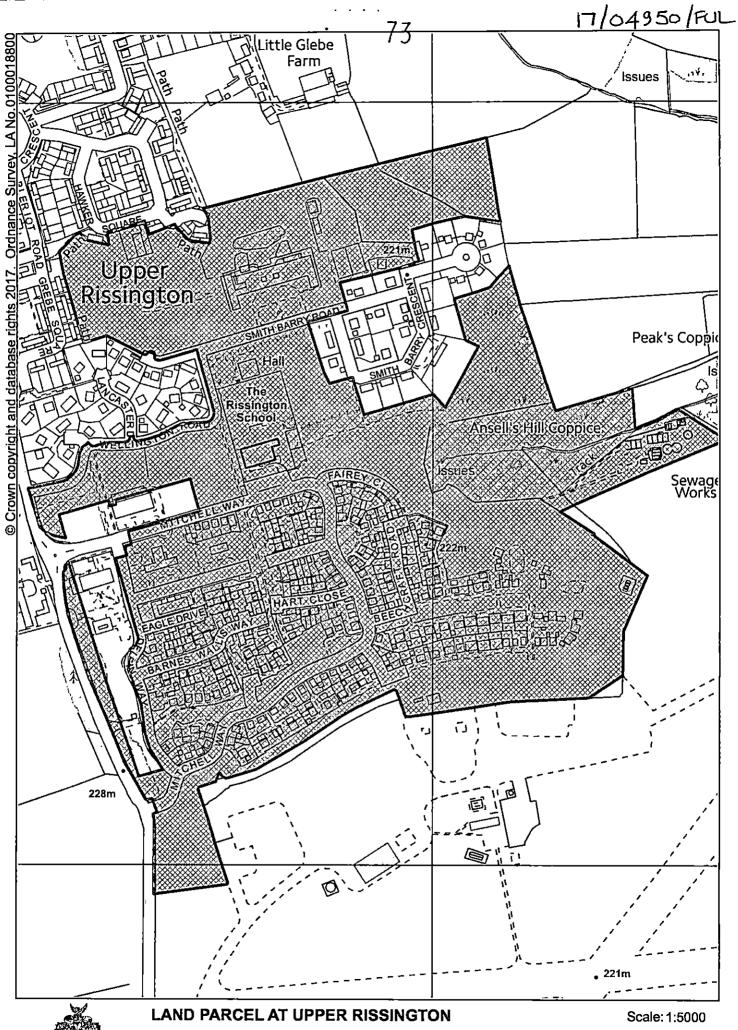
The surface water drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- The Flood and Water Management Act 2010 (Part 1 Clause 27(1))
- Code for sustainable homes A step-change in sustainable home building practice
- The forthcoming local flood risk management strategy to be published by Gloucestershire County Council before March 2013. As per the Flood and Water Management Act 2010 (Part 1 Clause 9 (1))

Where communal drainage schemes are proposed, approval of the scheme will be required from Gloucestershire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

BS5837:2005 has been superseded by BS 5837:2012 and thus, all detailed information submitted in relation to trees shall comply with the updated guidance.

This decision should be read in conjunction with the following condition compliance applications as many of the conditions attached to this notice have already been met: 13/00580/COMPLY and 13/01376/COMPLY.





**DISTRICT COUNCIL** 

Organisation: Cotswold District Council

Department: Date: 29/03/2018









Ull Roof Materials Plan: 0090-2-214

BOVIS