

Appeal Decision

Hearing held on 19 August 2015

Site visit made on 19 August 2015

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 28 August 2015

Appeal Ref: APP/F1610/W/15/3018488

**Former Pulham Coaches, Station Road, Bourton-on-the-Water,
Gloucestershire GL54 2EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by McCarthy & Stone Retirement Lifestyles Limited against the decision of Cotswold District Council.
- The application Ref 14/03208/FUL, dated 17 July 2014, was refused by notice dated 20 November 2014.
- The development proposed is the erection of 20 No (Cat II Type) Retirement Apartments including communal facilities, car parking and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 20 No (Cat II Type) Retirement Apartments including communal facilities, car parking and landscaping at Former Pulham Coaches, Station Road, Bourton-on-the-Water, Gloucestershire GL54 2EN in accordance with the terms of the application, Ref 14/03208/FUL, dated 17 July 2014, subject to the conditions set out at the end of my decision.

Preliminary Matters and Main Issue

2. The application was refused for two reasons, relating to the effect of the proposal on nearby heritage assets and a lack of information relating to affordable housing. During the appeal process an agreement was reached between the parties concerning affordable housing contributions and this was presented in the form of a unilateral undertaking at the Hearing.
3. Consequently the sole main issue in this case is the effect of the proposed development on the settings of Salmonsbury Camp Scheduled Ancient Monument and the Bourton-on-the-Water Conservation Area.

Reasons

4. The appeal site at the time of my visit appeared to still be fully functioning as a coach yard, and mainly comprises of a large yard/forecourt and several sizable sheds. The proposal seeks to clear the existing buildings and construct 20 retirement apartments. The site is situated close to the heart of Bourton-on-the-Water and there is no dispute between the parties that the proposal is sustainably located.
5. The site lies between the two roads of Station Road and Cemetery Lane, with residential development on its northern side. To the southern side is Manor

Field, a large open area. The northern side of this field also constitutes the boundary of the Salmonsbury Camp Scheduled Ancient Monument (SCSAM) and the Bourton-on-the-Water Conservation Area (BWCA).

6. The SCSAM covers around 23 hectares and is an Iron Age defended settlement protected on 4 sides by two sets of banks and ditches (ramparts). Evidence from Historic England notes that in the vicinity of Station Road and Cemetery Lane much of the inner rampart has been removed by gravel extraction, and that the outer rampart was still visible on Manor Field in 1974 as a crop mark. However, they state that evidence is mixed as to where exactly on the field the outer rampart was; whether around the middle of the field or closer to the appeal site.
7. The significance of the SCSAM can be simply defined by its age, rarity and survival. The appellant's evidence notes that large multivallate hillforts are rare with around 50 examples found nationally, largely in Wessex and the Welsh Marches. The eastern and northern sides of the Camp have survived relatively well, where open fields predominate and ramparts are readily visible. The setting of the monument in these areas is significant, with views possible both to and from the ramparts and the surrounding countryside. The western side of the camp is less well preserved due to the development of Bourton-on-the-Water and the aforementioned gravel extraction.
8. The BWCA covers much of the centre of the village. The village, recognised as one of the most popular tourist attractions in the Cotswolds, is centred historically around the river Windrush, with stone bridges and a close knit dense streetscape of fine Cotswold stone buildings of local vernacular. The Bourton-On-the-Water Conservation Area Statement, June 2002, states that the aim of the BWCA is to conserve and preserve the older parts of the village, whilst maintaining a balance between tourism and the natural beauty of the settlement. Manor Field is noted within the statement as providing a particularly important foreground to the Manor and of providing links from the village to the open countryside. The Field is identified as being crucial to the character of the BWCA and should be preserved.
9. The SCSAM is listed under schedule 1 of the Ancient Monuments and Archaeological Areas Act 1979 and is by definition of national importance. Whilst the Act does not afford statutory protection to the setting of SAMs, paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of such monuments and that substantial harm to it should be wholly exceptional. The Framework confirms that significance derives not only from a heritage asset's physical presence, but also from its setting.
10. Paragraph 137 of the Framework states that significance of a designated heritage asset, including conservation areas, can be harmed or lost through development within its setting. The Framework also states that elements of a setting may make a positive or negative contribution to the significance of an asset. Planning Practice Guidance confirms that setting is the surrounding in which an asset is experienced and that all heritage assets have a setting, irrespective of the form in which they survive.
11. Policies 15, 18 and 42 of the Cotswold District Local Plan 2001-2011, 2006 (the Local Plan) together state that the construction of building affecting a conservation area must preserve or enhance the character of the designated

area, that the siting, appearance and scale of development respects the traditional form, character and appearance of the settlement, and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District. The Cotswold Design Guide (the Design Guide) was adopted in March 2000. This supplementary planning document aims to ensure that new development respects the Cotswold style, setting, harmony, street scene, proportions, simplicity, materials and craftsmanship.

12. At present views of the appeal site from the SCSAM and the BWCA take the form of the coach sheds on the east side of the site, framed by residential development to the north. Whilst the existing development on the site could be considered reasonably low key, the appeal site does not provides an open aspect to the south and the age and condition of the coach sheds and the industrial nature of the site does not enhance or contribute positively to the setting of the SCSAM or the BWCA.
13. The proposed apartment block would form a simple U shape, with reasonably consistent building lines located on the south and west sides, fronting Manor Field and Station Road. To the west on Station Road the proposal would have a varying height, with 2 and a half storeys, 2 storeys, and a 3 storey element. To the south, and fronting the BWCA and SCSAM boundary, heights would also be varied, with 3 storey, 2 and a half storey and 2 storey elements. The higher elements would be on the south west corner, following around from Station Road, and would present a strong corner to the design, with the 2 storey elements located further to the east. I do not consider in this context that these heights would be overbearing or unsympathetic to the surrounding area.
14. Visual montages submitted show views from within the BWCA and across the SCSAM. These show that the design of the proposal incorporates differing materials and alterations to the building line, so that although the southern elevation is fairly long and presents much more of a façade to the south than the existing development, the design is coherent, well articulated and broken up to offer relief and a hierarchy of design. Such views would also be broken up by the substantial array of trees and landscaping that already borders the field edges. This would ensure that the mass and design of the proposal would not be over dominating or would urbanise the area.
15. The Council raise concerns over the proposed use of balconies and render. Whilst I agree that balconies would not generally be considered appropriate within the Cotswolds, the balconies on the proposal are well proportioned and reasonably understated. In terms of render, whilst this may not be entirely vernacular I consider the area proposed for this treatment would help to break up the southern mass of the development and would be subservient to the stone aspects of the proposal.
16. During the course of the appeal Historic England altered their original advice on the effect of the proposal, considering that it would cause less than substantial harm to the significance of the SCSAM. The SCSAM in its original form would have had little or no development close to the ramparts to maintain open vistas to prevent surprise attacks and to ensure that the structure was visible from a distance. I concur in this sense with the appellant's view that the proposal would merely change the character of the appeal site from one form of modern development to another one. Whilst the development proposed would have a

greater footprint and would be more visible from the SCSAM, I do not consider that this would harm the significance of the heritage asset.

17. Whilst I agree that the southern part of Manor Field outside of the monument contributes to the setting of the SCSAM, forming a break between the monument and developed edge of the village, the proposed development, would form a boundary to the part of the SCSAM that it borders and would delineate, but not dominate, the edge of this part of the settlement.
18. The Council consider that the site lies on a route where the historic quality of the environment increases in prominence, and that the current site contributes to an informal and understated character and appearance. They consider that the proposal would introduce a significant amount of development alongside Station Road and the southern boundary of the site. However, whilst development to the north may be of a higher quality, at present the site forms part of a gap in development, mirrored by the large car park and filling station located opposite. I consider the proposal would benefit the general streetscape of the area, providing a firm, well designed edge to development.
19. The Parish Council raise issues over the height of the Station road façade, considering that the eastern side of the site which has lower levels would be more suited to 3 storey development. In this respect I note that the proposal would be set slightly below the road level and that the differing roof ridges, eaves heights, and the incorporation of the pitched dormers would help to break up this elevation and would provide visual relief. I therefore consider that the height of the proposal, whilst towards the upper end of what may be suitable, is acceptable in this location.
20. I therefore conclude that the proposed development would not have an adverse effect on the settings of the Salmonsbury Camp Scheduled Ancient Monument and the Bourton-on-the-Water Conservation Area. The proposal would comply with the Framework, and with Policies 15, 18 and 42 of the Local Plan.

Other Matters

21. A neighbouring resident raises concerns over the effect of the proposed development upon their living conditions, specifically on the effect on daylight reaching their property and overlooking. However, I note in this respect that the eaves height of the closest part of the proposed development to Oxpens Cottage is of a similar height. The distance between the two buildings, stated to be some 17m in the Hearing would also be sufficient to avoid any significant adverse effect on daylight.
22. Upper floor windows on the northern elevation of the proposal are confined to small secondary windows. However, I can appreciate that these could give rise to a feeling of being overlooked within the rear private garden of this adjacent property where no such feeling exists currently. At the Hearing the appellant stated that they would be content with these small windows having obscure glass and I consider that this would adequately mitigate any small adverse impact.
23. Concerns are also raised over the traffic impacts of the proposal. However, due to the nature of the flats I do not consider that the proposal would generate a significant level of traffic and the proposed 21 car parking spaces

provided on site should adequately cater for the future residents of the proposal.

24. Issues are raised over the precedent that the proposal may cause, particularly in respect to Manor Field. Each case must be dealt with on its own merits; moreover, the site is a brownfield one and does not lie within either the BWCA or the SCSAM, in direct contrast to the majority of the Manor Field.

Obligation

25. A signed unilateral undertaking has been submitted to make a payment of £200,000 to be applied towards the provision of off-site affordable housing within the parish or District. Policy 21 of the Local Plan states that a proportion of affordable housing will be sought as part of the development of any significant site in Bourton-on-the-Water, and the Council have confirmed that an off site contribution would be acceptable in this case given the nature of the development proposed.
26. The obligation also contains a sum of £10,000 to be paid towards the provision of a Community Hub within the village, and was requested by the Parish Council. The Chair of the Council, Mr Sumner, described at the Hearing the wide range of services the hub already provides for the community, and explained that the centre was virtually at capacity in certain areas. Contributions were required for the enhancement and upkeep of the facilities. Policy 43 of the Local Plan states that where the existing local provision of community facilities is considered inadequate to meet needs arising from development, the Council will seek contributions to the enhancement of existing facilities within the vicinity of the site, commensurate with the scale of development.
27. Mr Sumner explained that the Hub was particularly aimed at the needs of young people and the elderly and this was clear from my site visit. The centre is within easy walking distance of the appeal site and I consider would be well used by the future occupiers of the proposed development. A sum of £10,000 would in my judgement be commensurate with the scale of development proposed in this case.
28. I therefore consider that the measures in the Agreement are necessary, related directly to the development and are fairly related in scale and kind. As such they accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. In particular due to the affordable housing contribution I give the Agreement significant weight in favour of the development.

Conditions

29. As well as the standard conditions relating to time for implementation and compliance with plans, I have also imposed various conditions relating to material samples, sample panels of walls and render, and the recessing of door and window frames and their construction. Such conditions are all necessary in the interests of the character and appearance of the area and the setting of the adjacent BWCA and the SCSAM. I have also imposed conditions relating to the proposed new vehicle access, the closure of the existing access, visibility splays, car parking and surfacing of parking areas and walkways. These

conditions are all as recommended by the Council and agreed by the appellant, and are required in the interest of highway and pedestrian safety.

30. I have imposed a condition regarding the agreement of a construction method statement, in the interests of the character and appearance of the area and the living conditions of nearby residents. Given the sites existing use and in the interests of the water environment I have imposed conditions covering surface water drainage and site remediation. In the interests of the character and appearance of the area and the environment I have also imposed conditions relating to existing trees, the implementation of a submitted landscaping scheme and subsequent maintenance of the scheme.
31. Both parties agreed on a condition to ensure that the apartments are occupied by elderly people. This condition appears both reasonable and necessary to me. Finally, and as referred to above, I have imposed a condition relating to the side windows of the upper floors on the western side of the northern elevation of the proposed building.

Conclusion

32. I have concluded that the proposed development would not have an adverse effect on the settings of nearby heritage assets. The contribution towards affordable housing in the signed Section 106 obligation adds weight to my overall decision.
33. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 19 CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1886-01-01, 1886-01-02, 1886-01-03, 1886-01-07, 1886-01-08, 1886-01-09, 1886-01-10, 1886-01-11, 666-001.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until sample panels of walling and render of at least 1m² each have been erected on site and subsequently approved in writing by the Local Planning Authority. The walls shall be constructed in the same way as the approved panels, which shall be

retained on site until the completion of the development. The walling sample panel shall show the proposed stone colour, coursing, bonding, and treatment of corners, method of pointing and mix and colour of mortar. The render panel shall show the proposed texture and colour of the render.

- 5) All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.
- 6) All doors and windows shall be of timber construction and shall be painted and not stained and shall be permanently retained as such thereafter.
- 7) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the size, position and construction of the drainage scheme, the results of soakage tests carried out at the site to demonstrate the infiltration rate, a timetable for its implementation and details of the future maintenance and management of the scheme. The development shall be carried out fully in accordance with the approved details and the drainage scheme shall be maintained fully in accordance with those details thereafter.
- 8) Prior to occupation of the proposed development details of the vehicular access to be formed shall be submitted to and approved in writing by the Local Planning Authority. Once these details are approved, no works shall commence (other than those required by this condition) until the first 10m of the proposed vehicular access road with the existing public road and associated visibility splays has been completed to at least binder course level and with any gates situated at least 4.5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway.
- 9) The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.
- 10) The vehicular access hereby permitted shall not be brought into use until existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road 47m distant in both directions, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1m and 2.1m above the adjacent carriageway level.
- 11) None of the dwellings hereby permitted shall be occupied until the car parking associated with the dwellings has been provided in accordance with the submitted plans and shall be maintained available for that purpose thereafter.

- 12) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall:
 - Specify the type and number of vehicles;
 - Provide for the parking of vehicles of site operatives and visitors;
 - Provide for the loading and unloading and the storage of plant and materials used in constructing the development;
 - Provide for wheel washing facilities;
 - Specify the intended hours of construction operations;
 - Measures to control the emission of dust and dirt during construction;
 - Specify the access points to be used and maintained during the construction phases.
- 13) The site shall be remediated in accordance with the approved measures before development begins. 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 source of 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.
- 14) No part of the development shall be occupied or brought into use until the surfacing of parking areas, footpath link and walkway around building shown on the approved plans have been marked out and made available for use.
- 15) No trees, shrubs or hedges within the site, unless shown to be removed on the approved plans, shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the previous written consent of the local planning authority,
- 16) The approved landscaping scheme shown on drawing no 666-001 shall be completed no later than the end of the first planting scheme following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority and thereafter maintained for a period of 5 years following the completion of the works. All hard and soft landscaping works and maintenance shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations.
- 17) Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 18) Unless otherwise agreed in writing with the Local Planning Authority, occupation of the apartments hereby approved shall be limited to residents that are:
 - A single person not less than 60 years of age, or

- Joint residents one of whom is not less than 60 years of age, or
 - A person not less than 60 years of age living with their partner, spouse or cohabitant, or
 - A surviving widow, widower or cohabitant of any resident who was over the age of 60.
- 19) Before the first occupation of the building hereby permitted the upper floor windows on the western side of the north elevation of the building, marked as serving flats 8, 9 and 19 on Plan 1886-1-09 shall be fitted with obscured glazing. The windows shall be permanently retained in that condition thereafter.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

R. Warren QC	On behalf of the Planning Bureau
Hazel Fox	Planning Bureau
Martin Mence	On behalf of the Planning Bureau
William Bedford	On behalf of the Planning Bureau

FOR THE LOCAL PLANNING AUTHORITY

Alison Hall	Cotswold District Council
Julian Bagg	Cotswold District Council

INTERESTED PARTIES

Bryan Sumner	Chair, Bourton-on-the-Water Parish Council
Beryl Cartlidge	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed Statement of Common Ground, dated 12 March 2015.
2. Appeal decision APP/F1610/W/15/3005466; Manor Fields, Station Road, Bourton-on-the Water.
3. Completed Unilateral Undertaking, dated 19 August 2015.
4. Email dated 6 August 2015 from Martin Perks, Senior Planning Officer Cotswold District Council and accompanying attachment of Cotswold District Council document '5 Year Housing Land Supply', dated May 2015.
5. Appeal decision APP/F1610/A/13/2203411; Land at Oddington Road, Stow-on-the-Wold.