

Planning application Ref: 13/05360/OUT

Proposal: Development of 40 extra care apartments, 4 extra care bungalows and green open space (outline application with access to be determined) and the construction of a 48 bed dementia care home with associated access, car parking and landscaping (full application with all details to be determined)

Location: Land North Of Tesco, Adj Fosse Way, Stow-On-The-Wold, Gloucestershire,

Response of the Cotswolds Conservation Board

The Cotswolds Conservation Board ('the Board') was established by Parliament in 2004.

The Board has two statutory purposes¹:

- a) to conserve and enhance the natural beauty of the AONB; and
- b) To increase the understanding and enjoyment of the special qualities of the AONB.

In fulfilling these roles, the Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

National Policy considerations

1. The Board is of the view that the proposal constitutes major development and therefore NPPF paragraph 116 applies. This view is based on:
 - a) The definition of "major" development is in the Town and Country Planning (Development Management Procedure)(England) Order 2010:

“Major development” means development involving any one or more of the following—

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where —
 - (i) The number of dwellinghouses to be provided is 10 or more; or
 - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more;

and

- b) That scale of development being applied for as clearly represents major development in the local context of a settlement the size of Stow on the Wold.
2. Paragraph 116 sets out the criteria against which the application has to be assessed to meet the “exceptional circumstances” test for permission to be granted for major development in a nationally designated landscape..

The criteria are:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

¹ Section 87, Countryside and Rights of Way Act 2000, as amended by the NERC Act 2006.

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- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
3. In relation to the second criterion, the Board is of the view that for the following reasons the applicant has not demonstrated that the need cannot be met outside the AONB:
 4. In granting consent on appeal ref: APP/F1610/A/11/2165778 for residential development at Tetbury in the Cotswolds AONB, as referred to in paragraph 6.49 of the applicants Planning Statement, the Inspector concluded;

*“But importantly, in terms of the harm that would be caused to the AONB, I have not been provided with any evidence to suggest that there is anything other than very limited scope indeed to provide housing **within the District** [my embolding] on sites that are not part of the AONB.”*

The Secretary of State concurred;

“But there is no evidence to indicate that the remaining shortfall could be addressed solely through the use of previously developed sites. He notes that the Inspector found no evidence of anything other than very limited scope to provide housing on sites outside the AONB.”

5. Therefore the Secretary of State considers that there should be consideration of the scope for developing sites within the District but outside the AONB before releasing major development sites inside. The Strategic Housing Land Availability Assessment (SHLAA) indicates that there is considerable scope for development outside the AONB but within the District.
6. The draft Cotswold District Preferred Strategy published since the Tetbury decision includes information regarding sites for residential development which are considered by the Council to be available for development as a result of the Strategic Housing Land Availability Assessment (SHLAA) Review 2012.
7. Fairford is outside the AONB. Paragraph 6.70 of the Preferred Strategy states: “The latest assessment of potential housing land, from the SHLAA (Strategic Housing Land Availability Assessment), for Fairford suggests that as many as 900 dwellings could be delivered within the Plan period.” However this is proposed to be reduced to 260 for unspecified reasons.
8. Lechlade is outside the AONB. Paragraph 6.82 of the Preferred Strategy states: “The latest assessment of potential housing land, from the SHLAA (Strategic Housing Land Availability Assessment), for Lechlade suggests that about 170 dwellings could be delivered within the Plan period.” However this is proposed to be reduced to 140 for environmental reasons.

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9. Much of Mickleton is outside the AONB. 6.90. of the Preferred Strategy states: "The latest assessment of potential housing land, from the SHLAA (Strategic Housing Land Availability Assessment), for Mickleton suggests that about 180 dwellings could be delivered within the Plan period". However this is proposed to be reduced to 80 although it is a local service centre.
10. Much of Moreton in Marsh is outside the AONB. 6.98. of the Preferred Strategy states: "The latest assessment of potential housing land, from the SHLAA (Strategic Housing Land Availability Assessment), for Moreton suggests that as many as 1700 dwellings could be delivered within the Plan period of which 238 are already committed while a further 114 have been built since April 2011." 442 dwellings are on SHLAA sites within the AONB. Excluding these leaves a balance of 1258. However it is proposed to that 520 dwellings are proposed over the period April 2011 to April 2031, including housing built to date and outstanding permissions.
11. Thus from these settlements alone, there is the following potential for the "developing elsewhere" in the District outside the AONB where generally there is a presumption in favour of sustainable development. Whilst not specifically relating to the 'care village' type of development being proposed in this application, there is clearly plenty of scope for such a development outside the AONB within Cotswold District.
12. The Board is therefore of the view that the "scope elsewhere" test has not been met and therefore "exceptional circumstances" are not justified to allow this development.
13. In the Tetbury case referred to by the applicant the Secretary of State did indicate that that the loss of 'open fields' was itself harmful to the Cotswolds AONB. The Board notes that the site does not constitute 'brownfield' land as defined in the NPPF. The current derelict condition of the does provide justification in itself for development within the AONB. Otherwise such neglect could be repeated many times over at the expense of the landscape and scenic beauty of the Cotswolds AONB.
14. The site lies within the Cotswolds Area of Outstanding Natural Beauty, and therefore paragraph 115 of the National Planning Policy Framework (NPPF) applies.

115. 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 in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

As noted above, the Secretary of State is of the view that the loss of open fields harms the Cotswolds AONB, and that the loss of such fields inevitably has a detrimental effect on the landscape and environment.

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15. The Board has given careful consideration to the Landscape and Visual Impact Assessment submitted by the applicant. The Board considers that the visual impact for users of the footway from Broadwell Lane to the entrance to Tesco's has been underplayed by the applicant. Users of this footway will be likely to include a significant proportion of recreational walkers who are likely to be focused on the landscape and therefore of High Sensitivity in LVIA terms. Despite its lack of management the site is clearly agricultural in character. Views of and across the site will be significantly changed by the development as proposed, particularly in the light of the scale and massing of the Extra Care apartment blocks being viewed at close proximity.
16. Similarly the applicant considers that in views from the east the visual impact of the development will be limited due to the existing tree belt along the eastern boundary of the site. The applicant concedes that the species composition of a substantial part of the belt is not of trees commonly associated with the High Wold landscape. Selective thinning and replacement planting is proposed. In the short to medium term this will expose the Extra Care apartment blocks to view, again particularly because of their scale and massing. Even in the long term, the deciduous nature of the belt will leave the elevated site exposed to view for long periods of the year.

Summary

15. The Board **objects** to this proposal on the following grounds:

The Board considers the proposals to represent major development and fails to meet the criteria for approval on the grounds of "exceptional circumstances" set out in paragraph 116 of the National Planning Policy Framework and fail to conserve the landscape and scenic beauty of the Cotswolds AONB as required by paragraph 115 of the NPPF.

16. The Board has considered the importance placed by government policy on the provision of all types of residential development to meet proved need, but considers that in this instance this is outweighed by the availability of sites outside the AONB for major development to meet this need.
17. The Board has noted that the Council refused permission for a similar type of development in September 2013 at Moreton-in-Marsh (ref 13/01573/FUL) on the grounds, *inter alia*, of representing development outside the development boundary and therefore non compliance with Policy 19 of the Local Plan. This proposal is similarly outside the development boundary of Stow on the Wold.