



Appeal Decision

Inquiry held on 19-22 and 26-29
January 2010

Site visit made on 25, 27 and 29
January 2010

by **Elizabeth Fieldhouse** DipTP DipUD
MRTPI

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

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Decision date:
25 February 2010

Appeal Ref: APP/F1610/A/09/2112497

Land at Upper Rissington, Upper Rissington, Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Reland (Rissington) Limited against Cotswold District Council.
- The application Ref 08/03697/OUT, is dated 24 December 2008.
- The development proposed is the partial demolition of the former military buildings and existing commercial buildings and redevelopment of the application site to provide up to 368 dwellings, up to 3,140sqm of D1 and D2 floor space, up to 2,050sqm of A1-A5 floor space, up to 7,100sqm of B1 floorspace; conversion of former Officers' Mess, the 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; provision of public open space, associated access and junction improvements and other associated works.

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1. In this outline application all matters other than access are reserved for future consideration.

Decision

2. I allow the appeal, and grant planning permission for the partial demolition of the former military buildings and existing commercial buildings and redevelopment of the application site to provide up to 368 dwellings, up to 3,140sqm of D1 and D2 floor space, up to 2,050sqm of A1-A5 floorspace, up to 7,100sqm of B1 floorspace; conversion of former Officers' Mess, the 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; provision of public open space, associated access and junction improvements and other associated works on land at Upper Rissington, Upper Rissington, Gloucestershire in accordance with the terms of the application, Ref 08/03697/OUT, dated 24 December 2008, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

Procedural matters

3. Had the appeal not been lodged, the Council's Planning (Regulatory) Committee would have been minded to refuse the application for the following reasons:
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1. The application site forms the major part of the village of Upper Rissington, which is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities. Consequently, the village is not identified as a Principal Settlement within the Cotswold District Local Plan and does not have a development boundary for the purposes of identifying the most appropriate locations for new development. The Local Plan fully accords with the Gloucestershire Structure Plan Second Review in respect of the identification of appropriate locations for most development. Appropriate regard has also been had to national and regional policy, including the draft revised Regional Spatial Strategy, particularly in respect of housing supply. The applicant has been unable to demonstrate that any benefits that might result from the development would mitigate the demonstrable material harm that would be caused to the objectives of strategic sustainable development as a result of the proposed large scale mixed use re-development of the application site. Consequently, the application fails to accord with PPS1, PPS3, PPG4 and PPS7, RPG10 policies SS1 and SS2, draft RSS policies A-C, Gloucestershire Structure Plan Second Review policies S1, S2, S3, S4, S5, H6, E2 and E4, Cotswold District Local Plan 2001-2011 policies 19, 21, 24 and 38.
2. The site is located remote from amenities and is not served by adequate footpaths, cycleways, or public transport facilities and the development would be likely therefore to increase reliance on the private car contrary to central government planning guidance PPG13, Gloucestershire County Council Structure Plan Policy T1 and Cotswold District Council Local Plan policy 38.
3. The application site lies prominently within the Cotswolds Area of Outstanding Natural beauty (AONB) wherein the natural beauty of the area should be conserved or enhanced and within which major developments should only be allowed with exceptional justifications. The proposed development would result in the significant redevelopment of the village of Upper Rissington, including significant tree loss within the site, and comprising a prominent and substantial new built form, out of scale and character with village settlements typical of the High Wold. The applicant has failed to demonstrate that such large-scale development should be allowed as an exception to the policy of major development restraint within AONBs. Consequently, the application fails to accord with national policy within PPS7.
4. The application site contains a large number of trees that are protected by a Tree Preservation Order, TPO 268. The Local Planning Authority is statutorily required to make adequate provision for the preservation of protected trees in the context of development proposals. The proposed scheme would require the removal and replacement of a large number of protected trees in the context of the development proposals. Insufficient information has been submitted to demonstrate that a significant proportion of the better quality trees on the site can be retained and that the majority of the tree removals shall be limited to poorer specimens. The scheme therefore has the potential to adversely affect the character and appearance of the area and as such is at odds with Policy 10 of the Cotswold District Council Local Plan 2001-2011.
4. The appeal site is covered by Tree Preservation Order No.2 (Little Rissington Airbase, Gloucestershire) 1997 (TPO) but for internal District Council reference purposes it is referred to as TPO No.268. The 4th reason for which planning permission would have been refused should therefore refer to TPO No. 2.

Section 106 Agreements and Unilateral Undertakings

5. A section 106 Agreement dated 29 January 2010 has been signed between the appellant and Cotswold District Council to cover the provision of community infrastructure and healthcare facilities, community/sports hall, public open space, a minimum amount of employment floor space, utilities to include the upgrade of the existing system that links to and impacts on the proposed system at least at the treatment works, and public art as part of the development on the appeal site. The Agreement ensures the provision of social infrastructure/elements that were included in the proposed development and the Design and Access Statement. They would meet the needs generated by the development and are reasonably related to the scale of the proposal. In addition, the Agreement covers the community infrastructure marketing strategy, the community/sports hall specification and details of the community hall/sports transfer. I consider that the proposed provision is reasonably necessary and would accord with ODPM Circular 05/2005 *Planning Obligations*.
6. A section 106 Unilateral Undertaking dated 29 January 2009 in favour of Cotswold District Council has been submitted to cover the provision of affordable housing and health care facility within the settlement. The Council has not signed this section 106 Undertaking as provision would only be made for 32% of the units to be affordable and neither the District nor the County considered that there was a need for a medical surgery within the settlement. Otherwise the District Council had no issue with the covenants in Schedule to cover affordable housing and healthcare provision. I consider later the justification for the proposed level of affordable housing but find that the Undertaking is reasonably necessary to ensure that the affordable housing provision is properly controlled. The tests in ODPM Circular 05/2005 would be met in this respect.
7. Health care provision is one of the community facilities proposed in the application and the Undertaking would ensure that it is provided. The Council do not require the provision but the appellant still wishes to provide it to meet the needs generated by the development and to allow a period of 5 years from its implementation for the marketing of it. After that time the owner would be released from the obligation if no healthcare user is found. In the light of the application proposal, I consider that it is reasonable that an obligation is used to ensure the provision and an appropriate release clause is included if it proves unnecessary. The tests in ODPM Circular 05/2005 would be met.
8. A section 106 Unilateral Undertaking dated 8 February 2010 in favour of Gloucestershire County Council, as amended by the Supplemental Deed dated 19 February 2010, has been submitted to cover the bus service, bonds, highway works, travel plan, primary school provision, and the secondary education and library contributions. The County Council is the highway authority, the children's services authority and the library authority. Details relating to sustainable travel, the education and library provision are dealt with later in the decision but are reasonably necessary to meet the needs generated by the development.
9. The main point at issue relates to the timing of the payment of bonds. The County Council require bonds to be deposited at the time the Obligation is executed, a timing policy formalised by the Chief Executive in June 2009

having consulted with the Authority's members. In an outline proposal, the Obligation could be executed well in advance of detailed planning permission and any possible commencement of development. During consideration of the details pursuant to an outline planning permission, the County Council is unlikely to have any costs in relation to the matters covered in the obligation. By providing a bond at the time the Undertaking is signed, the developer incurs expense when the development and a return on the investment may be years away. In this case, the signed Unilateral Undertaking makes it clear that the bonds would be paid prior to the commencement of development with the owner required to give written notice 7 days prior to the commencement of development. Commencement is given the same meaning as implementation in the Undertaking and the definition is clear within the Undertaking.

10. The Council do not wish to be at risk of costs in relation to the development. Nevertheless, in this case the bonds, issued by a bank or other reputable bond issuer, would be in place before the agreed Obligation falls to be delivered. In any event if the Council found that it did incur expense, there are avenues that could be pursued to seek recompense. I have read nothing to make me consider that it is necessary to deposit the bond at the time of the signing of an Undertaking in this case and I find the timing of the bond sound and reasonable. In respect of the highway works, I consider that the Unilateral Undertaking meets the tests of ODPM Circular 05/2005.

Main issues

11. I consider the main issues are:

- i) Whether the proposal would accord with national policy and guidance, and the regional, county and district strategies for development.
- ii) The effect of the proposal on the character and visual amenities of the Cotswolds Area of Outstanding Natural Beauty.
- iii) Whether there is a need for the development having regard to the five year housing land supply and any identified need for affordable housing.
- iv) Whether the proposal could be implemented without significant harm to trees protected by the Tree Preservation Order No.2 1997 and the subsequent effect of any loss of trees on the visual amenities.
- v) Whether the proposal would be unsustainable and increase reliance on the private car.
- vi) Whether the needs for education and library services generated by the development would be met.

Reasons

12. The appeal site is part of a former military airbase, RAF Little Rissington, and comprises some 70.3ha being developed by Upper Rissington village and the Little Rissington Business Park. Upper Rissington village is largely former military residential accommodation with the business park in the former military operational buildings. The appeal site is on a plateau within the Cotswolds Area of Outstanding Natural Beauty (AONB) in an area identified in the Cotswolds AONB Partnership 'Cotswolds AONB Landscape Character

Assessment' (LCA) as the 'High Wold' landscape type in the local character area 'Rissington Plateau and Milton Downs'. It is described in the LCA as the plateau top of an area of elevated land contained between the wide valleys of the Evenlode and Windrush valleys. The business park and the new 'village' of Upper Rissington are described as occupying a prominent location across the summit of the plateau and, after describing the telecommunication masts as particularly visible, the report indicates that these features detract from an otherwise quiet rural character.

13. The existing 346 dwellings on the appeal site at Upper Rissington dominate the northern and central part of the site with much of the southern part in business park use. An additional 46 dwellings are just outside the appeal site. There has been a small net gain of dwellings since the airbase was transferred into private ownership in 1996. The proposal would retain some of the former military buildings for residential or employment purposes but the majority of the employment buildings would be demolished. In 2000 planning permission was granted on an application called in by the Secretary of State (ref. SW/P/5224/220/6) for the change of use of buildings to employment purposes, including B1(a), B1(b), B1(c), B2 uses, with B8 use in hangers 56, 57 and 73 and a mixed B2/B8 use of hanger 80. This permission was partially retrospective. Since then planning permission has been granted on appeal (ref. APP/F1610/A/04/11596921) for the conversion of former RAF workshops to 16 dwellings with associated parking at buildings 26 and 33.
14. The parties agreed that, based on the illustrative master plan and having regard to the parameter plans, the proposal would result in a 21% reduction in the footprint of development on the site with a volumetric reduction of 44% but, if development that could be undertaken within the business park without express permission was included, there would be a 45% reduction in the volume of built form. The proposed development would be within the existing developed area.

National, regional, county and district strategies for development in the AONB

15. Upper Rissington is in a rural area 2.5km to the east of the edge of Bourton-on-the-Water. The key principles in Planning Policy Statement (PPS) 7 *Sustainable Development in Rural Areas* include (iv) that new building development in open countryside away from existing settlements, or areas allocated for development in development plans, should be strictly controlled with the aim of protecting the countryside for the sake of its intrinsic character and beauty. Key principle (v) provides that priority should be given to the re-use of previously developed sites in preference to the development of greenfield sites unless they perform so poorly in terms of sustainability considerations. PPS7 goes on to indicate that nationally designated areas, including AONBs, have the highest status of protection in relation to landscape and scenic beauty and therefore the conservation of the natural beauty of the landscape and countryside should be given great weight. Major developments should not take place in the designated areas, except in exceptional circumstances. The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with policies in PPS3 *Housing*.

16. A key housing policy goal in PPS3 is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. Housing developments should be in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The Regional Spatial Strategies should set out the level of overall housing provision which should be delivered through Local Development Documents (LDD). Drawing on the information in the Strategic Housing Land Availability Assessment and other reliable evidence, deliverable sites for the first five years housing supply should be identified; these sites should be available, suitable and achievable. Once identified, the supply of land should be managed in a way to ensure a continuous five year supply of deliverable sites. PPS3 advises that the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. The appeal site is previously developed land but only some of the buildings are vacant or derelict, although I saw that many were clearly in need of repair.
17. A key principle in PPS1 *Delivering Sustainable Development* provides that a spatial planning approach should be at the heart of sustainable development. A high level of protection should be afforded to the most valued townscapes and landscapes. Planning Policy Guidance (PPG) 13 *Transport* has an objective of reducing the need to travel with sustainable transport choices promoted. Most development should be located in local service centres.
18. The Draft Revised Regional Spatial Strategy for the South West incorporating the Secretary of State's Proposed Changes (RSS) was published in July 2008. This will replace RPG10 2001 when adopted, but in view of its advanced stage in the adoption process, I afford it considerable weight. RPG10 identifies Gloucester and Cheltenham as principal urban areas where the bulk of development is to be focused. This is reflected in policy S1 of the Gloucestershire Structure Plan Second Review adopted in 1999 (SP). Outside principal urban settlements development should be focused in designated towns to act as local service centres – policy SS2 of RPG10. The draft RSS builds on RPG10 with development policies A-C primarily focusing development at strategically significant cities and towns, then in market and coastal towns. Development policy C provides that development at small towns and villages should promote greater self containment and stronger local communities that should support economic activity appropriate to the scale of the settlement to better meet the needs of the settlement and identified local housing needs.
19. Reflecting regional and county policy, the Cotswold District Local Plan 2001-2011 adopted in 2006 (LP) identified Cirencester as an urban area and the most sustainable settlements as principal settlements. Upper Rissington is not one of these settlements and the Settlement Hierarchy Topic paper, which is helping to inform the development of the Local Development Framework Core Strategy, found that Upper Rissington had a limited range of facilities and services.
20. The development of up to 368 dwellings in Upper Rissington, only some 119 of which would meet an identified local housing need, would not accord with all Government advice or the emerging RSS spatial strategy which reflects RPG10 that in turn provided the context for the Structure and Local Plans policies in terms spatial planning and the hierarchy of settlements. Nevertheless, the site is previously developed land with some vacant and semi-derelict buildings and

others in need of maintenance. PPS3 paragraph 40-44, PPS7 paragraph 1(v) and RSS development policy H provide that priority should be given to the re-use of previously developed land in preference to the development of greenfield sites providing that they do not perform so poorly in terms of sustainability considerations in comparison to greenfield sites. Development on the appeal site would relieve greenfield sites within the AONB on the edge of principal settlements from development. I shall consider the sustainability of development on the appeal site in issue (v).

Effect on Area of Outstanding Natural Beauty

21. The ex-military buildings used as a business park were erected in World War II and predate the designation of the AONB. There are no objections to the redevelopment proposed on archaeological or built heritage grounds. The buildings have settled into the landscape with planting within and around the development site having become established over time. A 'Study of Land surrounding Key Settlements in Cotswold District' 2000 for Cotswold District Council by WHITE consultants found that, from some vantage points, the well wooded edge to some of the MOD development at Upper Rissington integrates the settlement sympathetically into the plateau landscape but that there was a harsh and highly prominent edge to some of the housing and the built form lacked a distinctive 'Cotswold' identity. The proposal would not mitigate the materials used in existing housing or harsh edge to some of the housing as the private curtilage of the dwellings run up to the appeal site boundary. Nevertheless, the Report also found that further development within the wooded part of the former MOD site would have minimal visual impact with the elevated position and its relative flatness allowing effective screening. This is the area where the proposed houses and business units would be concentrated. The Report was not adopted by the District Council.
22. The Cotswolds AONB Management Plan 2008-2013 adopted in 2008 by the Cotswolds Conservation Board provides that the unique character, tranquillity and special qualities of the Cotswolds landscape should be conserved and enhanced. The Council resolved in January 2009 that the Management Plan would be endorsed and taken into account in the preparation of Local Development Frameworks. The criteria in Development and Transport policy DTP1, that are applicable to an outline planning application, include the provision that development should be compatible with the distinctive character of the location, incorporate appropriate sustainability elements and designs, maintain or improve existing level of tranquillity, not adversely impact on local community amenities and services, protect and enhance biodiversity and reduce dependence on car travel. The majority of these matters are considered under other issues, but in relation to tranquillity, the proposal would replace existing B1, B2 and B8 uses with residential development and B1 uses. The existing permitted uses are not all tranquil and include general industrial use. I therefore consider that the potential harmful effect of permitted uses on tranquillity would be replaced by more tranquil uses in terms of potential noise generation. However, traffic generation also has an effect on tranquillity. The estimated trip generation for the proposal would be no greater than the 100% TRICS trip rate for the business park in 2000 and would be likely to exclude HGV movements, thus potentially increasing tranquillity. Nevertheless, the

- existing business park usage has not reached the 100% TRICS trip rate and the numbers of HGV movements are controlled by condition.
23. The existing buildings on the southern part of the appeal site are visible from nearby roads although their impact is mitigated to some extent by the existing trees. Fig 6.5 the Arboricultural Parameter Plan (drawing no. AL(00)76 Rev. A) indicates that trees within the existing residential area would be largely unaffected. A minimum of 90% of the perimeter trees would be retained as would the trees in Ansell's Hill Copse and existing avenues along AP Ellis Road and Longmore Avenue. The remainder of the main business park area proposed for new development would have a minimum of 55% of the trees retained.
 24. From my site visit, I noted the visibility of the existing business area roughly equated to that shown on Fig. 13.5 in the appellant's landscape evidence but the prominence of the hangers from more distant views depended to some extent on hedges outside the appellant's control. The methodology used for this analysis was agreed by the main parties, with general agreement of the existing views although whether there were partial views rather than glimpses in places was disputed. I saw that there were no open views of the buildings within the development site from roads other than immediately outside the business park with views into the site generally broken up by the density of planting within the site. Nevertheless, once the site was entered the existing buildings became open to view and prominent.
 25. The existing business park buildings are, in many cases, in need of repair or total restoration and even if such works were carried out the buildings would be unlikely to meet all the needs of a 21st century business premises. The hangers at around 16.4m high and large areas of hardstanding define the southern side of the site adjoining the open Little Rissington airfield. Although the colouring of the hangers reduces their prominence, I found them dominant in views towards the appeal site from the A424 from Burford and from the Upper Rissington Road when approaching from Great Rissington. The prominence is emphasised in the winter by the band of translucent sheeting that starts roughly halfway up the long sides of the buildings and providing a high level band of light at night. Otherwise the lighting within the village and business park was of fairly low intensity and not overtly intrusive into the night sky.
 26. The Building Heights Parameters Plan Fig 6.2 (drawing no. AL(00)74) indicates that new buildings along the southern side of the development would have a maximum height of 9m except for the retained Watch Tower that would have a maximum height of 11m. Therefore in my opinion, the proposed buildings would be less prominent in views from the nearby roads than the existing hangers providing adequate boundary screening is retained with appropriate strengthened particularly in the gaps. There are areas near the boundary by the south eastern hanger where screening is within the area for an up to 45% loss of trees. Any residential development in that area would therefore be very prominent and visually harmful from the A424. However, the 90% retention of specific tree groups identified in TPO No.2 could be required by condition.
 27. The proposal would result in a 21% reduction in the footprint and 44% reduction in the volume of existing built form. Although up to 45% of the

internal trees could be lost, with the strengthening of boundary planting as well as the reduction in the height of development particularly on the southern boundary, I consider that the visual impact would not be harmful and in time the proposed houses would only, at the most, be glimpsed from nearby roads preserving the quality of views in this part of the AONB. I consider that the proposal would conserve and could enhance the character and visual amenities of this part of the AONB

28. In my opinion, having regard to the existing development on the appeal site, suitably designed and detailed and with the use of appropriate materials, the proposal would preserve the natural beauty of the landscape. However, there is concern that the proposal would result in unacceptable light pollution. The existing lighting is generally fairly discrete but the hanger lights are prominent from the south. In new development other than lighting within a private residential curtilage, the type, level and number of lighting units and the amount of spillage from a light source could be controlled by the Local Planning Authority through conditions. This would prevent unacceptable harm to the rural area from lighting. I therefore do not find that lights associated with the proposed development need have an unacceptable impact on the area and the control could be with the District Council.
29. PPS7 does not define major development but requires that such proposals should be subject to rigorous examination and should only take place in exceptional circumstances. If the appeal site were a greenfield site, new development of the scale proposed would be major development in the AONB and uncharacteristic of the majority of settlements in the Cotswolds AONB which are largely in the valleys. Stow on the Wold is a small town on the High Wold plateau but it developed historically at a cross roads in Roman times and is not a justification for new residential development on the High Wold. Nevertheless, the settlement of Upper Rissington and Lower Rissington Business Park already exist. The appeal proposal is the redevelopment of an existing site and would result in a reduction of 21% in the footprint of development and a 40% reduction in the volume of built development in the southern part of the site within the development footprint of the existing buildings. By comparing the existing scale of development with that proposed therefore I do not consider the proposal major development within the terms of paragraph 22 of PPS7.
30. However, even had I found that it was major development, I address criteria (i) and (ii) of PPS7 paragraph 22 below in covering need and alternative sites, and have already found that the development would not harm but conserve, preserve and potentially enhance the natural beauty of the AONB compared to the existing development criterion (iii).

Housing land supply and affordable housing

Housing land supply

31. PPS3 advises that the delivery of housing in rural areas should respect the key principles underpinning the PPS in providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. Priority should be given to the use of previously developed land particularly vacant and derelict sites and buildings. Local

- planning authorities should identify sufficient specific deliverable sites to deliver housing in the first five years with the supply managed so that a continuous five year supply of deliverable sites is maintained. In determining proposals it is necessary to have regard to achieving high quality housing, ensuring a good mix of housing, the suitability of the site for housing including environmental sustainability, using the land efficiently and effectively and reflecting the need and demand for housing in, and the spatial vision for, the area. Housing should not undermine wider policy objectives.
32. RSS policy HMA3 requires 6,900 dwellings to be provided between 2006 and 2026 in Cotswold District. 828 dwellings were completed to March 2009, leaving a residual requirement of 6,072 dwellings up to 2026 or an annual requirement of around 357 dwellings. Therefore the 5 year requirement is for 1,786 dwellings. It is agreed that there is a shortfall in the housing land supply but a disagreement between the main parties whether provision had been made for 3 or 3.8 years supply, the difference turning on whether the Strategic Housing Land Availability Assessment sites (SHLAA) should be included. Nevertheless, even if the SHLAA sites are taken into account there is a shortfall in housing land supply which the housing trajectory demonstrates would be increasing annually. The advice produced by the Department for Communities and Local Government is that sites should be available, suitable and achievable and may include unallocated brownfield sites that would meet all the tests of deliverability. Some of the SHLAA units would be on greenfield sites. Rural exception sites within LP policy 21 for affordable housing may be greenfield and should be within or adjoining the existing built up area of the settlement. However, such sites should not include open market housing.
33. The RSS provides in policy CSS that, among other points, provision will be made to meet identified housing and community needs. The policy makes provision for more limited development in small towns and villages where this would increase self-containment and promote stronger communities. The RSS had indicated that most new development should be concentrated at a number of key regionally and sub-regionally significant centres. Upper Rissington is not such an area and the proposal falls to be considered under RSS development policy C *Development at small towns and villages*. In such areas, among other points, development should meet identified local needs. On the re-use of land, RSS development policy H provides that the full potential of previously used land will be taken into account in providing for new development. The aim is to provide at least 50% of new housing on previously developed land. In the years between 2004 and 2009 the percentage of new development on previously developed land in Cotswolds District has been in excess of this figure but, when completions are taken as part of the total housing requirement, the percentage of development on brownfield land falls below that required. In addition, the SHLAA provides for new development on greenfield sites on the edge of existing settlements in the AONB like Bourton-on-the-Water and Tetbury, reducing the percentage of new development on previously developed land.
34. SP policy S.1 provides that the County's larger towns are to be the focus for new development with policy S2 providing for principal settlements to be identified as the focus for new developments in the districts. The Local Plan identifies Cirencester as the urban area with the most sustainable principal

settlements including Bourton-on-the-Water, Moreton in Marsh and Tetbury. LP policy 18 directs development towards the development boundaries of Cirencester and the principal settlements many of which lie within the AONB. The appeal proposal is therefore in conflict with the hierarchical nature of the spatial strategy.

35. The Inspector's Report on the Cotswold District Local Plan 2001-2011 found that, although development on a larger scale might enable Upper Rissington to become self-sufficient, in view of the low residual housing requirement, at that time, development at Upper Rissington would conflict with the District development strategy. In the circumstances at that time the settlement could not contribute to a sustainable pattern of development. Since then the RSS has increased the housing requirement for Cotswold District. The Local Plan was adopted in 2006 with some of the policies saved. In saving the policies, the Secretary of State advised that where policies were adopted some time ago it is likely that material considerations, particularly the emergence of new national and regional policy, will be afforded considerable weight and attention is drawn to the importance of PPS3.
36. The appeal site is outside the development boundary of any settlement identified in the LP as a principal settlement. In relation to development outside development boundaries, LP policy 19 provides that development appropriate to a rural area will be permitted providing it relates well to existing development and meets the criteria set out in relevant policies in the plan. A proposal should not, among other points, result in new-built open market housing, cause significant harm to existing patterns of development, lead to a material increase in car-borne commuting, adversely affect the vitality and viability of settlements or significantly compromise the principles of sustainable development. The proposal includes open market housing and therefore fails to accord with that criterion in LP policy 19.
37. The Council pointed out that outline applications each for 300 dwellings had been submitted on two sites in Moreton in Marsh. The applications were still to be determined at the time of the inquiry. The sites lie outside the development boundary with one site operational land surplus to the requirements of the Fire Service College and the other an arable field. There was no indication that these developments would be permitted and the applications were at a fairly early stage. Nevertheless, even if permitted, the Moreton in Marsh proposals could make some inroads into the shortfall in housing land supply but would not make up the total deficit in the 5 year housing land supply. The development of those two sites and the appeal site would still leave a shortfall in the housing land supply.
38. Overall I consider that there is a significant shortfall in the 5-year housing land supply with the proposal providing for the re-development of previously developed land. PPS7 advises that priority should be given to the re-use of previously developed land in preference to greenfield sites unless they perform badly in sustainability terms. RSS policy H provides that the full potential of previously developed land should be taken into account in providing for new development. The Council do have a shortfall in the 5-year housing land supply and many of those sites suggested within the SHLAA adjoining identified principal settlements are greenfield sites some of which are in the AONB. Having regard to policy and advice in national and regional strategies for

development on previously developed land, I consider that the shortfall in the 5 year housing land supply and the use of previously developed land weigh heavily in favour of the development unless it performs poorly in sustainability terms. I deal with this in issue (v).

Affordable housing

39. It is common ground that there is a need for 78 units of affordable housing and LP policy 21 *Affordable Housing* advises that exceptionally planning permission may be given for affordable housing in settlements such as Upper Rissington providing, among other points, it is to meet an identified local need, small scale, within or adjoining the existing built-up area and cross-subsidy between open market and affordable housing does not form part of the scheme. The appeal proposal involves open market housing and therefore fails to meet this criterion in LP policy 21. The explanatory notes to LP policy 21 indicate that, where a need is demonstrated and subject to viability, the Council will seek a maximum contribution of affordable housing, commensurate with the identified need and on identified sites of up to 50% affordable housing.
40. There is an agreed level of housing need in the Rissington parishes and their adjoining parishes within Cotswold District but this is only part of a larger unmet need within the District as a whole. Bourton-on-the-Water also adjoins the Rissington parishes but was not included in the agreed figures and would add the need for a further 27 affordable units. Taking into account adjoining parishes within the neighbouring district 14 further households require affordable housing, therefore the appellant identified a need for 119 units, 32% of the proposed dwellings. The provision of this number of units is covered by the section 106 Unilateral Undertaking in favour of the District Council.
41. Although the Council's recent survey of Upper Rissington found a need for only 18 units within the Upper Rissington, there was only a 28% response to that survey and the need for 78 units in the immediate area was agreed in the Statement of Common Ground. Very little of the identified need is met from re-lets, with the appellant pointing out that most recently 2 properties have come up for re-letting in Upper Rissington with 24 applicants for the three-bed house and 32 applicants for the two-bed house, indicating a local need for affordable housing. This is born out by the number of households on the housing register demonstrating greater needs than the Council's Upper Rissington survey identified. I have taken the common ground figure of 78 units to represent the need within the Rissingtons and adjoining parishes. In addition, I note that both Bourton-on-the-Water and the some neighbouring district parishes adjoin the Rissington parishes. Therefore I accept that a need for 119 units has been identified.
42. Turning to the proposed percentage of units that should be affordable, the Council considered that a minimum of 50% affordable housing should be provided. The notes for guidance on LP policy 21 and paragraph 3.4.14 provide for up to 50% affordable housing not a requirement for at least 50% provision. There was no evidence presented of specific need within the parishes adjoining the Rissington parishes for more than 119 units of affordable housing. The Council produced no evidence to back up the requirement for a 50% provision and, although 50% affordable housing provision would meet some of the overall District need, policy 21 refers to the local needs

assessment and up to 50% provision. I heard nothing to justify requiring a higher level of provision in this case.

43. Overall I find conflict with LP policy 21 and conflict with LP policy 19(a). Nevertheless, there is a shortfall in the five year housing land supply and an identified need for affordable housing. PPS3 advises that where an up-to-date five year supply of deliverable sites is not demonstrated, planning applications should be considered favourably. The proposal would provide development of such a scale that, when combined with the existing houses, would create a community of sufficient size to support local services including a larger convenience store that is proposed to include a post office, a primary school, community facilities and an improved bus service. The proposal would be development on previously developed land and I consider that the benefits in relation to this issue in meeting housing land supply and affordable housing needs weigh heavily in favour of the proposal.

Trees

44. The TPO categorises trees some as individuals but mainly as groups. In paragraph 23 I have already identified the maximum tree loss as indicated on Fig 6.5 Arboricultural Parameter Plan (Drawing no. AL(00)76 Rev.A). The proposed areas where the majority of the development would be sited is towards the southern half of the site, apart from around the Officers' Mess and the existing convenience store and would have a minimum of 55% of the trees retained. Included in this area are two groups near the south eastern hanger which are important in the wider landscape. Nevertheless, I have found that groups G94 and G95 could be 90% protected by condition to reflect boundary tree retentions.
45. BS5837:2005 *Trees in relation to construction* (BS5837) recommends that a tree constraints plan reflecting the mature height and spread of retained trees is prepared for the purposes of layout design. A tree survey was undertaken in 1996 by Davis Light Associates for the previous owners but there has been no other survey of individual trees. Nevertheless, prior to master-planning activity, the appellant undertook an overview tree assessment which identified key constraints on developments but it was not BS5837 compliant. The overview tree assessment showed that the majority of the tree groups within the proposed development area are highly or moderately worthy of retention with the overview tree assessment used to inform initial master planning. There was no BS5837 compliant tree constraints survey that fig 1 in BS5837 advises should be used to inform the identification of trees suitable for retention that would then inform the initial design and detailed matters.
46. Nevertheless, prior to the application being submitted a BS5837 compliant tree survey by groups was undertaken. It demonstrated that the majority of the tree groups in the area proposed for new development were in category A, those of high quality and value, or B, those of moderate quality and value. The group value did not necessarily reflect the value of individual trees and I saw trees in need of attention and tree groups of rather densely planted for trees for their potential mature size. It was evident that there is a need for some maintenance of existing tree groups. The proposal is in outline with only an illustrative layout. The arboricultural parameter plan sets out the maximum possible tree loss, and the detailed layout for each phase would be informed

through a tree constraints plan with the aim of retaining the highest categorised trees. I heard and read nothing to convince me that there would not be adequate flexibility within the density of development for the retention of at least parts of most of the high quality tree groups and many of those of moderate quality.

47. Two new accesses are proposed into the site with the existing accesses to the business park shown to be closed. That proposed at the south western end of the site would involve the loss of some hedgerow but no trees. With enhanced planting near the point of access and over the closed accesses, I find no visual harm from the proposed priority junction towards the south west of the site.
48. A new access directly into the edge of the proposed village centre would be provided from a roundabout in the realigned Upper Rissington Road. This would involve the loss of some trees and the naturally regenerated saplings. Nevertheless, there would be the opportunity for substantial planting along both sides realigned road and near the roundabout. At present Upper Rissington Road is generally straight reflecting its former use as a perimeter road to the military base. I consider the realignment of the road would visually improve the character of the road that marks the western boundary of the appeal site and, with adequate planting, the limited loss of trees would be offset by the visual improvement.
49. The proposal would provide for a landscape, ecological and arboricultural management plan for the long term maintenance and management of the tree stock rather than the current management regime that reacts on an 'as-needs' basis. In my opinion, while the loss of any tree considered worthy of retention should be avoided, with the areas where 90% of the trees would be retained that include the boundaries, I do not consider the loss of up to 45% of the existing trees in the 'development area' would harm the visual amenity of this part of the AONB. The visual impact of such losses would be largely within the appeal site and with the reduced scale of development and replacement planting on a two for one basis, I consider that the conservation of the natural beauty of the landscape and countryside would be protected and the aim of LP policy 10 would not be compromised.

Sustainability

50. The Inspector in 2005 on a proposal to convert the RAF workshops, buildings 26 and 33, into 16 dwellings found that people would use their cars to travel away from Upper Rissington as the 802 bus service falls short of ideal and would not offer a realistic alternative to car travel. In addition, although Bourton-on-the-Water and Stow on the Wold are within cycling distance, he found that the steep hills would put off all but the most hardy. The Secretary of State in 2000 in the decision on the business park found poor accessibility by modes of transport other than the car but the balance of advantage from the proposal outweighed non-compliance with the national policy objectives in PPG13 *Transport* and the Structure Plan transport policy T1. I concur that they reflect the accessibility of the site by means other than the private car at present.
51. The daily trip generation from the business park was estimated in 200 to be between 560 and 1117 trips but the trip generation of up to 2950 trips per day

was estimated to equal 100% TRICS trip generations. This figure was accepted by the Secretary of State in 2000 but that level of trip generation has not materialised over the past 10 years. It is estimated that the proposed development would generate 2931 daily trips. Upper Rissington is in a low band of accessibility when applying the criteria of RPG10: Appendix A, a level that would be raised if the proposed health facility was provided. It was accepted by the appellant that if the business park continued in its present form, the trip generation would be unlikely to intensify and could continue to operate with the accepted level HGV movements. The proposal would remove the majority of HGV trips potentially to the benefit of settlements on A424, but it would increase the total number of trips generated from that at present. However, the proposal would not be likely to generate more trips than the 100% TRICS trip rate accepted in 2000.

52. The signed section 106 Unilateral Undertaking dated 8 February 2010 in favour of Gloucestershire County Council, as amended by the Supplemental Deed dated 19 February 2010, provides for travel plans for both the employment and residential uses to include measures to achieve a modal shift, public transport taster tickets and a monitoring strategy. This would be co-ordinated by a travel plan co-ordinator at the expense of the owner. Such plans should be submitted to the Council for its written approval prior to the occupation of the first employment unit or the first residential unit. The measures proposed in the travel plans would have to be implemented prior to first occupation providing they are capable of being implemented at that time.
53. At present the only alternative to the private car for existing residents and employees is the 802 bus that has 6 services a day Monday to Friday and 7 services on Saturdays between Upper Rissington and Bourton-on-the-Water, roughly a two hourly service from 0700 until 1800 hours although the period between service is slightly less in the morning peak and on Saturday afternoons. At present this level of service does not present a realistic alternative to the private car for many people.
54. Nevertheless, the Undertaking provides that, in conjunction with the service already provided by the existing 802 bus service, a new bus service would operate so that together there would be an hourly service between 0700 and 1900 hours Monday to Friday with half hourly between 0700 and 0900, and hourly on Saturdays between 0700 and 1900. The service would link Bourton-on-the-Water, Great Rissington, Upper Rissington, Little Rissington and Kingham Station and be provided prior to the occupation of 25 new residential units or 1,000sqm of floor space for new employment uses (whichever is the sooner). The appellant undertakes that the owner will be responsible for funding the bus service for a period of 5 years with its effectiveness reviewed at that time.
55. After 5 years, the travel plan co-ordinator would assess whether the bus service has materially contributed to achieving a modal shift or whether that shift would be better achieved by an alternative. At that time the owner would pay the Sustainable Transport Fund, a sum indicated to be equivalent to the cost of running the bus service for 5 years, to enable the travel plan co-ordinator in consultation with the Council to use the fund to continue the bus service operation or to put in place alternative measures to secure sustainable travel to and from the appeal site. Fig 6.3 Access and Circulation Parameter

Plan (drawing no. AL(00)73) indicates two bus stops in the southern part of the site in addition to the existing stop in the northern part of the site together with cycle and footpath links through and between the existing and proposed development. The proposal would also provide for a primary school that would reduce the need for children to be transported to the nearest primary school in Great Rissington.

56. The appellant put forward three alternative fall back positions. The business park would continue to operate as at present; the use of existing buildings would be optimised, with permitted development tolerances implemented, redundant buildings brought into use and extant consents implemented; or the piecemeal redevelopment of the site. All three scenarios would be unlikely to fund community infrastructure or improvements to the public transport accessibility that would be of benefit to existing residents and business park employees as well as prospective residents and employees. The second scenario could increase daily trips beyond that suggested in the appeal proposal although, the Council considers, in view of existing traffic generation from the business park, this increase in trip generation would be unlikely.
57. I consider that the three alternative scenarios put forward would not reduce and in the case of the second and third scenario could increase the reliance on the private car contrary to Government advice. From the evidence presented in relation to marketing, I consider that the first and third scenarios are reasonable fall back positions. While it was demonstrated that there was interest from business park operators who would probably wish to maximise on their investment, in the light of existing traffic generation, it is unlikely that such additional traffic would be generated. In addition, the maximising of the potential within the existing business park could include uses B1, B2 and B8 and could have implications for villages through which the traffic would pass in terms of the type of traffic generated and for the tranquillity of the area.
58. In view of the proposed benefits in terms of community infrastructure including the primary school and bus service, I consider that the proposal would go some way to reducing the reliance on the private car in this location for both existing and prospective residents and employees and would remove much of the HGV traffic movements associated with the current uses of the site. I consider that the proposal would largely meet the aims of SP policy T1 and LP policy 38.
59. However, the sustainability of a development is broader than the reliance on the private motor car. As found by the Inspector in July 2005, the existing residents of Upper Rissington enjoy a range of services and community facilities at present with a small convenience store and a village hall, and a children's nursery and health and fitness studio in the business park. The Parish Council considered that the village hall was in need of improvement and the village lacked a heart with the limited facilities around the village not in a centralised location. The existing population of about 1000 is different to neighbouring villages being larger with a generally younger population but there are limited activities for young people. At present all children leave the village to go to school and there are no healthcare facilities.
60. The section 106 Unilateral Undertaking in favour of the County Council would include the provision of a 4 class primary school by the owner and the

Unilateral Undertaking with the District Council includes health care provision. The proposal would include enhanced retail facilities closely linked to a primary school and new community facilities/building all sited in or near the proposed village centre between the existing and proposed residential development and near the employment space for class B1 uses.

61. The draft RSS advises good design is essential for the creation of sustainable communities with the RSS advising that the South West Sustainability Checklist for Developments is important in achieving the aim in RSS Development policy E. The RSS checklist is a tool and does not in itself make decisions but is required for developments of 10 or more dwellings and as advised in the RSS would have an important role in helping to design sustainable developments. By condition the proposed dwellings would be designed to meet at least Level 3 of the Code for Sustainable Homes and BREEAM very good in respect of employment buildings thus minimising the energy requirements and reducing the impact on climate change from the development. Fig 6.2 Building Heights Parameter Plan (drawing no. AL(00)74) provides an indicative site for a combined heat and power plant in the employment part of the site which could be brought forward as part of the means to meet the BREEAM very good standard and Level 3 of the Code for Sustainable Homes.
62. The proposed community facilities would benefit the whole village providing greater self-containment and a stronger local community in line with one of the aims RSS policy CSS and development policy C. The quantum of class A1-A5 floorspace would meet local needs but its scale would be unlikely to attract customers from, or affect existing retail provision in Bourton-on-the-Water which offers both convenience and comparison shopping. In addition, the section 106 Agreement with the District Council date 29 January 2010 would ensure that existing water and sewage infrastructure was upgraded to adoptable standards no later than the occupation of the 200th residential unit. This is necessary to meet the needs of prospective residents but would be of benefit to existing residents.
63. The Environmental Statement submitted with the application demonstrates that the ecological values of the site would be conserved and enhanced to maintain biodiversity and protect existing natural habitats. Where the natural habitat would be disturbed, suitable replacement habitats are proposed. Conditions could ensure that the proposed ecological benefits are provided.
64. The proposal would continue to offer employment prospects for existing and prospective residents of Upper Rissington although there would be no guarantee that there would be a match between employment opportunities and residents' employment needs. The existing innovation centre, that offers start up businesses facilities in a range of unit sizes, would also be accommodated in a building that would more aptly meet its requirements than the converted military building. Thus continuing to meet the needs of new businesses.
65. Overall, in terms of mode of travel, the level of traffic generation was accepted by the Secretary of State in his 2000 decision in relation to the business park use. I consider that the proposal would provide a realistic alternative to the private car with the aim of influencing modal shift for prospective as well as existing residents. The proposal links homes to jobs, provides community facilities of benefit of existing as well as new residents, and makes adequate

provision for a range of size and tenure of dwellings. In my opinion, the proposed development would enhance sustainability by providing facilities that would give the opportunity for greater self containment and a stronger local community, meeting sustainability aims.

Education and library contributions

66. The signed section 106 Unilateral Undertaking in favour of Gloucestershire County Council provides for primary school provision, a secondary education contribution and a library contribution to meet the needs for such facilities generated by the proposed development. The primary school would be provided within the appeal site, subject to an option agreement executed by all parties together with irrevocable authority, prior to the occupation of the 100th qualifying residential unit. This would ensure that the primary school is developed to meet the needs of occupiers as dwellings are developed.
67. In respect of the contributions for secondary education and library services, the payments would be phased and tied to occupation of specific numbers of qualifying residential units in respect of the secondary education contribution and in the case of the library contribution to specific residential unit numbers. Both the secondary education contribution and the library contribution would be for improving facilities in Bourton-on-the-Water, the nearest principal settlement where the needs of residents are most likely to be met. There would be contribution bonds to cover these payments. The Undertaking provides that the contributions bond would be issued by a bank or other reputable bond issuer which shall guarantee on demand payment to the Council of the necessary contribution in the event of default by the owner not paying the contribution in accordance with the deed.
68. Development would not commence until the bond had been delivered to the appropriate Council. I have dealt with the matter of bonding above and find that the section 106 Unilateral Undertaking covers education and library contributions adequately and that they are relevant, necessary, fair and reasonable in relation to the scale of development and reasonable in all other respects to meet the needs generated by the development. I find no harm in respect of secondary education or library contributions and the Unilateral Undertaking would meet the tests in ODPM Circular 05/2005.

Other matters

69. SP policy E.2 identifies Cheltenham and Gloucester as the focus for employment development with Cirencester the main focus for employment development to meet the needs of Cotswold District. The proposal would provide for employment floorspace but significantly less employment floor space than currently exists. Therefore I consider that the provision of up to 7,100sqm of B1 floorspace would not harm the aims of SP policy E.2.
70. I have taken into account other appeal decisions to which I was referred although I do not find them directly comparable with the appeal proposal. That at Upper Heyford was redevelopment at a former MOD site, but the site was allocated for development in the Local Plan. That at Ashton Down (ref. APP/C1625/A/07/2055526) covers different development but includes a finding on whether that proposal is major development in the AONB. I do not find it a justification for considering the appeal proposal as major development but, in

any case, I consider whether that the tests in PPS7 for major development would be met in this proposal. In my opinion, none of the other appeal decisions to which I have been referred provide a justification for or against the appeal proposal. I have determined the appeal on its merits in the light of the development plan and all material considerations.

Conditions

71. I have considered the conditions discussed at the inquiry in the light of the advice in Circular 11/95. To comply with section 42 of the Town and Country Planning Act 2004 and The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006, the first three conditions are necessary. For the avoidance of doubt, to ensure a high standard of design and a comprehensively planned, designed and phased development, it is necessary to identify the drawings and Design and Access Statement on the basis of which the proposal was considered. In addition, the phasing of the development to final completion should be agreed. To accord with the maximum quantum of development and to prevent harm to the AONB, the volume of the completed development should not exceed that given in the Planning Statement dated December 2008 submitted with the application.
72. To ensure an integrated approach to the long term management and investment in the public open spaces, ecological habitats and tree stock which is covered by the TPO, a landscape, ecological and arboricultural management plan should be agreed. In the interests of the visual amenities and conservation of the landscape in the AONB, there should be a strategy for woodland and boundary structure planting; the hard and soft landscaping for each phase should be agreed and implemented; external materials agreed; any illumination agreed; and details of the finished floor level in relation to existing and proposed ground levels approved. In the interests of the trees covered by the tree preservation order and the visual amenities of the area, there should be an Arboricultural Implications Assessment for each phase, an Arboricultural Method Statement for each phase and protection for 90% of the trees in TPO groups G94 and G95.
73. In accordance with the Wildlife and Countryside Act 1981 (as amended, PPS9 and the Conservation (Natural habitats, etc) Regulations 1994 and to ensure specific species are protected and their habitats enhanced, measures should be put in place in each relevant phase to protect bats and barn owls. In addition, there should be a reptile mitigation and translocation strategy.
74. To ensure adequate amenities for existing and prospective residents and in the interests of the visual amenities of the AONB, identified minimum amounts of open space should be provided. In the interests of the amenity of residents, the hours of working should be restricted and the effects of construction works controlled. In the interests of community safety, fire hydrants should be provided for each phase as adequate water supplies to deal with potential emergencies have not always been available.
75. In the interests of developing in a sustainable manner, an Energy and Sustainable Strategy for the whole site should be agreed, the residential dwellings should be constructed to achieve a minimum of Level 3 of the Code for Sustainable Homes; each dwelling should be provided with a water butt;

and non-residential buildings built to achieve a minimum standard of British Research Establishment BREEAM overall Very Good. In addition, cycle parking should be provided in each phase and, where appropriate, the cycle links and bus stops/routes provided. To ensure that waste is properly managed, details of waste bin storage and recycling facilities should be agreed.

76. To ensure flood risk is controlled in a sustainable way, details of surface water drainage should be agreed. To ensure that the site is properly drained in a manner that would not be prejudicial to Hazleford Brook, details of foul and surface water drainage should be agreed. In the interest of protecting the aquifers in the limestone under the site, details of surfacing and containment arrangements for liquid fuels, oils, chemicals or effluents should be agreed. To ensure that the water supply infrastructure is adequate, details of the water supply for each phase should be agreed.
77. To prevent pollution and to ensure that there are no unacceptable risks to human health, buildings and other property through contamination that it was agreed exists on parts of the site, I consider that it is necessary to impose the conditions advised in PPS23, a brief condition as found in Circular 11/95 would not adequately cover the requirements.
78. In the interests of highway safety and to ensure the access roads are of suitable standard to serve the development, details of the construction of the junction/accesses proposed should be agreed; the access to be provided including footways, cycleways and turning heads; estate roads should be agreed; as well as vehicular parking and manoeuvring facilities and completed to basecourse level before a phase is brought into use. In the interests of highway safety, wheel washing facilities for use by exiting contractors' vehicles should be provided. The scale of the individual retail units, including the replacement convenience store and the pub/restaurant, should be controlled in the interests of minimising the traffic generation.

Overall Conclusion

79. The appeal site is in an area where PPS7 advises that development should be strictly controlled and where the spatial vision for the District in regional, county and district policies aim to restrict development. The spatial vision directs development to larger urban areas and principal settlements that offer a 'higher level' of retail, leisure and other facilities. PPS3 advises that development should reflect the need and demand for housing in, and the spatial vision for the area. Policy SS7 of RPG10 advises that settlements not identified to accommodate services should provide for local needs only. The appeal proposal would not accord with the spatial vision for the District.
80. Nevertheless, there is an identified five year housing land supply shortfall and an identified need for 119 affordable dwellings within the Rissington parishes and those immediately adjoining them. Local Plan policies would allow for development to meet an identified local need but open market housing should not be part of the proposal. Therefore the proposal would not fall within the provisions of LP policy 21. However, I have found the lack of a five year housing supply and the need for affordable housing in this area weigh heavily in favour of the development. As PPS3 advises, where an up-to-date five year

supply of deliverable sites is not demonstrated planning applications should be considered favourably.

81. In terms of the criteria to which regard should be had when determining planning applications in paragraph 69 of PPS3, design is reserved but the proposal would provide for a good mix of housing in terms of tenure and size, enhance sustainability and accord with sustainable principles. It would use previously developed land effectively and efficiently and reflect local needs without undermining the policy objectives. The proposed development would be on previously developed land, a priority area for development in both PPS3 and PPS7. The reuse of land in the Little Rissington business park would accord with national, regional, county and district aims but in an AONB such reuse should conserve the natural beauty of the landscape and countryside as the Government affords the protection of the AONB great weight. I have found no harm to the AONB from the proposal and the provision of up to 368 dwellings on the previously developed land could relieve greenfield sites adjoining principal settlements in the AONB from development
82. The proposal would result in a 21% reduction in the footprint of built development and a 44 % volumetric reduction with the maximum height of development near the boundaries being reduced from up to 16.4m to 11m with the majority of development under 9m high. There would be an impact on trees away from boundaries within the development area, but I consider that the loss of a maximum of 45% of the trees would not adversely affect the wider visual amenities of the AONB as boundary planting would be 90% retained and strengthened. The proposal would allow for the long term maintenance and management of the tree stock which would benefit the longevity of the trees. I have found that there would be little visual impact from the loss/replacement of some of the existing trees in the relatively flat plateau area. I consider that the proposal would conserve and with appropriate planting overall enhance the natural beauty of the area, protecting the landscape and scenic beauty as provided for in PPS7. The removal of the HGV movements particularly associated with the use of the hangers for B8 and B2/B8 purposes could also increase the tranquillity of this part of the AONB and settlements through which the business park is accessed.
83. Although the appeal site is not currently sustainable in terms of mode of travel, the proposal would put in place sustainable transport choices that should help to create a modal shift and be of benefit to existing as well as prospective residents and employees. I have found that the proposal would provide measures to increase the sustainability of Upper Rissington village as a whole and thereby promote greater self containment and a stronger local community without harming the services within the nearby principal settlement of Bourton-on-the-Water. I am satisfied that the proposal would go some way to promoting means of travel other than the private car and the sustainability of the settlement without harming the local economy. In addition, the improvement in terms of access to, and maintenance of public open space would increase accessibility and recreational opportunities for all.
84. There is no objection to the replacement of existing employment floor space permitted for B1, B2 and B8 purposes with a smaller footprint of employment floor space for B1 purposes. The appellants have put forward three fall back positions at least two of which were accepted by the main parties but none of

which would provide the benefits for the Upper Rissington community as a whole and the natural beauty of the area.

85. I have found that due to the reduction in both the footprint and volume of built development, the proposal would not be major development, but had I found it to be major development within the terms of PPS7 I consider that the tests would be adequately met.
86. This is a case where the arguments are finely balanced but overall, having regard to the lack of a five year housing land supply and the need for affordable housing, I conclude that the benefit from the reuse of previously developed land to create an enlarged community that would be more sustainable for existing and prospective residents while preserving the landscape and scenic beauty of the AONB should outweigh the lack of policy compliance with the spatial strategy. For the reasons given above I conclude that the appeal should be allowed.

Elizabeth Fieldhouse

INSPECTOR

Annex: **Conditions**

- 1) 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.
- 2) 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.
- 3) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the Local Planning Authority before any development on land to which the reserved matters relate begins and the development shall be carried out as approved.
- 4) Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and identified in the Parameters Plans (Drawing AL(00)1 Rev.C, AL(00)71-74 incl., AL(00)75 Rev.A, AL(00)76 Rev.A) and the Design and Access Statement (December 2008 (Revised November 2009)). A statement shall be submitted with each reserved matters application which demonstrates that the application proposals comply with the Parameters Plans and Design and Access Statement (December 2008 (Revised November 2009)), or (where relevant) explaining why they do not.

- 5) No development shall be commenced until details of the phasing of the development to final completion has been submitted to and approved in writing by the Local Planning Authority. The phasing details shall include details of construction phases as well as the delivery of the;
- a) conversion of the buildings to be retained for residential use;
 - b) conversion of the buildings to be retained for commercial use; and
 - c) provision of open space to include allotments
- to ensure the appropriate delivery of the development in a phased manner and to ensure that regard is shown to delivering criteria a-c in the early phases of development.

The development shall thereafter be implemented in accordance with the approved phasing and at least prior to the final phase of development.

- 6) No development shall commence until a landscape, ecological and arboricultural management plan (LEAMP), including long-term design objectives and management responsibilities, has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development in any phase, a detailed LEAMP for that phase, including maintenance schedules for all landscaped areas (except domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority.

The LEAMP shall include the following elements:

- i) Detailed ecological masterplan identifying current ecological interest, how the proposal will impact this and how it will mitigate for this impact.
- ii) Creation and maintenance of green corridors to be incorporated into the scheme, including the long-term management of trees in bat flight lines identified within the appellant's Outline Bat Method statement dated August 2009.
- iii) Provision of artificial bat roosts in new buildings and within the woodland areas.
- iv) Provision of two new wildlife ponds, including the precise locations and details of construction.
- v) Over-arching reptile mitigation strategy.
- vi) The principles of a long-term management strategy for the site's tree stock. The strategy shall, in accordance with arboricultural good practice, set out the manner, location and intervals over which the management of the tree stock will be assured together with investment and management actions which will be directed to secure improved age-class and species-class variety in the tree stock.
- vii) In association with the management plan for the tree stock, the LEAMP will contain proposal for a series of phases of new tree planting for each tree lost, directly or indirectly, as a result of the approved development. Specific and detailed landscaping

proposals shall be prepared, based on the above, for each detailed phase of the approved development.

- viii) Phasing proposals for the implementation of the above.
- ix) Details of the agency responsible for the long term management of the open spaces and environmental infrastructure on the site and mechanism for funding it.

The LEAMP shall be carried out in accordance with the approved details.

- 7) No development shall commence until an implementation strategy for the woodland and boundary structure planting has been submitted to and approved in writing by the Local Planning Authority. The implementation strategy shall have regard to:
 - a) planting seasons;
 - b) highway works; and
 - c) demolition of the hangers.

To ensure that the woodland and boundary structure planting is delivered in the early phases of the development having regard to criteria a-c above and at least prior to the final phases of the development. The implemented strategy shall be undertaken in accordance with the approved details.

- 8) No phase of the development shall take place until full details, pursuant to condition 3, of both hard and soft landscaping works for that phase, including details of schedules of plants, noting species, plant sizes and proposed numbers, densities and sizes, implementation programmes, means of enclosure and hard landscaping pursuant to the said phase, have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 9) 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.
- 10) Prior to any works to be retained within the application site as identified by drawing AL(00)72 'Fig.6.1 Land Use Parameter Plan', a detailed bat method statement for those buildings shall be submitted to and approved in writing by the Local Planning Authority. The statement shall be based upon the appellant's Outline Bat Method Statement dated August 2009. The approved method statement for those buildings shall be implemented prior to commencement of the works to those buildings.
- 11) No demolition or refurbishment of Buildings 1-5, as identified in Fig.19.9 of the Environment Statement, shall be commenced until:
 - i) They have been subject to an update barn owl survey, completed by a suitably experienced qualified ecologist, within 30 days of works commencing on any of those buildings. Should the survey confirm the presence of nesting barn owls, works on the relevant

building will be delayed until breeding activity has ceased. Works will not recommence until confirmation of the cessation of breeding activity has been submitted to and approved in writing by the Local Planning Authority.

- ii) Appropriate nesting boxers have been erected, at a ratio of two boxes for every building with confirmed roosting/nesting, following the completion of the update barn owl survey. The barn owl nest boxes shall be provided in accordance with the 'Tree Box Design' in the joint Natural England/The Barn Owl Trust publication – Barn Owls: A Guide for Planners (2009) and shall be erected at least 20 days before works commence on any building with confirmed barn owl nesting/roosting evidence following completion of the update survey. The nest boxes shall be sited and erected on suitable trees within the appeal site, to be agreed in writing by the Local Planning Authority, and under the supervision of a suitably qualified ecologist.

Development shall be carried out in accordance with the approved details.

- 12) No development shall commence in any phase until the details of the number, location and detailed design of barn owl nesting/roosting features to be included within the structure or the wider landscape of that phase have been submitted to and approved in writing by the Local Planning Authority. These features shall be provided in accordance with the approved details prior to the occupation of the relevant phase.
- 13) No development shall take place within that phase until reptile mitigation and translocation strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall then be implemented in full prior to the commencement of development within that phase.
- 14) No phase of the development shall be commenced until an Arboricultural Implications Assessment (AIA) for that phase has been submitted to and approved in writing by the Local Planning Authority. The AIA shall be based on an updated BS5837:2005 compliant tree survey (the methodology for which shall also be agreed in writing with the Local Planning Authority) and shall:
 - i) include a detailed tree constraints plan (TCP) including all relevant above ground constraints, showing the recommended root protection areas (RPAs) of all trees proposed to be retained as well as the routes of excavations required for the installation of services;
 - ii) illustrate how the scheme proposals have addressed the finding of BS5837:2005 survey and, where possible, retained the best quality trees;
 - iii) demonstrate how the scheme proposals fulfil the requirements of the approved tree loss parameters plan, drawing AL(00)76 Rev.A 'Fig.6.5 Arboricultural Parameter Plan' in respect of overall tree losses;

- iv) include a detailed tree removal/retention plan showing which trees are to be removed or retained as part of the phase proposals; and
- v) illustrate how the provisions of the AIA for each detailed phase fulfil the provisions of the LEAMP for the overall site.

The findings of the AIA shall be implemented in full in accordance with the approved details.

- 15) No phase of the development shall be commenced until an arboricultural method statement (AMS) to ensure the protection of retained trees during the construction period within that phase has been submitted to and approved in writing by the Local Planning Authority. Written approval must be obtained prior to the commencement of any site works, including demolition. The matters to be encompassed within the arboricultural method statement shall include, but not necessarily limited to, the following:
- i) a specification for the pruning of, or tree surgery to, trees to be retained;
 - ii) the specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS5837:2005 'Trees in Relation to Construction', and details of the timing and duration of its erection and dismantling;
 - iii) the definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing cement or concrete, and fuel storage;
 - iv) the means of demolition of any existing site structures and of the reinstatement of the area currently occupied thereby;
 - v) the specification and routing and means of installation of drainage or any underground services in the vicinity of retained trees;
 - vi) the details and method of construction of any other structures such as boundary walls and alterations to existing ground levels in the root protection area of retained trees;
 - vii) the details and method of construction of any roadway, which is to be of a 'no dig' construction method, in accordance with the principles of Arboricultural Practice Note 12 'Through the Trees to Development', and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage;
 - viii) construction will be made to avoid the siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the National Joint Utility Group (NJUG) Volume 4, 2007 'Guidelines for

the planning and installation and maintenance of utility apparatus in proximity to trees’.

- ix) Provision for the supervision of any works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified by an appropriately qualified arboricultural consultant, to be appointed at the developer’s expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

The findings of the AMS shall be implemented in full in accordance with the approved details.

- 16) Notwithstanding the provisions of drawing no. AL(00)76 Rev.A, a minimum of 90% of Tree Preservation Order No.2 tree groups G94 and G95 shall be retained.
- 17) The open space provision within the completed development shall comprise a minimum total area of 2.49ha of formal open space, a minimum total area of 1.52ha of children’s play areas and a minimum total area of 22ha of landscaped informal public open space, to be developed in accordance with the approved phasing scheme.
- 18) Each dwelling hereby permitted shall be constructed to achieve a minimum standard of Level 3 of the Code for Sustainable Homes in accordance with the requirements of the Code for Sustainable Homes Technical Guide April 2009 (or such national measure of sustainability for house design that replaces that scheme). Each new dwelling shall not be occupied until an authorised assessor has demonstrated confirmation with the required level.
- 19) Each non-residential building hereby permitted shall be constructed to a minimum standard of Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall Very Good in accordance with the requirements of BREEAM 2008. Each new non-residential building shall not be occupied until an authorised assessor has demonstrated confirmation with the required level.
- 20) No development shall commence until an Energy and Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will demonstrate how conditions 18 and 19 will be achieved for each residential and non-residential unit and shall set out the mechanisms for delivering any whole site energy strategy, including any Combined Heat and Power proposal that may be incorporated into the proposals. The development hereby approved shall be implemented in accordance with the strategy.
- 21) Pursuant to condition 3, no phase of development shall take place until samples of the materials to be used in the construction of the external surfaces for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 22) No phase of the development shall commence on site until details of waste bin storage and recycling facilities for that phase, in accordance with the appellant's 'Outline Waste Management Strategy Statement' dated 16 July 2008, have 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 that phase of development.
- 23) Prior to the occupation of each residential unit (including each dwellinghouse and residential building in multiple occupation), full details of the water butt that will serve that residential unit shall be submitted to and approved in writing. Each water butt shall have a minimum capacity of 200 litres (or aggregate capacity for buildings in multiple occupancy). Prior to the occupation of each residential unit, the approved water butts serving that residential unit shall be permanently installed.
- 24) No phase of the development hereby permitted shall commence until such time as a scheme for detailed surface water drainage design for that phase of the development, in accordance with the approved Flood Risk Assessment Reference 6209.02. 10 August 2008, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
- i) Designs to limit the overall surface water discharge rate to the Hazleford Brook to between 2.6 l/s/ha and 4.75 l/s/ha (further calculations should be submitted to determine the exact rate).
 - ii) Infiltration test results to determine suitability for soakaways. These methods should be used whether feasible before other SUDs methods are considered.
 - iii) Details of green roofs, rainwater harvesting and surfacing as outlined in Figure 8.2 of the Environmental Statement.
 - iv) Fully detailed calculations for all rainfall events up to and including the 1 in 100 year event with a 30% allowance for climate change.
 - v) Details to ensure no soakaways are constructed through contaminated land.
 - vi) Detailed design of wetland features to be utilised for the use of SUDS.
 - vii) Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

- 25) No phase of the development hereby permitted, other than that required to be carried out as part of an approved scheme of remediation, shall be commenced until the requirements of this condition (parts 1 to 5) have been complied with for that phase. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local

Planning Authority in writing until part 4 of this condition has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, including a commercial use history of the site for a minimum of 10 years prior to the date of this decision, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority prior to the commencement of that phase of the development hereby permitted. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that phase must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 of this condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance part 3 of this condition prior to the first occupation of the development on that part of the site.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

- 25) Each reserved matters application shall include details of final surfacing and containment arrangements for all areas used for storage, handling, loading and unloading of liquid fuels, oils, chemicals or effluents of that phase, where appropriate. These details shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in full accordance with the approved details.
- 26) No phase of the development hereby permitted shall be commenced until such time as a scheme for foul drainage for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 27) No phase of development shall be commenced until a drainage strategy detailing any on and/or off site drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water shall be accepted into the public system until the drainage

- works referred to in the approved strategy have been completed in accordance with the approved details.
- 28) No phase of development shall commence on site until impact studies of the existing water supply infrastructure for that phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling within that phase shall be occupied until the said studies for that phase have been approved in writing by the Local Planning Authority in consultation with Thames Water or equivalent body. The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point and shall be implemented in full.
- 29) No phase of development shall be occupied until a scheme for the provision of fire hydrants to serve that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with Gloucestershire Fire and Rescue Service. No phase of the development shall be occupied until the fire hydrants for that phase have been installed by the developer in accordance with the approved scheme.
- 30) No works shall commence on any phase of the development until details of vehicular parking and manoeuvring facilities serving that phase have been submitted to and approved in writing by the Local Planning Authority. The parking and manoeuvring facilities shall then be completed at least to base course level in accordance with the approved details before that phase of the development is brought into beneficial use. The parking and manoeuvring facilities shall be maintained as such thereafter.
- 31) The junction with, and changes to the highway shall laid out in accordance with the approved drawing numbers 206409/14B dated May 2007 and 206409_15 dated August 2008. No phase of the development shall be commenced until full engineering details (including Stage 1 and Stage 2 Highway Safety Audits and details of where the proposed schemes depart from the relevant standards in the Design Manual for Roads and Bridges and/or Gloucestershire County Council's Highway Requirements for Development – Local Guidance and Standards for Gloucestershire) of both the proposed roundabout junction and the proposed new priority junction have been submitted to and agreed in writing by the Local Planning Authority, and the respective junctions shall be completed prior to the first occupation of any part of the development primarily served by that junction in accordance with the approved plan.
- 32) No dwelling or other building shall be occupied until that part of the service road, including footways, cycleways and turning heads, which provides access to it has been constructed to at least basecourse level and in accordance with the approved layout.
- 33) No development shall commence on site until full details of wheel wash facilities have been submitted to and approved in writing by the Local Planning Authority. Such details shall include agreed provisions relating to each phase of the development. The facilities shall then be installed and maintained for the duration of the phases of development in accordance with the approved details. All vehicles shall use the facilities prior to their exit from the site.

- 34) No phase of development shall be commenced until a scheme for the laying out and construction, including implementation, of the estate roads for that phase has been submitted to and approved in writing by the Local Planning Authority. Each phase of the proposed development shall be served by estate roads serving that phase and shall be laid out, constructed and implemented in accordance with the approved details.
- 35) No phase of development shall commence until details of the provision of secure cycle parking within that phase has been submitted to and approved in writing by the Local Planning Authority. The secure cycle parking details shall be completed in full prior to the occupation of that phase of the development.
- 36) Where appropriate, each reserved matters submission shall include:
- a) pedestrian/cycle links within the land the subject of that reserved matters submission and to existing or proposed bus stops adjacent to the site;
 - b) proposed bus stops and associated facilities;
 - c) bus routes through the land the subject of that reserved matters submission; and
 - d) a programme for the provision of those facilities.

The works shall be undertaken in accordance with the approved details and programme.

- 37) No phase of development shall commence until a scheme which specifies the provisions to be made for the level of illumination and the control of light pollution for that phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.
- 38) No development shall be commenced until details of finished floor levels in relation to existing and proposed ground levels in respect of that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 39) The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of construction vehicles within the curtilage of the site.
- 40) No phase of the development shall be commenced until a scheme to control the environmental effects of construction work in that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following measures:
- a) control of noise;
 - b) control of dust, smell and other effluvia;

- c) control of surface water run-off;
 - d) site security, including hoardings;
 - e) hours during which the construction process when delivery vehicles taking materials are permitted to enter and leave the site;
 - f) temporary parking and turning area for construction vehicles; and
 - g) construction traffic haul routes.
- 41) The volume of completed development shall not exceed 243,777cum in accordance with Appendix 4 of the Planning Statement dated December 2008.
- 42) The replacement convenience store shall not exceed 450sqm gross floorspace. Each individual retail (A1-A5) unit hereby approved shall not exceed 210sqm gross floorspace (with the exception of the pub/restaurant, which shall not exceed 550sqm floorspace).

**APPEARANCES
FOR THE LOCAL PLANNING AUTHORITY:**

Tim Comyn	Of Counsel instructed by the Solicitors for Cotswold District Council and Gloucestershire County Council
He called Neil Troughton	Principal Area Manager, Development Co-ordination Section of Environmental Directorate, Gloucestershire County Council
Martin Cobden BSc(Hort) DipLA MLI	Cotswold District Council
Matthew Reid TechCert(AA) CertArb(RFS) AMAA	Tree Officer, Cotswold District Council
Christopher Vickery BA DipTP MRTPI	Forward Planning Manager, Cotswold District Council

FOR THE APPELLANT:

Jeremy Cahill QC	Instructed by Robin Shepherd of Barton Willmore LLP
He called Alan Soldat BAARCH BScARCH MPhil Urban Design MRTPI	Director in The Barton Willmore Planning Partnership, Bristol
Dr Richard Turkington BA(Hons) PGCE PhD	Director of Housing Vision Consultancy
Peter Barefoot FRICS FBE	Equity Partner Member, Alder King LLP
Matthew Grist BSc(Hons) Dip Urban Design MCILT MIHT	Regional Director, Savell, Bird & Axon
Dr Paul Bond PhD MSc BSc(Hons) Geology CEnv MIEnvSc MIEEM	Principal Sustainability Consultant, Hilson Moran Partnership Limited
Duncan McInerney BSc(Hons) MLD CMLI AAA AMIEMA	Founding Partner of edp (the Environmental Dimension partnership)
Moira Hankinson BSc(Hons) DipLD FLI	Principal Consultant, Hankinson Duckett Associates
Robin Shepherd BSc(Hons) DipTP MRTPI	Director of Barton Willmore LLP

INTERESTED PERSONS:

Alderman Timothy Royal Rev. Edward Tufnell	Interested Person On behalf of `Church Together for Upper Rissington
Mr Mason	Clerk to, and representing Upper Rissington Parish Council

Mark Carpenter
Malcolm Watt

Upper Rissington Parish Councillor
Planning Officer, Cotswold Conservation Board

DOCUMENTS

- 1 Short opening by Cotswold District Council
- 2 Opening statement on behalf of the Appellants
- 3 Highway Statement of Common Ground
- 4 Planning Brief – New Uses for RAF Little Rissington, November 1995
- 5 Report to the Secretary of State for Communities and Local Government on Heyford Park, Camp Road, Upper Heyford, dated 20 July 2009
- 6 Secretary of State decision on Heyford Park, Camp Road, Upper Heyford dated 11 January 2010
- 7 Supplemental Proof of Evidence of Robin Shepherd
- 8 Notes of meeting of 19 January 2010 on arboricultural conditions
- 9 Application ref. 091042141OUT for 300 dwellings at Todenham Road, Moreton in Marsh
- 10 Application ref. 09100440/OUT for 300 dwellings on land at Fire Station College, Moreton in Marsh
- 11 Draft list of suggested conditions
- 12 Enlarged Table 5 – Housing Trajectory
- 13 Draft Section 106 Unilateral Undertaking in respect of affordable housing
- 14 Draft Section 106 Agreement in respect of community facilities and infrastructure, utilities, public art and marketing strategy
- 15 Draft Section 106 Agreement in respect of highways and transportation
- 16 Draft Section 106 Agreement in respect of education and libraries
- 17 Statement on behalf of CUR-VE – Church in Upper Rissington Valuing Everyone
- 18 Clarification of Appendix M of Mr Vickery’s evidence
- 19 Letter dated 16 December 2009 regarding the potential in the Business Park as a long-term investment
- 20 Statement on behalf of Reland Rissington Limited regarding the delivery of water/sewerage infrastructure to existing dwellings
- 21 South West Sustainability Checklist purposes
- 22 Representations made by Clerk to Upper Rissington Parish Council
- 23 Representations made on behalf of Cotswold Conservation Board by Malcolm Watt
- 24 Clarification on retailing floorspace at Bourton-on-the-Water
- 25 Guidelines for Landscape and Visual Impact Assessment from the Landscape Institute with the Institute of Environmental Management and Assessment
- 26 Addendum to the Rebuttal Proof of Evidence of Robin Shepherd
- 27 Letter from Bromford Group, an affordable housing provider, dated 27 January 2010
- 28 Copy of e-mail from the Practice Manager of the GP Surgery in Stow on the Wold
- 29 Copy of e-mail confirming Relish Contemporary Food Limited are

- interested in working with the developers of Upper Rissington
- 30 Extract from frequently asked questions on the South West Sustainability Checklist
- 31 Retail floorspace Statement of Common Ground
- 32 Comments from Gloucestershire County Council on the Section 106 Unilateral Undertaking on highways, transportation, education and libraries
- 33 Suggested draft conditions – dated 28 January 2010
- 34 Section 106 Unilateral Undertaking in favour of Cotswold District Council on Affordable Housing and Healthcare provision
- 35 Section 106 Agreement on Community Infrastructure and Healthcare Facility, Community/Sports Hall, Public Open Space, Employment, Utilities, Public Art, Community Infrastructure and marketing Strategy, and Community/Sports Hall Specification
- 36 Section 106 Unilateral Undertaking in favour of Gloucestershire County Council on the Owner’s Obligations in relation to bus service, bonds, highway works, travel plan, primary school provision, secondary education and library contribution
- 37 Closing submissions for Cotswold District Council
- 38 Closing submission on behalf of the appellant

PLANS

- A Agreed viewpoints : local area
- B Agreed viewpoints : site
- C Enlargement of ‘Tree Loss Assessment Plan’
- D SHLAA Potential Housing Sites, Bourton-on-the-Water, November 2008
- E SHLAA Potential Housing Sites, Tetbury, November 2008
- F Upper Rissington, Gloucestershire – alternative B8 use warehouse locations
- G Example Shade Analysis