



Appeal Decision

Hearing held on 15 December 2010

Site visit made on 15 December 2010

by **David Morgan BA MA MRTPI IHBC**

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

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Decision date:
21 January 2011

Appeal Ref: APP/F1610/A/10/2136124

Forestry Commission, Westonbirt Arboretum, Westonbirt, Tetbury, Gloucestershire GL8 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Miranda Winram, The Forestry Commission, against the decision of Cotswold District Council.
- The application Ref 10/01916/FUL, dated 11 May 2010, was refused by notice dated 3 September 2010.
- The development proposed is enhancement of Westonbirt Arboretum to include a revised Main Visitor Car Park, Coach and additional Car Parking, Wood Store, Welcome Building, Tree Walkway and Heritage Tower, alterations to the internal access arrangements, associated landscaping and works.

Application for costs

1. At the Hearing an application for costs was made by Ms Miranda Winram against Cotswold District Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal and grant planning permission for the enhancement of Westonbirt Arboretum to include a revised Main Visitor Car Park, Coach and additional Car Parking, Wood Store, Welcome Building, Tree Walkway and Heritage Tower, alterations to the internal access arrangements, associated landscaping and works at Forestry Commission, Westonbirt Arboretum, Westonbirt, Tetbury, Gloucestershire GL8 8QS in accordance with the terms of the planning application Ref 10/01916/FUL, dated 11 May 2010, subject to the conditions set out on the schedule at the end of this decision.

Main issues

3. These are a) the effect of the proposed development, specifically the Welcome Building, on the significance of the grade I registered landscape (a designated heritage asset) b), its effect on the character and appearance of the area and c) its effect on the local distinctiveness of the area.

Reasons

4. The appeal proposals comprise a package of works to the Arboretum including new car and coach parking, the removal of existing parking from the Downs and the restoration of this area to grassland, the provision of a tree walkway and heritage tower and a visitor Welcome Building with associated landscaping. The Council consider the greater part of the package to be acceptable, but with
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the exception of the visitor Welcome Building, their objections to which form the basis of the reasons for refusal. It is this issue alone on which the appeal turns and this is addressed below.

5. Westonbirt Arboretum comprises part of the former Westonbirt Estate, an extensive landed estate incorporating open parkland, formal gardens and the renowned arboretum, all focussed around the house, an imposing Neo-Tudor edifice dating from the mid C19. In recognition of the high level of significance accorded to these heritage assets, the park is included on the English Heritage Register of Parks and Gardens of Historic Interest in England at Grade I and the house listed at Grade I with the formal garden structures also being listed at Grade II*.
6. The proposed Welcome Building bisects the boundary of the registered park, technically both affecting it, and its setting. This part of the boundary reflects a transition in the landscape between open pasture and the more ornamented parkland forming the approach to the arboretum itself. The Welcome Building site is located in a shallow depression in the landscape, with the ground steadily rising to the north and west towards the Old Arboretum, falling away quite steeply to the south towards the Silk Wood and rising to the east, affording an elevated aspect to the proposed landscaped car parking area. In detail, the Welcome Building comprises a curved hall under a pitched roof with the walls clad in a mixture of horizontal larch boarding and glass (the latter covered by retractable metal security screens when the facility is not in use) with the roof clad in Cedar shingles.
7. Given the significance of the registered landscape and the technical and visual requirements of a visitor reception facility for a major cultural and recreational attraction, any such building has to walk a fine line between deference to and empathy with context whilst establishing a visual presence commensurate with its purpose. A structure not achieving these aims risks either failing in its purpose as a focus for visitors or intruding unacceptably into the landscape, causing material harm to its significance. Moreover, a scheme presented here without an understanding of the extreme sensitivity of the site and incorporating mechanisms for engaging meaningfully with it also runs an equal risk of causing material harm.
8. Although the proposed Welcome Building is undoubtedly simple in form, its convex elevation articulating its curved plan provides an open, inviting elevation to the car park approach whilst the broad pitch of the roof gives the building physical presence and a sense of purpose from this perspective without obscuring or unduly obtruding into the landscape forming its context. The glazed elements of this elevation also afford opportunities to glimpse the landscape beyond, offering a sense of visual permeability. The detailing, including the convex and concave boarding, the concealed guttering and the carpentry of the window louvers all lend the building a crispness and resolution that consolidates its simple character. The curved form of the building picks up the line of the existing ha ha from the north and the contour of the ground to the south; this line then forming the cue for the tree walkway leading to the heritage tower to the south. The structural landscaping at each end of the building serve at the north end to anchor it to the line of the ha ha and to the south, link it with the denser more substantial planting of the landscape screen of the car park and walkway path. The sum of these attributes constitute a

simple, even self-effacing building, intelligently designed to use the local topography to its advantage, engage and empathise with the existing landscape features of the site whilst fulfilling its role as both a focus and a prelude for visitors entering the arboretum. In incorporating these elements the proposed building achieves the difficult task of walking the line, delivering a well mannered building with the desired visual presence whilst avoiding material harm to the designated heritage asset and its setting.

9. Insofar as it is a design appropriate to its context, the Welcome Building and all associated works conform to Government policy in relation to design set out in Planning Policy Statement 1 *Delivering Sustainable Development*. By avoiding harm to and indeed sustaining the significance of the registered park (the heritage asset) the proposals also comply with policies HE.7 (HE7.4) and HE 9 (HE 9.1) of Planning Policy Statement 5 *Planning for the Historic Environment*. By preserving those elements of the setting that make a positive contribution to the significance of the asset, the proposals are also in compliance with policy HE10 (HE10.1) Through adopting a design approach that resonates with the existing timber clad structures within the complex, utilizing the topography of the site and employing predominantly wood to clad it (the very material of which the arboretum is constituted) the Welcome Building engages with the character and almost unique local distinctiveness of the site. In so doing it respects the character, appearance and local distinctiveness of the area, in conformity with policy 42 of the Cotswold District Local Plan and the broad design principles set out in the Cotswold Design Code, Supplementary Planning Guidance which may be afforded considerable weight in such matters.
10. For the reasons given above therefore, and having considered all matters raised in evidence and at the Hearing, I conclude that the appeal should be allowed.

Conditions

11. The appeal being allowed a condition is attached requiring that the development be carried out in strict accordance with the approved plans, for the avoidance of doubt and in the interests of sound planning; a condition is attached requiring the works be undertaken in accordance with the submitted bat survey recommendations to ensure that any protected species on the site are safeguarded; conditions are attached requiring the submission of schemes for the management of surface water drainage and foul water management to mitigate the risk of surface water run-off flooding and ground water sources; a condition is attached requiring the works to be carried out in accordance with the directives of the arboricultural report in order to ensure the wellbeing of trees on the site during the construction of the proposals and conditions are attached requiring that paths and roads proposed in the development match those that exist on the site and the submission of samples of materials, details and method statement for the finishing of the visitor Welcome Building, all to ensure a satisfactory appearance to the development.
12. The Council have also requested two further conditions in respect of details of parking and manoeuvring arrangements on the site and the submission of an internal traffic management plan. However, the car park is located well off the public highway and accessed of the existing main drive. Moreover, the proposed arrangements will eliminate the current hazard of cars queuing onto

the highway and the car park and its directional signage are set out in detail on the drawings. Furthermore, public traffic will be restricted exclusively to the proposed car park area and removed from within the main body of the site. Although works traffic will be allowed within the inner confines of the site, this will in part use existing routes and will be separated to a greater degree than present form main pedestrian movements. In the absence of strong arguments in support of both these conditions and in view of the above, these two highway-related conditions have not been attached to the decision.

David Morgan

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development to which this planning permission relates shall be undertaken solely in accordance with the drawings accompanying the submitted application; drawing numbers: FC/1018/LP-00A, FC/1018/LP-01A, FC/1018/LP-02 app2, FC/1018/LP-07A, FC/1018/LP-08, FC/1018/LP-10, FC/1018/LP-11A, FC/1018/LP-12A, FC/1018/LP-13, FC/1018/LP-15A, FC/1018/LP-16, FC/1018/LP-18, FC/1018/LP-19, FC/1018/LP-20A, FC/1018/FCE-22, FC/1018/LP-24A, FC/1018/LP-25, FC/1018/LP-26, FC/1018/LP-27A, FC/1018/LP-30, FC/1018/LP-31, A-SITE D-AL-100, A-SITE D-AL-101, A-SITE D-AL-200, A-SITE D-AL-201, A-SITE G-AL-001, A-SITE G-AL-200, A-SITE G-AL-300, A-SITE G-AA-300, A-SITE G-AA-401, A-SITE G-AA-402 and reports: Archaeology Desk Based Assessment (Atkins), Planning Statement, Design and Access Statement (In 4 Parts), Extended Phase 1 Habitat Survey, Transport Statement and Appendix A & B, Landscape Statement, Level 2 FRA and Appendix 1 & 2, Arboricultural Report and Survey, Arboricultural Method Statement for Tree Walkway and Heritage Tower, Archaeological Evaluation (Cotswold Archaeology) and Revised Flood Risk Level 2 Assessment
- 3) All works must be carried out in accordance with the recommendations contained within section 4 of the 'Further Bat Surveys' (July 2010) by RSK Carter Ecological. These include tree climbing inspections to be carried out before any tree works can begin on any of the trees identified with possible bat roosting features. In addition, all enhancements for biodiversity as outlined in the letter titled 'Ecological Enhancements' dated 13th July 1010 by RSK Carter to include grassland restoration schemes using wild flowers and grasses, hedgerow creation and woodland creation and illustrated by landscape schemes FC/1018/LP-13 must be fully completed before the visitor Welcome Building is first brought into use.
- 4) No development approved by this planning permission shall take place until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be completed in accordance with the approved details and the agreed timetable.
- 5) No development approved by this planning permission shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved by the local planning authority. The scheme shall be completed in accordance with the approved details and the agreed timetable.

- 6) The works shall be completed in accordance with the aboriginal recommendations laid out in the consultancy report by Simon Toomer – Aboriginal Method Statement for Tree Walkway and Heritage Tower dated July 2010 and the report by Burro Happold.
- 7) The finish to the footpaths and road surfaces shall match those existing at the Arboretum as shown on the photographs of such surfaces submitted to the local planning authority on 27 August 2010.
- 8) The development shall not commence until samples of the proposed walling and roofing materials for the visitor Welcome Building and materials for the heritage tower, including their finish, have been submitted to and approved in writing by the local planning authority. Only those materials and finishes approved by the local planning authority shall be used in the construction of the development.
- 9) No development shall commence until the design and details of the glazing, roller shutters, eaves, verges, ridges and rainwater goods have been submitted to and approved in writing by the local planning authority. A method statement setting out in detail the means by which the horizontal timber boarding to clad the front and rear elevations of the visitor Welcome Building will be affixed in continuous curves shall be submitted to and approved in writing by the local planning authority. Such details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Mr R Brock MA (Cantab) Dip TP
MRTPI

Mr R Worthington, Landscape
Architect

Ms M Winram

Mr S Toomer

Ms P Duggleby

Ms S Nash

Mr U Luharia, Architect

FOR THE LOCAL PLANNING AUTHORITY:

Mr I Smith BSc (Hons) Dip TP
MRTPI IHBC
Ms C Baker, Senior Case Officer
(Development Control)

Mr P Martin

INTERESTED PERSONS:

Mr P J Green

Ms H Argo

Col. J Kenball

Documents submitted at the Hearing

1. Notification of Hearing proceedings - Cotswold District Council (CDC)
2. List of amended drawings – Forestry Commission (FC)
3. Rebuttal of Costs application - CDC
4. A3 extract from design and access statement – FC
5. Cotswold Design Code - CDC
6. Reasoned justification, policy 43 Cotswold district Local Plan - CDC
7. Letter from Gloucestershire Landscape and Gardens Trust - FC