

**PLANNING COMMITTEE**

**8<sup>th</sup> July 2015**

**ADDITIONAL PAGES UPDATE**

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**DISTRIBUTED AT THE COMMITTEE MEETING**

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL  
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Additional Representations on Schedule Items**

**Pages 26 - 51**

PLANNING COMMITTEE

8<sup>th</sup> July 2015

ADDITIONAL REPRESENTATIONS ON SCHEDULE ITEMS

Item	Ref No.	Content
01	15/01718/OUT CD.0780/F	<p><b>1 further letter of objection raising the same concerns as those previously reported to the Planning Committee.</b></p> <p><b>Stow Town Council response</b> - Supports the application but is concerned about the narrow width of the road at the junction with Sheep Street and the Oddington Road – widening of the road would ease this problem; and the footpath to the east is, at present, unsuitable and unsafe for pedestrian access and should be upgraded as part of the planning application.</p> <p><b>Biodiversity Officer</b> – Please see attached dated 7<sup>th</sup> July 2015.</p> <p><b>Update on 13 Third Party Letters of Objection</b> – Please see attached.</p> <p><b>Email and attachment from Agent</b> – Please see attached dated 3<sup>rd</sup> July 2015.</p>
02	15/01809/FUL CD.6682/H	<p><b>1 further letter of objection raising the following additional concern</b> - The Cotswold School is already heavily over-subscribed and S106 monies are vital in order to increase capacity at the school.</p> <p><b>8 further letters of support.</b></p> <p><b>Petition containing 1,346 signatures in support of the application. 1,007 hard copy signatures and comments are enclosed and in addition there have been 339 on line signatures</b> – ‘I started this petition as the proposals for a New Medical Centre near to King Georges were declined in the last stage by the Cotswold District Council. The reason for this was because it would harm the ‘outstanding natural beauty of the cotswolds’. The proposed site would have been on the field where the twice annual Horse Fair was held. It is important for Stow Surgery to be able to have a new site for them to continue treating people within Stow on the Wold and its surrounding areas. People need to support the cause for the town and its many residents. Many people old and young can’t get to other areas for treatment or check-ups and the Council should know this. The Doctors, Nurses and other</p>

		<p>staff work so hard to look after everyone we need to do something!</p> <p><b>Emails of Objection – Please see attached</b></p>
03	15/00419/OUT CD.7315/A	<p><b>Additional reason for refusal requested -</b> The absence of a Section 106 Legal Agreement means that the contributions to improve community services in terms of education and library services cannot be guaranteed and no mechanism is in place to secure the provision of affordable housing. Without these contributions and commitments the proposal would not be acceptable in planning terms and would therefore be contrary to Cotswold District Local Plan Policy 49 and Paragraphs 203, 204 and 206 of the NPPF.</p>
04	15/00708/OUT CD.0193/C	<p><b>Additional reason for refusal requested -</b> The absence of a Section 106 Legal Agreement means that the contributions to improve community services in terms of education and library services cannot be guaranteed and no mechanism is in place to secure the provision of affordable housing. Without these contributions and commitments the proposal would not be acceptable in planning terms and would therefore be contrary to Cotswold District Local Plan Policy 49 and Paragraphs 203, 204 and 206 of the NPPF.</p> <p><b>163 letters of support received. Main grounds of support are -</b></p> <ul style="list-style-type: none"> <li>i) The development will provide much needed open market and affordable housing. Many local people and their families are unable to afford local property prices and this can force them to move outside the area.</li> <li>ii) Workers involved in rural industries are unable to afford local property prices and have to travel long distances to and from their place of work. Surely this cannot be sustainable?</li> <li>iii) Development on this site is a sensible and organic addition to Chipping Campden. The site is discreetly located within the landscape and is within close proximity and well connected to local services and facilities.</li> <li>iv) Understand that some residents of Park Road have raised concerns about additional traffic but this would reduce road speeds and promote safer environment. Would imagine that majority of new residents would walk or cycle to local facilities or services due to the close proximity of the site to the town centre.</li> </ul>

		<p>v) Pleased that revised layout has not squeezed as many houses onto the site as possible. The layout appears sympathetic to the Cotswold style and has lots of well-connected green spaces.</p> <p>vi) The site is not prominent within the landscape and therefore well suited for development.</p> <p>vii) The development is of good quality with a range of house types and sizes with open green spaces throughout.</p>
05	15/02137/FUL CD.2288/M	<p><b>Additional condition to be added</b> - This permission shall be implemented only as an alternative to planning permission reference 14/04379/OUT and not in conjunction with or in addition to it.</p> <p><b>Reason:</b> In order to prevent the proliferation of development on the site which may have an adverse impact on the character and appearance of the locality in accordance with Cotswold District Local Plan Policy 42.</p>
06	15/02143/FUL CD.2288/N	<p><b>Additional condition to be added</b> - This permission shall be implemented only as an alternative to planning permission reference 14/04048OUT and not in conjunction with or in addition to it.</p> <p><b>Reason:</b> In order to prevent the proliferation of development on the site which may have an adverse impact on the character and appearance of the locality in accordance with Cotswold District Local Plan Policy 42.</p>
07	14/02444/FUL CD.1320/L	<p><b>GCC Highways</b> - No objection see attached</p> <p><b>Stow-on-the-Wold Town Council</b> – Further letter attached</p>
09	14/04583/FUL CT.9067	<p><b>Officers have been advised that an appeal against the non-determination of the application has been lodged. Officers do not yet have confirmation that the appeal has been validated. Members are therefore advised to come to a view on the application. If the appeal is not valid the application can be determined in line with the Committee's resolution. If the appeal is valid the application cannot be determined but Officers will need to know what decision the Committee would have come to in order to progress the appeal.</b></p> <p><b>Further comment received from an existing objector raising no new issues</b></p>

10	14/05373/FUL CD.3670/H	A statement from an existing objector who is unable to attend the Committee Meeting is attached
11	14/05595/FUL CT.2165/Y	A further email has been received from an existing objector reiterating the request that an alternative site for the development should be considered outside of the conservation area.
12	14/05222/FUL CT.1787/R	Third Party Letter of Support - "With a rising population of the over 65's and as a person who falls into that category, has lived in the area for many years and who wishes to remain close to family and friends, there is an urgent need in Cirencester for the type and quality of development proposed under this application. I therefore hope that the development will be passed and for building works to start as quickly as possible."

## DEVELOPMENT SERVICES – BIODIVERSITY RESPONSE FORM

TO: Deborah Smith	DATE: 7th July 2015
REF: CD.0780/F 15/01718/OUT	
Address: Tall Trees Oddington Road Stow-On-The-Wold Cheltenham Gloucestershire	
Proposal: Erection of a Doctor's Surgery with associated parking (including additional parking for the town)	

### Response from Biodiversity

#### Based on inspection of reports, plans and previous site visits

**Comments:** In addition to my previous comments and as a result of them additional survey and information has been received. The Bat activity Survey (Worcestershire Wildlife Consultancy July 15) identified that the trees along the boundary of the site are used by foraging bats but that the sheds to be demolished constrained no roosting bats as such if the recommended precautionary approach and the use of lighting modified as per the recommendations is adopted and the enhancements included within the development as illustrated in drawing no 1164/P12 Rev A then there will be no net loss of biodiversity on the site. The proposed planting of reinforced boundary planting, the individual trees proposed around the site and the grassland areas to be sown with a wildflower meadow mix will ensure an ecological gain for the site. In addition certain recommendations in section 4 of the original Preliminary Ecological Appraisal (W. W Consultancy May 15) will need to be conditioned to avoid any harm to nesting birds.

Provided that the proposed mitigation is implemented, the development will not cause any harm to birds or bats or reptiles and therefore the policy and guidance requirements of Policy 9 of the Cotswold Local Plan, the NPPF (including section 11) and the NPPG are met.

**Habitat Reg tests required: NO**

**Draft recommendation: No objection subject to conditions**

**Draft conditions:** All development works must be carried out in accordance with the recommendations in section 4 of The Preliminary Ecological Assessment and section 3 of The Bat activity Survey (Worcestershire Wildlife Consultancy May & July 15) and as per the enhancements illustrated on drawing no 1164/P12 Rev A. All proposed mitigation and enhancements must be completed before the doctors surgery is first brought into use and permanently maintained thereafter.

Reason To ensure that birds, reptiles & bats and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the

Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policy 9 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

**Officer initials:** RW

(A4 page Attachment version to covering MM email - 7/7/2015)

RE: TALL TREES APPLICATION No: 15/01718/OUT

Update on "13 third party letters of objection:" as shown on  
Page 7 of Deborah Smith's Planning Report

Dear CDC Planning Committee Members,

**RE: Tall Trees Application No: 15/01718/OUT**

Having read Deborah Smith's comprehensive report (Item No. 01- CD.0780/F) on the above application, I am pleased to see her recommendation is to 'PERMIT' the Tall Trees' (T.T.) application for a 'stand alone' Doctor's Surgery, subject to the listed amendments and conditions.

However, I would like to bring the section on Page 7 entitled "**13 third party letters of objection:**" to your attention.

At the time of writing the report, certain items of information had not emerged, so I believe the Committee and Ms. Smith should be updated on the latest, last minute 'approval' material and factual considerations to ease the concerns evinced in the above mentioned "13 third party letters of objection:"

I have replicated and italicised sections of the list (for ease of reference) and inserted (in bold) the up to date information adjacent to each point as follows. I also attach an 'easier to read' A4 page layout version:-

*"i. This application is not supported by the doctors and is not approved for funding by the NHS....."* (**NHS funding will be available for whichever scheme is finally approved - Please see attached copy email from Mr. Clifton-Brown MP).....**  
*"so if planning permission were given, it could result in long delays in the delivery of the surgery;"* (**No longer applicable. Sufficient evidence is available demonstrating this application is deliverable).**

*"ii. The site does not allow for future expansion of the doctor's surgery;"* (**More negotiable land is available).**

*"iii. The remainder of the land is not protected against future development, which is the case on the alternative site;"* (**Incorrect - I have yet to see any concrete evidence showing irrefutable, watertight proof that the "alternative" Nutbourne site is protected against future development. (Ref. my letter dated 22/04/2015 - I have yet to receive a answer from CDC (Mr. Stowe) to my request for proof that J.N. Properties' 'caveat' is both incorruptible and unbreakable in future)).**

*"iv. The site is used to store skips."* (**What is the relevance of this to the overall scheme of things??**)

*"v. The Maugersbury Road is very narrow and totally unsuitable for ambulances and other large vehicles which would require access to the surgery and cannot cope with such a high volume of traffic;"* (**Please see attached 'approval' letter from GCC Highways and conditions cited in report - Pg. 11/12 - (d) > "Impact on highway network").**

Cont/.....



*"vi. The development would result in traffic congestion on the Maugersbury Road and at the Bell junction and raise highway safety concerns for vehicles and pedestrians;" (Please see attached 'approval' letter from GCC Highways).*

*"vii. Access to the site should be provided off the Oddington Road (A436);" (Oddington Road already has a controlled pedestrian access crossing. Please also see attached 'approval' letter from GCC Highways).*

*"viii. This is a totally inappropriate location for the doctor's surgery;" (I consider this assertion to be totally unsubstantiated within the context of the WH Landscape Consultancy Ltd report on the "alternative" Nutbourne (Gypsy Field) application (No: 15/01809/FUL) to be considered on the same day as the T.T. application. I draw your special special attention to the concluding paragraph stating that the Nutbourne application "should be refused" as the "proposals do not amount to 'exceptional circumstances' for overriding the protection afforded to the AONB in paragraphs 115 and 116 of the NPPF". (Notwithstanding The NATIONAL PARKS and ACCESS to the COUNTRYSIDE ACT (1949) - (Governs AONB's). Please also see repeat copy email below from Sue Brawn to Members).*

**(I have seen no evidence of the Tall Trees site receiving an equivalent, definitive 'landscape' refusal on 'overriding' planning legislation grounds).**

*"ix. Pedestrian access from King George's field area of the town is unsuitable for the elderly or young mums. (Please see attached 'approval' letter from GCC Highways. In addition, I see no material evidence for this assertion).*

*"x. More public car parking is not required this far outside of the town - the Council car park opposite is never full;" and (The Applicant has agreed to remove the public car parking at the request of CDC).*

*"xi. There will be light pollution associated with the car park. (This concern is no longer applicable).*

I trust the above updated information will be helpful. I also hope you will have been furnished with a copy of the Conservation Officer's report, as a problem gaining access to it at CDC offices has been reported to me.

Yours sincerely,

MOYRA McGHIE

Submitted - 7 July 2015

## Kevin Field

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**From:** Andrew Eastabrook <andrew@eastabrookarchitects.co.uk>  
**Sent:** 03 July 2015 15:28  
**To:** Abigail Beccle; Alison Coggins; David Fowles; Joe Harris; Juliet Layton; Mark Harris; Mark MacKenzie-Charrington; Ray Brassington; Robert Dutton; Robin Hughes; Stephen Hirst; Sue Coakley; Sue Jepson; Tina Stevenson; Tony Berry  
**Cc:** Deborah Smith; Kevin Field; talltreestow@aol.com; Delyth Eastabrook  
**Subject:** 1164 - TALL TREES  
**Attachments:** 150630 Stow Surgery.pdf

Dear Councillor

Further to my email of 26<sup>th</sup> June I am now in receipt of the attached letter from our Client's Financial Advisor which confirms that all the funding needed to construct the building and the car parking is available. This allied with the confirmation of the NHS funding means that all the financial issues are resolved with the exception of the land transfer between the parties.

Please note that the Doctors have made it clear to us that they will only consider the Tall Trees site if the Gypsy Field application is refused.

Yours sincerely

**Andrew Eastabrook**

Andrew Eastabrook BA BArch (Hons) RIBA

for and on behalf of Eastabrook Architects

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FINANCIAL  
connections

30<sup>th</sup> June 2015

**FOR THE ATTENTION OF:**

Jenny & David Scarsbrook  
Andrew Eastabrook of Eastabrook Architects

Following our discussions and meeting with Andrew and Jenny, I am pleased to confirm that funding is available for the proposed Doctors' Surgery development on the Tall Trees field.

The various banks have confirmed, in principle, their willingness to fund the project. The exact terms of the deal will be presented following the granting of the Planning Permission. I have also discussed this with the NHS funding providers and, in principle, funding is also available from these sources. This is as well as the private equity funding options we have available.

Once Planning Permission is in place we shall discuss the terms and merits of each financing option in detail so that you are able to make a decision on which option is most preferable to you.

Please note that this only covers the cost of the building and the car parking as the negotiations for the transfer of the land to the Doctor's will be a separate issue.

Yours sincerely

  
Stephen Binns  
Financial Connections Ltd

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We also feel that the inaccuracies on public documents should be made clear to the planning committee on Wednesday, bearing in mind there has been supporting comments on some of the inaccuracies.

I fully understand that this application is very time consuming, however if this application is approved despite the shocking landscape report among others it's our intention to go down the road of review.

Will the planning committee be aware of alternative surgery sites i.e. The Brackley site by Tesco? As this was not the case in the sequential test.

Regards

Pete Wilsdon

**From:**

**Date:** 25 June 2015 5:44:42 pm BST

**To:** [deborah.smith@cotswold.gov.uk](mailto:deborah.smith@cotswold.gov.uk), [kevin.field@cotswold.gov.uk](mailto:kevin.field@cotswold.gov.uk)

**Cc:** [nigel.adams@cotswold.gov.uk](mailto:nigel.adams@cotswold.gov.uk)

**Subject:** Inaccuracies 15/01809/FUL

Dear Ms Smith and Mr Field,

The above application is flawed in so many ways that it throws the entire proposal into a state of questionable integrity. My understanding is that each document on the web pertaining to this application is there for public consultation, thereby producing the mechanism by which the public can honestly and confidently learn about, assess and comment on the application. The validity of the application and the value of the public response are subsequently negated when the inconsistencies, irregularities and inaccuracies are exposed. Considering the highly divisive nature of this application and the public outcry it is generating, the application in its current state should be considered null and void and a fully accurate and open and transparent application be presented for further consideration by all involved.

**The Site Use Plan dated 1/6/15** shows very clearly that the area of land that surrounds both the housing development plan and the surgery plan are an 'area of land to be returned to productive agricultural use and protected from further development by section 106 agreement and multiple covenants'. This entirely contradicts the Mangersbury Fields Plan that was distributed to Stow Town Council's planning meeting on 16th June 2015 whereon there are indicated areas that are earmarked for expansion for the surgery along with parcels of land identified as being owned by/leased to Mangersbury Fields/John Nutbourne, which, in turn, completely contradicts the latest Mangersbury Fields Plan that was placed on the planning portal 25th June. On this latter one, there is no indication of the original attributions of land ownership/leasehold but yet again identifies land for further development that is contrary to the covenants and S106 agreements promised in the application documents and the Site Use Plan. Surely this requires clarification. Three entirely different stories for the same development site, only one of which reflects the application plans as submitted.

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CD.6682/H

### **Planning Statement**

Pg 14 para 4.1 - Traffic and Transport

'The residential development will be served by two separate accesses onto Mangersbury Road...will each serve 6&4 dwellings...' This is wrong.

### **Design and Access Statement**

In the Introduction and Brief it is stated that there will be open market housing and affordable housing, further confirmed in diagrams in Concept: Site Layout Development, Site Layout Diagram and Design Rationale. The public has been consulted with these documents and diagrams with each stating categorically that there will be affordable housing on this site. This is entirely wrong.

### **Landscape and Visual Impact Assessment**

States on its front cover that it is an Outline Application. It is a full application.

Pg 13 para 3.2 states that the PRoW is adjacent to the site. It is in fact part of the application site.

Page 29 para 3.10 shows a whole page photograph opposite. THIS PICTURE IS NOT OF STOW!

Page 31 paras 4.2 and 4.3 YET AGAIN REFERS TO ANOTHER DEVELOPMENT IN DEVON to which I objected in the previous application, referring to existing development and large employment buildings etc. as well as wrong descriptions of the surrounding countryside. As the developer has employed a new Planning Consultant, it behoves the latter to ensure correct details should be within the documentation rather than merely adopt the inaccuracies of the previous consultant.

I would also like to draw your attention to the string of emails sent out by the developer, Mr Nutbourne, on 18th June, highlighting the more than apparent inconsistencies pertaining to the use of Rose Cottage funds. He employed Hunter Page to act on his behalf and, in an email to Deborah Smith on 18th June, Adam White from Hunter Page struggles to try and promote the development against the apparent concerns of various CDC officers and departments. He also makes a very interesting comment about Rose Cottage:

*'It should also be noted that the proceeds from the sale of Rose Cottage will be used to subsidise the rent.'*

It appears, from Mr Nutbourne's email to the doctors and objectors as a response (attached), that those involved are not able to get their stories straight and, due to what appears to be a very nebulous, ill-communicated and questionable set of financial proposals, a public exposure of such, along with the inconsistencies that exist, has occurred thereby begging the question, what IS going on? Mr Nutbourne's response to Mr White's statement was that the document was

*'not pre-approved by myself as the Rose Cottage element is not clear'* and that

*'I think we need to make it very clear that Rose Cottage will be used to purchase the land and the freehold of the building including expansion land. The final investment value of Rose Cottage will also be used to reduce the rent payable to the long lease holder as a pro rata % of the final contract value and at appropriate market interest rate over time. In other words Rose Cottage will reduce the rent!'*

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An entirely conflicting account to that of Mr White. Why are these two accounts so at odds with each other? And, most importantly, why is this declared and substantial amount of capital now suddenly available to invest in this application when it was NOT available for the previous application and not available for any of the other sites put forward in the previous Sequential Test? Was it the massive public outcry and exposure of the abuse of the bequest of Rose Cottage that prompted a reaction? It now begs the question why, with such an investment, the enabling housing should be built at all. It also begs the question WHY the doctors have chosen such a large overall site for their surgery when every other site in each Sequential Test option had far less constraints attached to them and were potentially far less damaging to the AONB and most arguably far more suitable. The doctors have sat on the extraordinary asset of Rose Cottage since 2003 with which they could have invested in a desperately needed larger surgery on a number of occasions. Until this current application, the potentially huge combined value of Rose Cottage and their current premises appears in the Sequential Test to have never played a part as potential funding in their search for a new premises, with each site being considered 'unaffordable'. Why is the current application the only affordable site? As vehemently stated in the previous application's objection, I state that the Sequential Test is flawed.

Ultimately, how can a consulting public and members of a planning committee make a fair assessment and judgement on a planning application if it does not afford the courtesy to those who will make that judgement a factual and accurate account? To that end, those parts of the planning application that are entirely inaccurate should be resubmitted and an extension to the consulting time be given.

Yours sincerely,

Sue Brawn

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15/01/2009/FUL.  
CD-6682/H.

14/02/2012

**LOCATION: Ashton House, Union Street, Stow-On-The-Wold,  
Cheltenham, Gloucestershire, GL54 1BU**

**PROPOSED: Demolition of former care home and redevelopment of  
site with 26 dwellings including affordable housing, garages and  
associated infrastructure**

I refer to the amended scheme for 20 residential dwellings on the former care home site, shown on sketch plan numbered 1545-14C, and P950/241

### **Site Location and Highway Network**

The site is located close to the centre of Stow on the Wold, with access from Union Street. The site is located within 400 – 600m from the facilities in Market Square. Market Square can be accessed from Digbeth Street without the need for pedestrians to cross the road. The Medical Centre is located a similar distance from the site. Bus services operate from Market Square providing links to Cheltenham, Moreton in Marsh and destinations between. Main line rail travel is available from both Cheltenham and Moreton in Marsh, albeit that Moreton is closer and more likely to be used as an option for rail travel.

Union Street is subject to a 30mph speed limit and the carriageway varies in width between 4.5m and 5m. Waiting restrictions are located at certain locations along Union Street to control parking; some properties do not benefit from off street parking and therefore park where they can on Union Street. The waiting restrictions retain sufficient width for vehicles such as refuse vehicles to traverse the road. On street parking acts as a traffic calming measure whilst vehicles concede priority. The footways on both sides of the road vary in width.

An ATC on Union Street recorded vehicle speeds below 20mph in each direction with a 24 hour weekday flow of 262 vehicles.

There have been no recorded personal injury collisions in the last four years of available data indicating that although some of the junctions have limited manoeuvring and poor visibility overall the local highway network has a good safety record.

### **Layout**

The proposed access will remain in the current location, although it will require some improvements, quite possibly involving a full reconstruction. At the access correctly located tactile paved flush dropped kerbs, will be required, and the junction radii will need to be to the appropriate standards.

Speed surveys have recorded the 85<sup>th</sup> percentile wet weather speed of the road as less than 20mph. Vehicular visibility splays commensurate with a 20mph speed are available

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at the access. At such speeds, the proposed level of visibility adequately manages the risk to road users and the proposed access will not compromise highway safety.

The highway authority has published standards for the adoptions of streets at the public expense based on national standards. It seeks to ensure that the layouts are safe and secure for all users and that the layout minimises conflict between pedestrian and cyclists and other road users. As stated in Manual for Streets, shared spaces demand a much higher attention to detail to avoid potential problems for users. Shared streets rely on good design to ensure that vulnerable road users do not feel threatened by having no allocated space segregated from motor vehicles. Pedestrians with visual disabilities can feel particularly threatened. It should be noted that the concept of shared space has been around for many years and national guidance has been available (in Design Bulletin 32) since at least 1992.

The highway authority has comprehensive guidance in the form of Manual for Gloucestershire Streets (MfGS), which builds on the philosophy and objectives of Manual for Streets and Manual for Streets 2. MfGS recommends minimum width of 6.8 metres for shared space, with widening at bends. This width allows for all users of the space to feel safe, and not vulnerable, a key requirement is a protected space for pedestrians.

When designing shared surface schemes, careful attention to detail is required to avoid other problems, such as undifferentiated surfaces leading to poor parking behaviour, vulnerable road users feeling threatened by having no space protected from vehicles, drainage strategy, and the positioning and quantity of planting, street furniture and other features creating visual clutter.

It remains national guidance that shared surface areas are likely to work well:-

- Over short lengths or where they form culs-de-sac;
- Where the volume of motor traffic is below 100 vehicles in any one hour; and
- Where parking take place in designated areas.

A swept path analysis has been submitted, using the current 11.510 m long vehicle currently in CDC's waste provider's fleet.

As a result of our discussions with the Designer during the planning process, the proposed layout has now been tweaked to increase the width, as shown on Drawing P950/241. However, it should be noted that the layout still does not conform to our deemed to satisfy standard of 6.8 m, as the need to protect the existing trees has been given greater priority. The layout has been subject to a Stage 1 Road Safety Audit, which only raised issues on the access onto Union Street

Hem 07.



### Parking Provision

Car parking demand has been determined in accordance with the criteria set out in paragraph 39 of the NPPF. Data from the Census for the Beacon-Stow ward has been submitted to determine car ownership levels. Drawings have been submitted demonstrating vehicles accessing and egressing the car barns, which are proposed to be larger than normal garages.

6 visitor spaces have been provided for visitors in a corner of the site, an additional 3 visitor spaces are proposed further into the site.

### Trip Generation

The existing lawful use of the site as a 43 bed care home is a material consideration in assessing the impact of this application on the transport network. When it was operating the care home would have generated circa 8 vehicle movements on the highway network during the morning street peak hour between 08:00 and 09:00 and 9 vehicle movements between 16:00 and 17:00. Daily traffic flows could have totalled around 117 vehicle movements. The former land use as a care home is known as the fall back position (i.e. the land use the site can revert to without the benefit of a new planning permission) and must be taken into account. The impact of the proposed development is based on the net increase in traffic between the 'fall back' position and the proposed use. Vehicle flows associated with a care home use generally occur outside of the highway network peaks and in the early morning with shift changes and between 19:00 – 20:00 for visitors.

The TRICS database has been interrogated to predict the likely traffic flows for the 26 dwellings proposed. A brief summary of these trips have been included within the Transport Assessment. The Highway Authority requested that the selection criteria and TRICS outputs were submitted in order to be satisfied that the most appropriate sites had been used and these have now been submitted and support the details set out in Table 2 of the TA. The data shows that the proposed 26 dwellings can be expected to generate 15 vehicle movements in the AM peak period and 16 vehicle movements in the PM peak hour, with a total daily flow of 148.

	Care Home	26 Dwellings	Net
AM Peak	8	15	7
PM Peak	9	16	7
Daily 07:00 - 19:00	117	148	31

The table above shows that the residual cumulative impact of the proposed development (highlighted yellow) over the existing lawful use is not severe and

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therefore is compliant with the NPPF. With the now revised residential numbers the net impact is now less.

### **Summary**

Therefore the highway authority accept the findings of the Stage 1 Road Safety Audit in that the proposed layout is safe and suitable and consider that Cotswold District Council can permit the development. However, concerns remain regarding the suitability of the layout for adoption as highway maintainable at the public expense. It is possible that the layout would need to remain private, and, as such, a private road legal agreement (under sc106 of the Town and Country Planning Act 1990 would be required, prior to any beneficial occupation.

This private road legal agreement will retain the developer (or a subsequent Management Company) as the street manager and would indemnify the Gloucestershire County Council from;

1. Any costs associated with the future maintenance of the private street.
2. Any applications by any resident under the Private Street Works Code to have the street made up to a standard suitable for adoption as highway maintainable at the public expense.

Therefore I recommend the following conditions be attached to any planning permission

1. The internal streets shall be constructed to at least base course level before any beneficial occupation.

Reason: To ensure that the streets are built and maintained to a good condition at all times, in accordance with CDC LP policy 38, and NPPF paragraphs 32 and 35

2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

#### Informatives

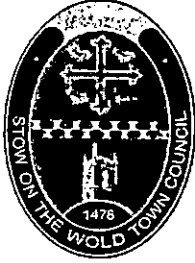
The local highway authority will require the developer to enter into a legally binding agreement to amend the access onto Union Street, and the applicant must obtain permission of the County Council before commencing any work on the highway (devcoord@gloucestershire.gov.uk)

The applicant is advised that to discharge condition 2 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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14/02444/FUL

# Stow-on-the-Wold Town Council



Stow Youth Centre  
Fosseway, Stow-on-the-Wold, GL54 1DW  
info@stowonthewold-tc.gov.uk  
01451 832 585

Clerk: Caroline Doran

Our ref. PKA0052

6 July 2015

Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

Dear Martin Perks

**PLANNING APPLICATION 14/0444/FUL – ASHTON HOUSE – DEMOLITION OF FORMER CARE HOME AND REDEVELOPMENT OF THE SITE WITH 20 DWELLINGS, GARAGES AND ASSOCIATED INFRASTRUCTURE:**

Introduction

1. At the last, 10<sup>th</sup> June, CDC Planning Committee consideration of this application by Spitfire Properties was deferred pending further modification and clarification including: The issue of overdevelopment and in particular the desirability of removing plots C1 & C2 from the plan.

- The desirability of using more sympathetic materials including the use of natural as against synthetic stone especially in highly visible locations. The concern of the over use of timber in car sheds and fences where these materials are not so used in this part of Stow on the Wold.
- Traffic and parking issues including narrowness of the access road, elimination of pathways, lack of street lighting, concerns about access to the site down narrow local roads and extra traffic levels.
- The need to correctly address archaeological issues raised by the County Archaeologist.

Since then a number of new or revised plans have been submitted in an attempt to resolve these issues, and or response to these are at paras 3 to 7 below. In addition, we have studied the Officers brief for the last CDC meeting and whilst appreciating the complexity of the case which made the construction of this brief a difficult task we consider that some of our submissions have not been adequately reflected or indeed omitted and in paras 8 to 12 below we raise these in the interests of completeness.

2. It has been noted that some of the access constructs are below LHA standards and consequently cannot therefore be "adopted" for future LHA maintenance with the risk of subsequent deterioration and degradation. In countering this, the argument raised to justify these sub standards is that the access road will not be put up for adoption and future

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maintenance will be the responsibility of the future residents (statement in Officers brief). We further note that the proposed car barns may be situated away from the related living accommodation making untidy land parcels and will also contain refuse bins thus giving an open plan living development which is susceptible to differing standards depending upon the fitness or inclination of the differing residents. If this is not controlled by a management organisation this is a recipe for degradation/ littering / future neighbourhood rundown. We have experience of this in unsupported road maintenance in some areas of Stow on the Wold and would not like to see this happen again. What are the long term maintenance arrangements for this development once the developers have gone away? This aspect is of importance as we believe that this company has registered an interest in a local greenfield site no doubt in anticipation of development boundary easement should other permissions be granted for erosion of the AONB. Should this come to pass they will no doubt seek to use any density / design / conditions granted in this case as precedents for their future development.

### Comments Concerning New Documents

3. Plots C1 & C2. It is noted that Spitfire have eliminated plot C2 and incorporated the land area of C2 into a new garden for plot C1 which improves to some extent the appearance of the entrance to the site. This also overcomes objections of overlooking by existing residents of Eastview Gardens although the reduced width of the access road alongside is still restrictive. However, this action does not meet the Stow Town Council (STC) repeated requirement to maintain a Union Street residents car parking concession which has been in place for over 20 years<sup>1</sup> and consequently we do not consider this acceptable.

4. Construction Materials. There is no mention of using natural stone and the revised "car barn" drawings still extensively use timber facing which is unacceptable.

5. Fencing. In this part of Stow on the Wold properties are separated by stone walls and not wooden closeboard fencing. The suggestion to use this fencing medium is out of place, particularly in respect of the boundary wall between the Fire Station and the development site running from Union Street to Chapel Street, which is highly visible along its entire length across the Fire Station yard from the public highway. The other side of the Fire Station has a Cotswold stone wall along its entire length.

6. Vehicle Manoeuvre and Site Parking. The new drawings still maintain close dwelling proximity to the narrow access road without the benefit of separation by pedestrian pathways. The drawings confirm the over closeness of buildings by the fact that the existence of a vehicle parked on the access road is difficult to pass by another car /SUV but impossible by a commercial vehicle including a dustcart. The drawings showing parking in the car barns indicate tight turning circles and multiple manoeuvres. An estate car is taken as the indicative vehicle yet the tendency now is for larger SUV's. Consequently, the parking figures given will be difficult to achieve especially should a vehicle be parked on the kerb. Also, note that the Gloucestershire Manual of Streets 4<sup>th</sup> Ed does not treat a garage as a parking space and requires hardstanding outside of it. Finally, at the site access point from Union Street there are 3 kerbside parking places on the southern side of the road which reduce the usable width to 2.5M and thus any large vehicle would have to mount the pavement to gain access. STC would not agree to losing these kerbside parking spaces unless the developer were to make available further compensating spaces in the development.

7. Archaeological Issues. Stow Town Council strongly supports the County Archaeologist's objection to development of the site in such a way as to prejudice future archaeological

<sup>1</sup> See STC letters to you dated 22 Jul 2014 & Ref PAEL0051 dated 11 Dec 2014

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investigation. His revised proposal to exclude a 20m wide zone adjoining the eastern limit of the site from development and that that area should be managed so as to preserve the archaeological remains should be adopted as a Condition should approval be granted.

#### Planning Officers Brief for 10th June Meeting – Omissions

8.. Whilst appreciating the difficulty in compiling such a brief it is essential that the Committee is given the full gist of comments and objections received or else there is a risk of distortion creeping in. Furthermore the facts presented must add up to the conclusion suggested. We feel that this is not so in this case and make the following observations for incorporation into the revised brief for the next hearing.

9. Local Historical Significance of the Site. In Cirencester the old Workhouse has been renovated and extended to become the CDC offices thus linking the past with the present. In Stow on the Wold the Union Workhouse has been demolished and the last remaining vestige was the replacement old peoples' home – Ashton House where many local peoples relatives / ancestors lived and died. We explained the significance in our letters dated 22 Jul 2014 and 11 Dec 2014(attached) as well as the expectation for this history to be recognised by some lasting community legacy. Unfortunately, none of this detail or expectation is reflected in the brief and a cursory description of "*The site is occupied by a vacant 1970's care home*" whilst correct hardly reflects our submission to you even though in sub para 5(vii & viii) refer, as well as in para:6, **but not discussed further and totally disregarded.** Whilst there is some talk of inept disposal of the site by GCC they did originally recognise the parking need as explained in our letters. It is still the STC requirement for the community contribution to be primarily that of the "Stow Union Workhouse Memorial Car Park" and the brief should reflect this. This contribution must be paramount above any other since it is likely to be the only one that will benefit the people of Stow.

10. Provision of Affordable Housing. Pages 15 and 16 discuss affordable housing including the reluctance of the developer to include this and the fact that the smaller houses are below acceptable housing authority standards anyway so are unlikely to be taken up. It also mentions that the District Valuer (DV) has stated that there is an approximate surplus of £151,067 (now revised down to some £59,000 of which an extremely small amount of £5683 is offered for affordable housing – the bulk going to support secondary education away from Stow). We would prefer that this sum of £59,000 should be applied to relieving Stow's chronic parking problems – which this development as proposed will exacerbate. Therefore, the first call on this must be for the *Stow Union Workhouse Memorial Car Park* mentioned above. Also, if developers are to be permitted to build below local authority standard size surely this should not be countenanced?

11. Traffic Aspects. In our 22 Jul 14 letter, para 8 (traffic Implications) we detailed at length the traffic problems on the access roads to the site including restrictions that should be imposed upon development traffic during the construction phase. None of this is reflected in the brief and whilst it may not be the LHA view it is the opinion of those who live in the area and daily experience the problems and as a submitted view should be included even if it has to be attributed to us because of the prevailing attitude of highways planners not to oppose anything lest they be involved in litigation rather than support the needs of those they are supposed to represent.

12. Proposed Conditions. In our 22 Jul 14 letter, paras 8, 11 & 14, we suggested temporary controls over construction traffic, demolition spoil from Ashton House, no waiting to enter the site as this will compromise fire vehicle response, vehicle washdown on site. None of these have been reflected in the proposed conditions and thus need to be incorporated.

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Conclusion

13. We consider that the latest submissions do not significantly improve this over dense proposal which currently does not use materials suitable for the environment of Stow on the Wold, imposes an unacceptable traffic load on local streets, and exacerbates the critical local parking situation by not providing continued access to parking that has historically used by residents for several decades. Whilst we continue to support a carefully designed and placed development of this site we feel that the current proposal does not meet this for the reasons stated above and in previous communications. The current proposal will not enhance our town and has the potential over a period of years to decay. Consequently we ask that permission be refused.

Yours sincerely

Caroline Doran  
Town Clerk

Attachments: Copies of letters dated 22<sup>nd</sup> Jul 2014 & 11 Dec 2014

Copy to: Geoffrey Clifton Brown MP  
Cllr N Moor GCC  
Cllr B Dare CDC

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**Re; Planning Application 14/05373/FUL**

Please find below my objection to the proposed development 14/05373/FUL.

It is already clearly acknowledged that this proposed development would never historically have been even remotely considered, for in the words of the Cotswold District Council, it "does not accord with the provisions of the development plan in force in the area in which the application site is located."

To combat this, the applicants have sought to use the recently introduced NPPF guidelines to their advantage however, in doing so, are at best misunderstanding this document. They have also proposed that other planning guidelines already in place, such as those referred to by the Council itself in the previous paragraph, be deemed irrelevant and obsolete in the face of the NPPF, This is emphatically not the case and it is abundantly clear that the NPPF Guidelines be examined in conjunction with existing frameworks as well as forthcoming ones, in particular the Emerging Local Plan.

Study of the NPPF document, upon which the Applicants appear exclusively reliant, emphatically shows that it does not give carte blanche to development in Conservation Areas and Areas of Outstanding Natural Beauty, within both of which this proposed development lies. On the contrary, the document bestows '*Great importance*' (the Government's emphasis) on the protection of "**natural beauty**".

*"One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside."* (NPPF Guidance)

*"Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable."* (NPPF Guidance)

and again, in the following excerpt from the NPPF Guidance, the emphasis of "**Great weight**" being given to this matter:

*"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."* (NPPF Guidance)

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**“The highest status of protection”**. The Emerging Local Plan similarly and correctly lends significant weight to the subject:

*“It is imperative that the character, appearance and diversity of the District is protected and wherever possible enhanced, especially within areas of high historic, landscape or nature conservation importance.”* (Paragraph 4.2)

and

*“The District’s natural and historic environments are its greatest assets.”*  
(Paragraph 4.3)

This development causes significant visual harm to both a Conservation Area and an AONB.

Sustainability is similarly important to this Application and Chedworth is now even less sustainable than it was in 2012 at the time of the introduction of the NPPF Guidelines. It is hard to see how, as the Applicants assert, “residents can already access all basic day to day needs without being dependent on use of the private car”. The only shop is a Farm Shop, which bears little relation to what might be called a general village stores, being, as it is, a niche market entity selling speciality produce and where a packet of breakfast cereal is twice the price of the equivalent product in a supermarket. Even this Farm Shop is well over one mile from the main part of the village, only realistically within reach of those with a private car. Apart from this, the nearest food shops, or indeed Post Offices, are in either Northleach or Cirencester, the latter some nine miles away. What basic day to day needs are available in the village? The claim that Chedworth residents can access all basic day to day needs without the use of a private car is an astonishing one.

The Applicants appear to be citing their approximately one third of an acre of vines as the one and only possible benefit to the local community. The vineyard is very small, faces in an unfavourable direction for the production of good quality grapes in any significant quantity and will not provide local employment. One established vintner in this country, whose opinion I sought on this matter, described as ‘ridiculous’ the prospect of these vines providing any local employment.

Design excellence in either a Conservation Area or an AONB has always been of great importance and the NPPF recognises the continued importance of it.

The Applicants’ Paragraph 3.12 promises that

*‘the house as proposed is intended to reflect the best architectural and sustainable design principles of its time,’.*

Whilst design is probably a subjective matter, in my opinion the design is average and generic. Once again,

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*  
(NPPF Guidance).

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Perhaps a respected body such as the Architectural Association should be asked whether this proposed house reflects 'the best architectural... design principles of its time.'?"

***"In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area."*** (NPPF Guidance)

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The wooded area to be cut down is a long-standing home, well known to ornithologists, to a number of birds of prey, including buzzards, sparrowhawks and kestrels. It is against the law in this country to interfere with this, quite apart from the fact that these birds of prey are an inherent part of this AONB.

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Throughout, the applicants have used glib and generic language, presumably in an attempt to gloss over important issues which might impede their application.

For example, they claim that the Conservation Area and AONB status 'washes over' the entire village, suggesting that it is by mere default that the site of their proposal is within this delineation. The fact is that this part of Upper Chedworth is arguably the most picturesque part of the village and its status as both a Conservation Area and AONB is no accident.

In their paragraph 2.2, they claim that ***'To the east there is a short gap within the boundary vegetation which, in conjunction with the site's east facing slope, allows for some views into and out of the site across the valley towards other residential properties within the village.'*** This statement is misleading, as is the photograph used in the application, due to the overtly oblique angle at which the hedge is presented. The 'short gap' accounts for approximately one third the entire length of the field in question and the majority of the remainder of the boundary vegetation is so low as to create no visual shield whatsoever. The reason for this is simple – that any vegetation of any significant height will interrupt sunlight onto the vineyard, an essential ingredient to the production of grapes. The accompanying photographs clearly show this. This is, in fact, the reason that the Applicants have, over the last two to three years, removed much vegetation from this boundary and cut down perfectly healthy large and mature trees. From only about 50m up Cooks Hill, the site of the proposed development is clearly visible above any line of vegetation and it remains such all the way to the top of the hill opposite, openly visible to anyone walking on either the roadway or the lattice of public footpaths found here.

In fact, the view from these public footpaths is critical to this Application: as can be seen from the accompanying photographs, the location of the proposed house is in full view and stands out significantly from the otherwise clearly defined development that is Chedworth. In terms of both location and design, it is incongruous in the extreme and will be seen as a blight on the landscape. The series of photographs attached gives the lie to the assertion by the Applicants that the house may only be 'glimpsed' from the road or other public areas. This is a flagrant untruth.

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Paragraph 3.1 refers to their '*much loved vineyard*'. The reality is that the vines were planted only two or three years ago, whereas the picture the applicants paint is one of a long established vineyard, perhaps the result of decades of hard work and vision.

There are further examples of poetic and generalised language which will not have passed the Council's notice.

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In conclusion, this development causes significant harm to Heritage Assets and has no demonstrable public benefit. It would blight a beautiful view, fully visible from extensive public areas in an Area of Outstanding Natural Beauty, it is not sustainable, negatively impacts on the openness of the area, does not contribute to, in fact erodes, the existing character of this Conservation Area causing permanent and irreparable landscape harm and is wholly incongruous. It is contrary to the protection of Natural Beauty, to which such 'great weight' is given by NPPF Guidelines

To quote from those Guidelines once more,

***"Planning permission should be refused for major developments in these designated areas [Conservation Areas and AONBs] except in exceptional circumstances and where it can be demonstrated they are in the public interest.***

There is no level on which the proposed development is an exceptional circumstance any more than it is in the public interest - the sole beneficiaries of this development will be the Applicants.

Therefore the grounds are compelling for this and indeed any future application to build on this previously undeveloped site to be rejected.

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