# Item No 02:-

15/01809/FUL (CD.6682/H)

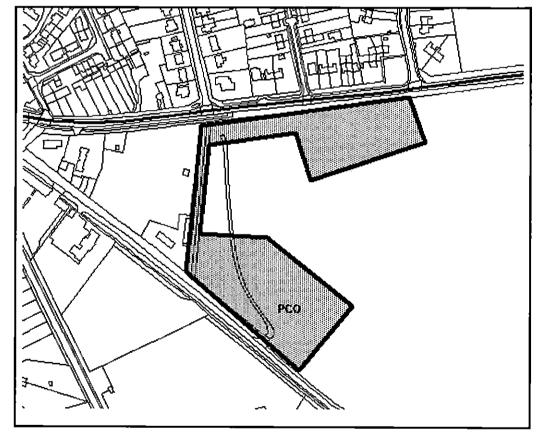
Land Parcel Stow Fair Site Between Maugersbury Road And A436
Maugersbury Road
Stow-On-The-Wold
Gloucestershire

# Item No 02:-

# Erection of a primary health care centre, 5 residential units and associated infrastructure, parking and landscaping at Land Parcel Stow Fair Site Between Maugersbury Road and A436 Maugersbury Road Stow-On-The-Wold

Full Application 15/01809/FUL (CD.6682/H)			
Applicant:	JRN Property Ltd &The Partners Of The Surgery		
Agent:	Agent: Hunter Page Planning		
Case Officer:	Deborah Smith		
Ward Member(s):	Councillor Barry Dare		
Committee Date:	8th July 2015		

# Site Plan



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RECOMMENDATION: PERMIT SUBJECT TO THE COMPLETION OF A \$106 LEGAL AGREEMENT TO SECURE THE PROVISION OF THE HEALTH CARE CENTRE AND TO PREVENT DEVELOPMENT (OTHER THAN FOR COMMUNITY USES) ON THE REMAINING LAND TO BE SOLD TO MAUGERSBURY FIELDS LIMITED

#### Main Issues:

- (a) Principle of Development Outside of a Development Boundary
- (b) Viability Assessment
- (c) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (d) Impact upon the Setting of the Conservation Area and the Setting of Adjacent Listed Buildings
- (e) Traffic Generation and Highway Safety
- (f) Drainage and Flooding
- (g) Impact on Protected Species and Biodiversity and Trees
- (h) Other Matters

#### Reasons for Referral:

The application has been brought before the Planning Committee for determination because the site lies outside of a Development Boundary (as identified by the Cotswold District Local Plan 2001-2011) and consequently the proposals are a 'departure' from the Development Plan. In addition, there are important issues of viability and the deliverability of a community facility which require the consideration of the Committee.

# 1. Site Description:

The application site is located outside of the south-eastern edge of Stow-on-the-Wold and outside of the Development Boundary (as defined by the Cotswold District Local Plan 2001-2011). The site falls within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is bounded to the south (along Maugersbury Road) by the Stow Conservation Area. The conservation area also wraps around to the west and north-west of the site, albeit not directly adjacent to the site.

The land is currently agricultural grassland bounded by mature trees on the north, south and west boundaries with some scrubby vegetation running through the dip of the land. The ground levels within the site differ significantly; the land rises to the north (adjacent to the Oddington Road) and also rises towards Maugersbury Road. A public footpath extends along the western boundary linking Maugersbury Road to the Oddington Road. Vehicular access to the field is currently off Maugersbury Road.

There are three Grade II Listed buildings (two of which are within the Conservation Area) immediately to the north-west of the site along Oddington Road: Enoch's Tower, The Counting House and Old School Meeting House. Enoch's Tower and the Old School are prominent within the context of the site. There are a number of additional listed buildings to the west becoming increasingly prolific further into the town and some listed buildings within the settlement of Maugersbury to the South-East.

# 2. Relevant Planning History:

CD.6682: Outline application for the use of land as light industrial. Construction of a new vehicular access. Refused 8th January 1985.

CD.6682/A: Outline application for the use of 1.00 hectares of land as light industrial. Construction of a new vehicular access. Refused 1st April 1985.

CD.6682/B: Outline application for the erection of a commercial garage. Construction of a new vehicular and pedestrian access. Refused 27th February 1986.

CD.6682/C: Outline application for the erection of a commercial garage. Construction of a new vehicular and pedestrian access. Refused 12th June 1986.

CD.6682/D: Erection of 59 dwellings:-comprising of 50 houses (25 of which to be sheltered accommodation), 5 bungalows and 4 fiats. Erection of a sports club. New vehicular & pedestrian C:\Users\Susanb\Desktop\Uolyschedule.Rtf

access. Alteration to existing accesses. Provision of parking/garaging/turning areas. Refused 27th October 1986. Appeal dismissed 12th November 1987.

CD.6682/E: Change of use of agricultural land to use as a caravan site between 29/4/91 and 13/5/91, temporary siting of sanitary facilities and improvement to existing access. Approved 24th April 1991.

CD.6682/F: Change of use from agricultural to mixed use for agricultural and the holding of a biannual gypsy fair and associated works. Refused 16th March 1994.

CD.6682/G (14/02576/FUL): Erection of a primary health care centre (Use Class D1), ancillary pharmacy and five residential units (Use Class C3), together with associated infrastructure, parking and landscaping. Refused 10th April 2015.

# 3. Planning Policies:

NPPF National Planning Policy Framework

LPR05 Pollution and Safety

LPR09 Biodiversity, Geology and Geomorphology

LPR10 Trees, Woodlands and Hedgerows

LPR15 Conservation Areas

LPR19 Development outside Development Boundaries

LPR21 Affordable Housing

LPR32 Community Facilities

LPR38 Accessibility to & within New Development

LPR39 Parking Provision

LPR42 Cotswold Design Code

LPR45 Landscaping in New Development

LPR47 Community Safety & Crime Prevention

LPR49 Planning Obligations & Conditions

#### 4. Observations of Consultees:

Lead Local Flood Authority: objects pending receipt of evidence of percolation tests and a satisfactory design and location of soakaways.

CDC Engineers: no objection, subject to a condition requiring the submission of a surface water drainage strategy.

Environment Agency: will not be responding on this application as it is considered to have a low environmental risk.

Tree Officer: views incorporated within the Officer's assessment.

Landscape Consultant: views incorporated within the Officer's assessment.

Conservation & Design Officer: views incorporated within the Officer's assessment.

Land Contamination Officer: no objection, subject to conditions.

#### 5. View of Town/Parish Council:

Stow Town Council: No objection to the proposal for a doctors surgery and it accepts that the 5 residential units are required to enable/fund the building of the surgery. The Council would like reassurance that the covenants and agreements covering the rest of the field will protect it from further development and that no precedent will be set for building houses in the AONB. The

Council have concerns about the safety of vehicles and pedestrians accessing the site and would like to have a right hand road filter and a pedestrian island/refuge added to the scheme.

Evenlode Parish Council: supports the application as the present surgery is not fit for purpose and there is an urgent need for a new surgery; this need can only be satisfied by this proposal; there is no other suitable site in Stow; the location allows good access from the town and surrounding villages; it includes a good level of parking; the proposal is supported by the doctors; it includes the minimum amount of housing required to deliver the surgery; the plans have been significantly altered to have a lower visual impact on the AONB; the site allows space for future expansion; and covenants and a sensitive design would achieve the appropriate balance between minimising any visual intrusion on the AONB and satisfying the urgent social need for a new doctors surgery.

Maugersbury Parish Council: supports the application for the following reasons: the scheme would deliver a substantial benefit to the community in providing the doctors surgery; the 5 houses are well designed and are sympathetic to the landscape and general setting; the scheme would finally resolve the long-term problems of the current, very damaging usage of the field; the S106 legal agreement and covenants being placed on the remainder of the land will secure the protection of this land; would not wish the 5 new houses to set a precedent for further residential development in the AONB.

#### 6. Other Representations:

# 108 third party letters of support:

- i. The whole of Stow is within ithe AONB, it is therefore impossible to find a suitable site outside of the AONB;
- ii. There is an urgent need for a new, modern, larger doctors surgery with adequate parking as the existing surgery is not fit for purpose;
- iii. The site is neglected and has no special environmental value;
- iv. Assume that further development on the land will be prohibited by a Section 106 legal agreement;
- v. The doctors should be allowed to expand on the land in the future if necessary;
- vi. No problem with 5 houses being built to enable the doctors surgery to be delivered the surgery would not be viable without this:
- vii. This site seems to be the only viable option and we may lose the doctors if planning permission is not granted;
- viii. The site is ideal and additional landscaping will minimise any concerns about the environment;
- ix. The location is ideal as it is within the major housing area of the town;
- x. The original scheme has been amended and reduced in size, fits the townscape and will have minimal impact on the AONB;
- xi. This site offers the appropriate space for the building for the present and for future expansion;
- xii. The design of the houses as traditional agricultural style buildings is well thought out and they will blend in well the original concerns have been overcome;
- xiii. This application is the only option that the doctors believe will meet their clinical needs:
- xiv. This proposal is in the community interest;
- xv. NHS funding may be lost if this scheme is not permitted;
- xvi. If planning permission is not granted, the field will remain a gypsy gathering place with all attendant problems;
- xvii. Affordable housing should also be provided;
- xviii. This scheme is supported by the doctors and the NHS;
- xix. The new site would improve accessibility for patients;
- xx. No concerns regarding infrastructure, road accessibility or increased traffic;
- xxi. The development will provide employment and income to the local community;
- xxii. The applicants should be asked for full transparency in the financial arrangements given that public money is involved; and
- xxiii. A right turning lane on the Oddington Road would add in a safety factor and make entry and egress better.

# 34 letters of objection, raising the following concerns:

- i. We need a new doctors surgery, but do not need 5 large expensive houses in the AONB;
- ii. If housing is approved on this site, it will set a precedent for large housebuilders so submit further applications in the vicinity;
- iii. The Bovis Homes application was rejected by the Secretary of State on the grounds that it was an unacceptable incursion into the AONB and it would be egregious, perverse and unconscionable for this application to be approved;
- iv. The Bovis Homes decision is a material consideration;
- v. Development on this site would harm the AONB;
- vi. A brownfield site (Tall Trees) is available for the surgery without the need for 5 unnecessary new houses;
- vii. This application is largely unchanged from the previous scheme that was refused and has thus, not addressed the reasons for refusal, this application should also be turned down;
- viii. Entirely inappropriate development of this site;
- ix. There is already too much traffic and congestion on the Oddington Road with other junctions in close proximity to the site;
- x. The Tall Trees site is more accessible for those wishing to visit the surgery on foot;
- xi. The land parcel should be turned into a country park to promote tourism and support local businesses;
- xii. Development on the site will erode the green wedge between Maugersbury and Stow:
- xiii. The Tall Trees site slopes down towards the Maugersbury Road to provide an excellent setting for a new building;
- xiv. The existing doctors premises in Well Lane could be re-developed;
- xv. The doctors surgery building would be visually prominent when approaching the town from Chipping Norton;
- xvi. No affordable Housing is proposed which is contrary to Local Plan policy;
- xvii. The proposal for a health care centre should be viewed independently of the housing;
- xviii. Although the remaining land is to be protected by covenants, it is inevitable that these will eventually be overcome with pressure to build on the land;
- xix. Development on this land is contrary to Local Plan Policies and the NPPF;
- xx. An architectural firm who specialise in NHS projects are part of the Tall Trees design team and will be vetting the design against NHS requirements:
- xxi. The two surgery designs are of equal validity and therefore this application that seeks to build 5 new houses on greenfield land within the AONB should be refused; and
- xxii. The White Consultant's Report commissioned by CDC identified this land as being the least suitable for development because of the setting of the conservation area.

#### Cotswolds Conservation Board:

Objects for the following reasons: the proposals fail to conserve the landscape and scenic beauty of the Cotswolds AONB as required by Paragraph 115 of the NPPF; the health care centre element of the scheme may be in the public interest, subject to no other site being available, subject to significant mitigation measures being agreed; there are no exceptional circumstances to support the housing element of the scheme, the provision of which could be met in some other way with less detrimental effect on the environment.

#### 7. Applicant's Supporting Information:

Transport Statement
Arboricultural Impact Assessment
Planning Statement
Sequential Analysis of Alternative Sites
Statement of Community Involvement

#### 8. Officer's Assessment:

#### Background

Members will note that planning permission was refused by the Planning Committee in April of this year for a development very similar to that being proposed under this current submission. The previous application was refused on two main grounds: firstly, it was considered to have a negative visual impact upon the character, appearance and local distinctiveness of this part of the town and to be visually harmful to the setting of the Conservation Area; and secondly, it was considered to harm the character and appearance of the Cotswolds AONB.

The doctor's surgery is still proposed under this current scheme but the associated pharmacy has been removed from the proposals. Largely as a result of the omission of the pharmacy, the floor area of the health care centre has been reduced by approximately 200sq.m and the design of the health care centre has been amended following discussions with the Council's officers. The five new dwellings proposed as part of the scheme have also been reduced in size by approximately 600sq.m.ı (gross internal floor area) in total and have been re-designed to respond to comments made by officers previously. Vehicular accesses to the site remain unchanged.

# **Proposals**

This application comprises two distinct elements. The first part of the scheme proposes to provide a new primary health care centre (doctor's surgery); within the northern part of the application site (it is the specific intention of the applicant that the existing doctor's surgery, currently located in Well Lane, Stow, would relocate from its existing premises to the application site). The second element of the scheme comprises the erection of five open-market dwellings within the southern part of the site. The applicant contends that due to the purchase price of the entire land parcel, it is necessary to build the five residential units in order to deliver the health care facility; a viability appraisal has been submitted in support of this position and this issue will be discussed in greater detail later in this report. No affordable housing is proposed within the scheme.

#### Health care centre

The building would be orientated in an approximately east-west direction, set back from, but fronting onto the Oddington Road, i.e. the health care centre is proposed to be sited within the northern part of the development site. Patient car parking spaces are proposed to the front of the building, with overflow patient parking shown to the east. A staff car parking area is shown within the north-western part of the site and would provide 14 spaces for this purpose. Vehicular access would be gained from the Oddington Road and the scheme proposes the creation of two separate pedestrian routes onto the Oddington Road to link the site to the town.

The health care centre building as proposed would comprise a single-storey building measuring approximately 53m in length with a depth ranging from approximately 7m to 11m. At its maximum height, the building would measure approximately 8.1m. The building would provide 729sq.m. of floor space for the health care centre. The building would be constructed in a combination of natural Cotswold stone and timber cladding, and would be roofed in a mixture of natural blue slates, Cotswold stone slates and zinc.

### Residential development

The five residential units are proposed to be located within the southern part of the application site with vehicular access gained off the Maugersbury Road. The units are designed as large, detached dwellings in the style of a farmstead and would be constructed in a combination of the following materials: natural Cotswold stone, red cedar weather boarding, Yorkshire boarding, blockwork, natural Cotswold stone slates, natural blue slates and corrugated cement sheets.

This application is a departure from the development plan as it seeks to erect open market housing outside of an established Development Boundary.

Members will note that this planning application has received considerable support from the local community and it is clear that there is a long-established and acknowledged need for the existing doctor's surgery within the town to relocate from the existing premises in Well Lane to a larger site, with a modern, purpose-built structure to allow for the provision of improved services and facilities and to allow for the future expansion of the surgery. Members will also be aware that the Council is currently considering an alternative scheme for the provision of a doctor's surgery within the town, on land adjacent to a property known as 'Tall Trees' (which is located to the west of the application site).

The provision of a new doctor's surgery for the town is clearly an important material consideration in the determination of this planning application. This is a significant factor weighing in favour of the application.

# (a) Principle of Development Outside of a Development Boundary

The application site is located outside of a Development Boundary as designated in the Cotswold District Local Plan 2001-2011 (LP). Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the LP.

Policy 19 offers support for development 'appropriate' to a rural area' provided that the proposal relates well to existing development and meets the criteria set out in other relevant policies in the Local Plan and would not:

- i) cause significant harm to existing patterns of development, including the key characteristics of open space in a settlement;
- ii) lead to a material increase in car-borne commuting;
- iii) adversely affect the vitality and viability of settlements; and
- iv) result in development that significantly compromises the principles of sustainable development.

The Notes for Guidance accompanying Policy 19 lists examples of the types of development that are considered 'appropriate to a rural area'. This policy has a general presumption against the erection of new-build, open-market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside of designated Development Boundaries. The provision of the five open-market dwellings proposed as part of this development would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to national policy and guidance when reaching its decision.

Policy 19 does allow for the provision of 'small-scale community facilities', the definition of which does include doctor's surgeries, subject of course to the criteria set out above. In addition, the provision of new community facilities is supported, in principle, by LP Policy 32. Paragraph 1 of Policy 32 states that "Proposals for the development, expansion or improvement of community facilities will be permitted on sites which are well related and accessible, particularly by foot, bicycle and public transport, to the local community. The multi-purpose use of new or existing community facilities will be encouraged in order to maximise use." The Notes for Guidance

accompanying Policy 32 lists examples of the types of development that are considered to be community facilities and again, doctor's surgeries are included.

# NPPF and residential development

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Paragraph 47 of the National Planning Policy Framework (NPPF) states that Councils should identify a supply of deliverable sites sufficient to provide five years worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot in demonstrate a five year supply of deliverable housing sites, Paragraph 49 states that the 'relevant I policies for the supply of housing should not be considered up-to-date'.

In such instances, the Council has to have regard to Paragraph 14 of the NPPF which states that . where the development plan is absent, silent or relevant policies are out-of-date, permission: should be granted unless;

- ' any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

The application site is located within the Cotswolds AONB and, as such, the second bullet point above would be applicable should the Council's 5 year land supply be in deficit. Paragraph 115 of the NPPF advises that 'great weight should be given to conserving landscape and scenic beauty' in AONBs. The application would therefore have to be assessed having regard to the planning balance and all material considerations should the Council's housing land supply figures fall below five years.

The Council's position in relation to land supply has been subject to scrutiny in recent months. In September 2014, the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford. In that case, the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. Paragraph 47 of the NPPF states 'that local plans are required to meet the full, objectively assessed needs for market and affordable housing for that area, so far as is consistent with other policies of the NPPF'.

Following the Fairford appeal decision, the Council's Forward Planning Section produced an OAN and undertook a review of its land supply figures. The most recent figures, which were endorsed by the Council's Cabinet on the 11th June 2015, indicate that the Council has a 7.74 year supply of housing land. This figure is inclusive of the 20% buffer.

In summary, the Council's position is that it can now demonstrate the requisite 5 year (plus 20%) supply of deliverable housing land. As such, the Local Plan Policies that cover the supply of housing, such as Policy 19, are no longer considered to be out of date having regard to Paragraph 49 of the NPPF.

Notwithstanding the above, it must be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 20%) figure is a minimum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside of Development Boundaries identified in the current Local Plan for residential development. If such sites are not released, the Council's housing land supply will soon fall back into deficit. At a recent appeal for up to 15 dwellings in Honeybourne in Worcestershire, the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.' Further, in relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014, the Inspector stated (Para 51) 'irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm. having regard to the objectives of NPPF.'

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an ongoing supply of housing land, there will remain a continuing need for the Council to release suitable sites outside of Development Boundaries for residential development. If the Council does not continue to release such sites, the land supply will be in deficit and the criteria set out in Paragraph 14 of the NPPF will apply. It is considered that the need to release suitable sites for residential development represents a material consideration that must be taken into fully into account during the decision making process.

The 'in principle' objection to new open market housing outside existing Development Boundaries set out in Policy 19 must also be weighed against the guidance in Paragraph 215 of the NPPF which states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight they can be given)'. There will be instances where new open market housing outside existing Development Boundaries can constitute sustainable development as required by the NPPF. The blanket ban on new open market housing outside such boundaries is therefore considered not to carry full weight when assessed against Paragraph 215. Notwithstanding this, other criteria in Policy 19 such as preventing development that; causes significant harm to existing patterns of development, leads to a material increase in car-borne commuting, adversely affects the vitality and viability of settlements and results in development that significantly compromises the principles of sustainable development are considered to broadly accord with the objectives of the NPPF. They are considered to carry more weight when assessed against the guidance in Paragraph 215.

Notwithstanding the current land supply figures and the wording of Policy 19, it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the requirement to balance the social need to provide new housing against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

#### NPPF and the health care centre

Paragraph 17 of the NPPF states that Councils should 'support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places'. It goes on to state that they should 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

Paragraph 69 states that 'The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities', whilst paragraph 70 goes on to state that Councils should 'plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments'.

It is clear that the NPPF is supportive of the provision of community facilities such as the health care centre proposed as part of this application, providing they are located in sustainable locations. Whilst the application site lies outside of the established Development Boundary for the town, it is adjacent to the edge of the town and accessible on foot from the town. Other strands of sustainability will be explored later in this report.

In summary, notwithstanding the current land supply figures and the wording of Policy 19, it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the need to balance the social need to provide a community facility in the form of the health care centre, against the potential environmental impact of the proposed scheme. These issues will be iconsidered in more detail in the following sections.

# (b) Viability Assessment

Given that the application site lies outside of the established Development Boundary for Stow and includes the provision of open market housing, and because the applicant asserts that the housing is necessary to 'enable' the provision of the health care centre, the applicant has submitted three viability appraisals to demonstrate that the health care centre would be financially unviable without a housing element.

In order to properly evaluate the applicant's viability appraisals and determine whether the residential element of the scheme is indeed necessary to deliver the surgery, and if the omission of affordable housing is justified by viability, the Council instructed the Property Services arm of the Valuation Office Agency (DVS) to carry out an independent assessment of them. It is important to note that the financial information contained within the viability appraisals is confidential as it is commercially sensitive data and is therefore not available for general public inspection. The DVS's review of the viability appraisals is attached to this report as 'confidential papers' for Members' information only. I would summarise that report as follows.

Three viability appraisals have been submitted by the applicant: i) one assesses the health care centre centre in isolation; ii) the second assesses the scheme as submitted with the health care centre and 5 residential units within the development site, i.e. the site outlined in red (1.73 ha); and iii) the third assesses the health care centre and 5 residential units on the whole application site (i.e. the whole 10.77 ha parcel of land). This is necessary as the deliverability of the health care centre requires the purchase of the wider 10.77 ha. It is important to note that the applicant is proposing to dispose of 9.04 ha of the land to 'Maugersbury Fields Limited' for approximately £335,000, with a covenant in place restricting any form of development on that remaining land other than for a community building or use. The applicant also proposes to enter into a \$106 legal agreement to secure the use of that land for community use purposes only.

i) The provision of the health care centre only on the development site (1.73 ha) is shown as being financially unviable.

- ii) The provision of the health care centre and 5 residential units on the development site (1.73 ha) shows a viable scheme with a significant surplus. It is clear that this scenario is viable with the surplus from the residential development more than outweighing the loss from the development of the health care centre in isolation. Given the significant additional surplus, in theory, an element of affordable housing could also be provided if the development site was considered in isolation from the whole land parcel, but this leads on to the applicant's contention explained below in point iii).
- iii) The development of the health care centre and 5 residential units on the whole 10.77 ha site, shows a deficit and thus could not yield an affordable housing element. It is necessary to consider this scenario because the applicant contends that the development site is not available for purchase in isolation and that the vendors are only willing to sell the entire 10.77 ha of land. In considering this scenario, the DVS has assumed that the 9.04 ha of land proposed to be sold to Maugersbury Fields Limited would be subject to a S106 legal agreement precluding development of this land, with the exception of small-scale community facilities (this is key because its restricted use and lack of development opportunity significantly reduces the value of that land).

In summary, following a detailed assessment of the viability appraisals submitted in support of the application, the DVS has concluded that the health care centre could be developed in isolation on the application site viably without any enabling benefit from housing. But this assumes that the application site is available in isolation, which is not the case in this instance.

The proposed health care centre site comprises a small part of a 10.77 ha site, known as the Stow Fair site, and it is understood that the vendors are only willing to release it as a whole (in this regard, we have been provided with a copy of the option to purchase agreement confirming the land site and purchase price). Therefore, whilst it is considered that the development of the health care centre in isolation is **viable**, it is not considered to be **deliverable** since it requires the applicant to purchase the larger site at a considerable cost, albeit one that the DVS considers not to be unreasonable (when one considers the location of the site on the outskirts of the town, it is considered to be reasonable to assume that the land would attract 'hope value').

Whilst the assessment of the 10.77 ha site doesn't show a viable scheme, the applicant seems willing to take a view on profit in this instance and hence the purchase of the whole land parcel and the development of the doctor's surgery with 5 residential units becomes feasible.

It is important to note that the appraisals of the whole site assumes the disposal of the 9.04 ha of pasture land to 'Maugersbury Fields Limited' being subject to a restrictive covenant to prevent this land being developed for any purpose other than providing small community facilities (which significantly reduces the value of that land). As such, Officers recommend that a similar restriction is incorporated within the S106 legal agreement in order to prohibit commercial development on that parcel of land.

# (c) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have special regard to the desirability of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise the 'intrinsic character and beauty of the countryside and support thriving rural communities within it.' It also states that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty'.

Cotswold District Local Plan Policy 42 states that 'development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, streetscene, proportion, simplicity, materials and craftsmanship.'

The site is located beyond the south eastern extent of the town of Stow-on-the-Wold on a green field site at the head of a steep-sided valley which extends eastwards into a lowland vale. Stow is a renowned, attractive hilltop town in the Cotswolds AONB and its setting is characterised by the dramatic downslopes and valleys which drop away from the settlement in all directions. They form a distinctive feature of the town and its setting and, along with the wider AONB, are considered to be of high value and have a high susceptibility to change. This translates to a high sensitivity which means that the landscape contains important components susceptible to small changes.

Due to the elevation of Stow it has a high visual impact. The surrounding countryside contains many viewpoints of High Sensitivity, these include: strategic rights of way, cycle paths, cultural, physical or historic features, views from beauty spots and residential properties, or places where the attention of the receptor may be focussed on the landscape.

The proposed development site is not an extension to the developed/urban area of Stow and is removed from the development edge by a transitional landscape of well-managed paddocks and a strong tree line which follows the route of a footpath north/south linking the Oddington Road and Maugersbury Road. The valley has steep slopes to both the north and south, which are generally framed by mature trees, either in groups or as individuals, which form dominant features in the landscape. The valley is generally a rough pasture with some young riparian copses, which appear to be self-sown, on the lower parts of the slopes and the valley floor. To the south of the application site, the land is open agricultural and parkland, and to the north is a relatively modern housing development. The site forms part of a distinctive landscape within the Vale of Bourton Farmed Slopes Landscape Type and is characteristic of the High Wold landscapes of the Cotswolds AONB.

As previously set out, the proposed development falls into two distinct areas within the application site. To the north, accessed off the Oddington Road, the health care centre is proposed to be set on the south facing valley slope and would require extensive earthworks to enable construction to take place due to the significant changes in levels within the site. The buildings would be located on the lower part of the site with car parking to the north. There would be a backdrop of trees and residential properties when viewed from the south and views from the east would show the development unrelated to the current development form of the urban edge. To the south of the application site, the group of 5 residential units would be located at the top of the north facing valley slope. From all directions, the housing development would appear as a remote and incongruous development in the countryside which currently forms an important separation between Stow and Maugersbury.

It is considered that neither of the development cells has taken account of the high landscape and visual sensitivities of the area or the impact on the AONB. In his comments on the recent appeal case at Griffin Close, Stow (APP/F1610/A/13/220411), the Appeal Inspector placed great emphasis on the high value and sensitivity of the landscape setting of Stow and stated in his conclusions that

'The scheme would have a significant adverse impact on the character and appearance of the AONB and the setting of Stow-on-the-Wold. In this respect it would not conserve the landscape or scenic beauty of the AONB, contrary to the aims of the Framework. I attached great weight to this harm.'

This is considered to be equally pertinent when assessing the current application site, where there is no prospect of any meaningful mitigation. In summary, despite the findings of the applicant's LVIA, Officers consider that the development, by virtue of its location, scale and form would have a high adverse impact on the character and appearance of the AONB. This is a significant factor that clearly weighs against the development proposals. However, it is necessary to balance this identified harm against other benefits that would result from the scheme. In this instance, the proposal would provide a health care centre and make a small contribution towards the housing supply within the district. On balance, it is considered that the benefits arising from the proposal outweigh the harm to the character and appearance of the AONB.

Due to the concerns raised by Officers with regards to the negative visual impact of the proposed development on the application site, the applicant undertook a sequential appraisal of potential alternative sites in and around Stow for the health care centre. In total, 19 sites were considered by the applicant and all but 1 site, the application site, were discounted as being unsuitable, unavailable or unachievable. On balance, it is considered that whilst this appraisal does not represent an exhaustive list of all land around the town, it is a reasonable assessment of potential alternative sites that have been considered to deliver the health care centre.

# Major development within the Cotswolds AONB

Paragraph 116 of the NPPF states that 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

No definition of major development is provided within the NPPF or in either of its forerunners namely PPS7: Sustainable Development in Rural Areas and PPG7: The Countryside which also made similar references to major development within designated landscapes such as AONBs. However, some clarification was provided in the former Gloucestershire County Council Structure Plan Second Review which was written having regard to guidance in PPG7. Paragraph 14.2.22 of the notes accompanying Policy NHE.4 stated that the 'definition of major development is affected by issues such as location, scale, context and design. Major cannot be quantified or determined at the strategic level in this context. However, potential impact can be judged against the local characteristics of a particular proposed site through the local plan process, thereby allowing for the local interpretation of major and so ensuring the retention of qualities of local distinctiveness within the AONB'. It is evident therefore that the term 'major' did not have a strict definition when it came to the interpretation of former Policy NHE.4. This is supported by a recent High Court judgement in 'Aston and another v Secretary of State for Communities and Local Government and others' in which the judge determined that the phrase 'major development' did. not have a uniform meaning and to define it as such would not be appropriate in the context of national planning policy. The Government's Planning Practice Guide also states '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.'

In this particular case, the site is located outside of, but adjacent to one of the District's Principle Settlements. By virtue of the amount and scale of development sought and its location adjacent to the town, it is considered that the development is not so significant as to constitute 'major development' in the context of Paragraph 116 of the NPPF. The analysis of impact on the AONB

and heritage assets has helped inform Officer's conclusions on this matter; there are impacts but they are considered to be localised and not of such significance to be considered as major for the purposes of Paragraph 116 of the NPPF.

# (d) Impact upon the Setting of the Conservation Area and the Setting of Adjacent Listed Buildings

As previously set out, the site is bounded to the south by the Stow Conservation Area. The Conservation Area also wraps around to the west and north-west of the site albeit not directly adjacent to the site. The character of the Conservation Area consists of the vernacular nature of the town, its built environment and street patterns. The rural fringe of the town and its approaches are equally important in terms of the historic relationship between the town and the adjacent countryside.

There are three Grade II Listed buildings (two of which are within the Conservation Area) immediately to the north-west of the site along Oddington Road, Enoch's Tower, The Counting House and Old School Meeting House. Enoch's Tower and the Old School are prominent within the context of the site. There are a number of additional listed buildings to the west becoming increasingly prolific further into the town and some listed buildings within the settlement of Maugersbury to the South-East.

The Local Planning Authority is statutorily required to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality and have special regard to the desirability of preserving the setting of the listed buildings in compliance with Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 12 of NPPF.

Paragraph 17 of the NPPF states that planning should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'

Paragraph 131 states 'in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;' and 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.'

Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Paragraph 134 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Cotswold District Local Plan Policy 15 states that construction 'within or affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area.'

Cotswold District Local Plan Policy 42 states that 'development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, streetscene, proportion, simplicity, materials and craftsmanship.'

The application site has latterly been used as the venue for the Stow Horse Fair. In terms of general impact upon the townscape it is considered that if permission is granted for development of this site it is possible that the paddock to the west may also be subject to infill development. The development of what is currently a prominent area of open agricultural land acting as a green wedge into the town will be substantially changed and lost forever.

It is considered that the development would not have an adverse impact upon the surrounding listed buildings. In regard to Enoch's Tower, its prominence and height in relation to the development, the views into and out of the building would incorporate elements of the development especially the residential development on the southern side of the site. However it is not considered that this impact would be adverse or harmful to the setting of the listed building.

The impact upon the character and appearance of views out of and back to the town along the Oddington and Maugersbury Roads is an important consideration. The layout of this proposal is confined to two areas of the site and is, to some extent, restricted by the topography, leaving a large proportion of the field undeveloped. However, despite the restricted nature of the development, it would compromise the current sense of open countryside penetrating the fringe of the town.

# Health care centre

It is considered that the visual impact of the proposed development along the Oddington Road would be considerable given the current character of this approach to the town. It is acknowledged that apart from the Grade II Listed Old School, the built environment along the north of the road makes little contribution to the historic character of the town. Nevertheless the streetscape is more neutral than negative in this respect. The health care centre in this location, with parking and associated other landscaping is likely to have a substantial and potentially negative impact upon the character of this area, closing in views across the valley to the south and eliminating the sense of the rural fringe of the town. As such, the principle of development south of the Oddington Road would be contrary to Policy 42 due to its impact upon the character, appearance and local distinctiveness of this area of the town in regard to setting, harmony and streetscene. In addition, it is also considered that the development on both sides of the field would have an adverse impact upon the setting and views out of and into the Conservation Area.

Following refusal of the previous application the surgery building has been redesigned. The current design reflects a collection of traditional vernacular farm buildings. As an example of vernacular design in its own right the quality of design is not in question. The principal concern that has arisen in regard to this proposal is the siting of this particular building in this particular context.

# Residential development

The southern boundary of the site is more sensitive in terms of statutory heritage constraints due to its boundary with the Conservation Area. The Conservation Area at this point along the Maugersbury Road is flanked by open fields and a low dry stone wall. The north side looking into the development site is flanked by remnant hedges and occasional trees with clear views across to the far side. The residential development on this side of the field would compromise the open feeling of this approach to the town and, it is considered, would be harmful to the setting of the conservation area. The residential development would also be prominent when viewed from the north side of the valley towards the Conservation Area.

It is considered that the concept of disguising the development as a farmstead could provide some degree of mitigation against visual intrusion within an open setting. Following refusal of the previous application the design and configuration of the proposed dwellings has been amended. In general the current design successfully reflects a collection of traditional and modern farm buildings and an extended farmhouse. However some detailing such as the false doorway and first floor dormers on the south east elevation of The Cottage are inappropriate. Furthermore, the offset windows on the south elevation and east gable of the building known as The Granary are

awkward contemporary introductions. Such elements of design appear visually unresolved and would fail to reflect the character of the local vernacular.

In summary, for the reasons set out above, Officers consider that the development as proposed would fail to preserve or enhance the character or appearance of the Stow Conservation Area. It is considered that the proposed development would have 'less than substantial harm' to the significance of the conservation area. In determining applications that are considered to have 'less than substantial harm' (Paragraph 134 of the NPPF) to a designated heritage asset, it is necessary to give that harm considerable weight and importance. The High Court judgment in the case of The Forge Field Society and Other (Regina) v Sevenoaks District Council June 2014 provides further clarification on the matter. Paragraphs 48 of the judgement states; 'When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable weight and importance.' Paragraph 49 goes on to state that a 'finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

In light of the above case, it is evident that a scheme could only be supported if the considerable weight and importance given to the perceived harm was outweighed by other benefits. In this instance it is noted that the proposal would provide a health care centre and make a small contribution towards the housing supply within the district. On balance, it is considered that the benefits arising from the proposal outweigh the harm to the significance of the designated heritage asset.

# (e) Traffic Generation and Highway Safety

The Gloucestershire County Council Highways Engineer has been consulted on the application proposals and has commented as follows.

# Site Location and Highway Network

The site is located to the south east of Stow on the Wold on the site used twice a year for horse fairs. The A436 Oddington Road at this location is subject to a 30mph speed limit, benefits from street lighting and footways on both sides of the road. A signalised pedestrian crossing facility is located to the east of the junction of Oddington Road with St Edward Drive, the footway on the south side of Oddington Road ends at this point. The A436 does provide a link between the A429 and the A44. The data from the survey undertaken on Oddington Road at the public house The Bell Inn in February 2014 records that during the weekday AM peak hour two way flows of 586 vehicles were recorded and during the PM peak hour two way flows of 565 vehicles were recorded.

Maugersbury Road is subject to a 40mph speed limit in the vicinity of the site, although is subject to a 30mph limit where it joins Oddington Road. Maugersbury Road is single vehicle width in the vicinity of the site. An ATC demonstrates an average daily flow of approximately 180 vehicles. The 85th percentile speed of southbound vehicles were recorded as 42.7mph, this is in excess of the posted speed limit. A footway is available on the southern side of Maugersbury Road, the footway on the northern side finishes at the car park of the public house. Traffic surveys were undertaken by the developer on Maugersbury Road to determine the 85th percentile wet weather speed of the road in order to calculate the emerging visibility splays for the proposed accesses to Maugersbury Road. The existing traffic flow results for Maugersbury Road have been included within the Transport Assessment.

Uncontrolled pedestrian crossing points are located to the west of the site on Park Street and Sheep Street. At the western boundary of the site a public right of way links Oddington Road with Maugersbury Road. The site is located within 1500m of the facilities within the town centre an average walking time of 20 minutes when the topography is level, however, the topography here is not level therefore the walking time will be longer. It would still be possible for some staff and patients to walk or cycle to the facilities in the centre of Stow on the Wold. Bus stops are located near King George's Field and are served by routes 801, 818 and 819, these stops are currently unmarked. Bus stops located at the public house are served by routes 801, 818, 819, V2, V4, V6, V12, and V21. This means that bus travel is a viable option for travel to/from Moreton in Marsh and Cheltenham. Main line rail services are available from Moreton in Marsh.

An analysis of recorded personal injury collisions has been undertaken for the most recent 6 year period available, the locations of the collisions are recorded in Appendix A of the applicant's Transport Assessment. There do not appear to be any common causation factors for the recorded collisions. The collisions did not occur along the site frontages.

# **Development Plans - Layout**

The proposed 729sqm surgery is intended to replace the existing surgery on Well Lane. The existing surgery is too small for the demands now placed upon it. The site is proposed with a vehicular access from Oddington Road and two pedestrian accesses from Oddington Road. The pedestrian accesses will link with the existing pedestrian facilities and include a new uncontrolled crossing on Oddington Road. The site is well located to enable pedestrians to use the existing signalised crossing facilities.

Vehicular visibility splays of 2.4m by 54m are available from the proposed site access from Oddington Road and are commensurate with the speed of the road as shown on drawing numbered 0538-002B. Space is available on site to turn service, delivery and emergency vehicles. The emerging visibility from the proposed site access includes a safety factor to account for vehicles travelling above the posted speed limit. Moreover the achievable emerging visibility is greater than that required due to the straight alignment of Oddington Road. TD42/95 Geometric Design of Major/Minor Priority Junctions provides technical guidance on junction design types. In this case the major road (Oddington Road) has a 2 way annual daily traffic flow of approximately 6500 vehicles, the minor road (Surgery Access) is predicted to have 384 two way daily traffic flow. Guidance in TD42/95 shows that a simple priority junction is sufficient to provide access to the surgery. This takes into consideration geometric and traffic delays, entry and turning traffic flows and accident costs. A turning lane is appropriate where the annual daily traffic flows on the major arm exceed approximately 13,000 vehicles.

A vehicular access is proposed for the residential element of the proposal, accessed from Maugersbury Road. Visibility splays are proposed in accordance with the speed of the road as recorded by the speed survey. Drawing numbered 0538-004C details these arrangements. A bin store is proposed to prevent the need for refuse vehicles accessing the site.

# Parking - D1 use

Cycle parking is proposed in the form of 5 Sheffield stands outside the building with an additional secure and sheltered store for 8 staff cycles. Showers and changing facilities will be available in the building for staff. The level of car parking has been established using first principles and considers the criteria set out in paragraph 39 of the NPPF. 30 patient and 14 staff car parking spaces are proposed, an overflow parking area is also proposed to prevent the need for vehicles parking on Oddington Road. Patient car parking spaces are proposed at 3m by 4.8m to enable ease of access, the minimum acceptable width of car parking spaces is 2.4m.

# Parking - Housing

Car parking is provided in barns, garaging and courtyard parking. There is no designated visitor parking shown but the layout is such that visitor parking can be accommodated.

# **Transport Impact**

The impact of 5 houses on the local highway network will be negligible therefore this section considers the impact of the Doctors Surgery. The TRICS database has been interrogated to predict the number of vehicular trips to the site. TRICS is formed from surveys of existing developments of varying types. For the use category 'Health' and sub category 'GP Surgeries' the trip rate can be calculated by the GFA, the number of Doctors or the number of employees. The developer has interrogated the TRICS database in accordance with the current best practise. The calculation factor is the number of Doctors, this has been used because the number of Doctors in the Surgery will not change even though the size of the surgery will increase in order to provide improved facilities.

Following clarification (emails from Peter Mansell dated 31st July 2014 and 1st August 2014 resubmitted 18th June 2015) on the total proposed number of FTE Doctors the trip generation for 5 Doctors is predicted as 33 two way movements in the AM peak hour and 29 two-way movements in the PM peak hour. The daily trip (07:00 - 19:00) are predicted as 384 two way trips. This is a worst case scenario and as such is a robust assessment. The level of impact in the network peak hours amounts to approximately one vehicle every two minutes. These trips are not new to the highway network but are re-distributed from the existing site at Well Lane. The surgery will replace the existing Stow-on-the-Wold Surgery on Well Lane, which is located approximately 650m, to the northwest of the site. The existing surgery is too small and inadequate for current healthcare use. Looking at the location of the existing surgery, then it is entirety likely that the similar trip patterns will be replicated at the new site that currently use the existing surgery. I suggest that the majority of the trips will be either linked, by-pass or diverted trips, with less than 10% being new. I would further suggest that the majority of these trips will travel through those same junctions to access this new surgery.

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In summary, the GCC Highways Engineer is satisfied that the application has demonstrated that safe and suitable access for all can be achieved and has demonstrated the impact of the proposal on the local highway network. Subject to appropriate planning conditions (attached to this report), it is considered that the proposed development complies with advice set out within the NPPF and Cotswold District Local Plan Policies 38 and 39.

# (f) Drainage and Flooding

The application site is located in Flood Zone 1 as designated by the Environment Agency. The site falls within the lowest designation of Flood Zone with an annual risk of flooding of less than 1 in 1000 (<0.1%). Development can be acceptable, in principle, in such locations. However, as the application site is in excess of 1 hectare in size, the applicant has submitted a Flood Risk Assessment (FRA) with the application which has been examined by the Council's Drainage Officers and the Lead Local Flood Authority (LLFA).

The EA surface water flood maps show a surface water flow route through the site which is classed as high risk, although no development is shown in this area, apart from landscaping on the western boundary. Ground levels must not be raised in this area as it could restrict water flow and increase the risk of flooding to upstream land. In addition, a watercourse flows along the eastern boundary of the site which is a tributary of the Bledington Brook. The Council has no reports of the site or area in close proximity to the site being at risk of flooding, but Bledington, in the downstream catchment, was affected by flooding in July 2007. The Council and the Environment Agency have carried out work in Bledington which involved controlling the flow in the watercourses to reduce the risk of flooding.

It will be noted that at the time of writing this committee report, the LLFA maintains an objection to the application. The applicant has indicated that soakaways are the preferred means of surface water drainage but has not submitted infiltration tests to demonstrate that this is a suitable means of dealing with the surface water and thus, the LLFA is not able to determine whether this strategy will work. Evidence of percolation tests and a satisfactory design and location of the soakways

has been sought from and provided by the applicant and a formal response is awaited from the LLFA. I expect to be able to update Members on this particular issue in late pages.

# (g) Impact on Protected Species and Biodiversity and Trees

#### **Protected Species**

The Extended Phase one habitat survey submitted in support of the application identified the grassland to be species poor, semi-improved and the scrub and trees to have the potential for nesting birds, and as such, it was recommended that areas of scrub are removed outside of the bird nesting season and that all the trees are retained. The site also has potential for bat foraging but if there is no tree removal proposed and the lighting is restricted to prevent light spill into the tree areas, the impact is greatly reduced. The Council's Biodiversity Officer is satisfied that, subject to appropriate conditions, the development could yield ecological enhancements and not cause any harm to protected species and therefore accords with Policy 9 of the Local Plan, the NPPF (including Section 11) and the NPPG.

#### Trees

The application site contains several trees around the periphery (seven along the northern boundary, two on the western boundary and two on the southern boundary) that are the subject of a Tree Preservation Order (TPO). As such, the trees are protected and Policy 10 of the Local Plan applies.

Full arboricultural details have been submitted in support of the application and following the submission of an amended drawing which removes one of the garage buildings from within the Root Protection Area of one of the protected trees, the Council's Tree officer is satisfied that the scheme will not have an adverse impact on the trees, or the public visual amenity they provide. The scheme therefore accords with Local Plan Policy 10.

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# (h) Other Matters

An archaeological field evaluation has been undertaken on the site and submitted in support of this application and this evaluation revealed no evidence for any significant archaeological remains on the site. On this basis, the Gloucestershire County Council Senior Archaeologist is satisfied that no further archaeological investigation or recording is required.

A land contamination report was submitted in support of the planning application and this report indicated that there were areas of 'made ground', and that flytipping had occurred in the southwest corner of the site. As the residential element of the development is proposed within this area, an intrusive investigation is considered necessary for this area of the site. To this end, if Members are minded to permit the application, conditions are suggested requiring a full site investigation and remediation measures to be agreed in the event that contamination is identified.

The proposed development would result in the loss of agricultural land that is currently used for grazing. Maps produced by DEFRA identify the land as Grade 3 but do not establish whether the land is Grade 3a or 3b. The agricultural land beyond the site is also categorised as Grade 3.

Paragraph 112 of the NPPF states that 'local planning authorities should take into account the economic and other benefits of the best and most versatile land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.' Annex 2 of the NPPF states that best and most versatile land is that which falls within Grade 1, 2 and 3a of the Agricultural Land Classification.

Due to the topography of the site, the land is used for grazing rather than crop production. It is also located in an area where the surrounding land is of a similar agricultural quality and as such the development would not result in the loss of the only relatively high quality land in the locality.

In this instance, it is considered that the loss of this agricultural land would not represent the significant development of agricultural land in the context of Paragraph 112 of the NPPF. The proposal is there considered acceptable in this respect.

The proposed development would be subject to the New Homes Bonus. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their area. The New Homes Bonus is paid each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use.

#### 9. Conclusion:

There is an acknowledged need for the doctor's practice to relocate from its existing premises in the town to a site and a building that is fit for purpose and that will enable the practice to grow in the future. A number of alternative sites in and around the town have been considered and discounted for varying reasons. Given the need for a site large enough to provide the surgery and associated car parking (the doctor's practice serves a large rural community and it is inevitable that a significant number of patients will need to use the private car to access the surgery), it is evident that town centre sites will be impractical for this development. The whole town is washed over by the AONB and given its hilltop location, any site on the periphery of the town will be visible in the landscape and will be likely to have a negative impact upon the character and/or appearance of the protected landscape.

The independent viability assessments undertaken by the DVS have concluded that the health care centre could be developed in isolation on the application site viably without any enabling benefit from housing, but on the assumption that the application site is available in isolation, which is not the case in this instance. The proposed health care centre site comprises a small part of a 10.77 ha site and the vendors are only willing to release it as a whole. Therefore, whilst it is considered that the development of the health care centre in isolation is viable, it is not considered to be deliverable since it requires the applicant to purchase the larger site. This is an unusual situation, but following careful consideration, Officers are minded to accept that the 'enabling' residential element of the scheme is necessary in order to deliver the health care element of the proposed development which is a clear public benefit.

It is also important to note that whilst the site lies outside of the established Development Boundary for the town, it does lie adjacent to one of the District's principal settlements which also weighs in favour of the development in terms of its accessibility.

Officers have identified harm associated with the proposed development but this harm must be balanced against the public benefit of providing a new health care facility and the small addition to the housing supply for the District. On balance, it is considered that the public benefit of providing an important community facility outweighs the harm to the setting of the Conservation Area and the adverse impact upon the character and appearance of the AONB. The application is therefore recommended for approval, subject to conditions and subject to the completion of a S106 legal agreement to secure the health care centre and to prevent commercial development on the land to be transferred to 'Maugersbury Fields Limited'.

#### 10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall be carried out in accordance with the following approved plans: 230/ P-01/K, P-01/L, P-02/B, P-03/E, P-04/H, P-10/D, P-11/E, P-12/D, P13/D, P-14/D, P-20/D, P-21/H, P-22/G, P-23/D, P-24/D, P-30/D, P-31/D, P-32/D, P-33/D, P-40/E, P-41/F, P-42/E, P-43/D, P-44/E, P-50/D, P-51/E, P-52/D, P-53/D, P-54/D, P-80/B, P-81, P-82, P086 and P-103.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the guidance provided by the National Planning Practice Guidance.

The part of the application site hereby permitted for use as a health care centre (the northern parcel of land) shall be used only for that purpose and for no other purpose, including any other use in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Reason:** It is essential that the Local Planning Authority retains control over the use of the development because the site is located outside of a Development Boundary, as identified by the Cotswold District Local Plan 2001-2011, where new development would normally be restricted. Permission is granted on the basis that the provision of this important community facility outweighs the harm identified in developing this land. Further consideration would need to be given to alternative uses of the site. This condition is imposed in light of Cotswold District Local Plan Policies 15 and 19 and the provisions of the NPPF.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions and no outbuildings or structures shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.

Reason: It is essential that the Local Planning Authority retains control over future development within the site because it is located outside of a Development Boundary, as identified by the Cotswold District Local Plan 2001-2011, where new development would normally be restricted, and is within the Cotswolds AONB and adjacent to a conservation area, wherein it is important to protect and maintain the character and appearance of the area. This condition is imposed in accordance with Cotswold District Local Plan Polices 15, 19 and 42 and the provisions within the NPPF.

Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme should be implemented and maintained fully in accordance with the approved details

**Reason:** To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy 5.

Prior to the commencement of the development hereby permitted, plans showing the existing and proposed ground levels at the site, the finished floor levels, the eaves and ridge heights of the proposed buildings, shall be submitted to and approved in writing by the Local Planning Authority (such levels and heights shall be datums above sea level). The development shall only be carried out in accordance with the agreed details.

**Reason:** It is important to clarify the levels and height of the development in relation to structures both on and off the site. The information is necessary to allow the impact of the development to be accurately assessed. These details need to be established prior to the commencement of development in order to ensure that ground works and slab levels are clearly established thereby avoiding future ambiguity over the height of development.

The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1400 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.

**Reason:** To ensure that disturbance to existing residents and businesses is minimised, in accordance with Cotswold District Local Plan Policy 5 and the provisions of the NPPF.

Prior to the occupation of each residential unit, 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. Prior to the occupation of each residential unit, the approved water butts serving that residential unit shall be permanently installed.

**Reason:** To ensure that rain water run-off is sustainably managed, in accordance with the provisions of the NPPF.

Prior to the first occupation of the development hereby permitted, a Waste Management Plan, including details of waste bin storage and recycling facilities, has 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 any dwelling.

**Reason:** To ensure that waste generated during the development and subsequent occupation is to be sustainably managed, in accordance with the provisions of the NPPF.

Notwithstanding the submitted details and prior to the commencement of the development, a Waste Minimisation Statement in accordance with the County Council's 'Waste Minimisation in Development Projects Supplementary Planning Document' (September 2006) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved Statement.

**Reason:** To ensure that waste generated during the development and subsequent occupation is i to be sustainably managed, in accordance with the provisions of the NPPF.

No development shall take place until an integrated 10 year landscape, ecological and arboricultural management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: i) Long term landscape and ecological objectives, ii) Appropriate management prescriptions, iii) Maintenance schedules, including annual work programmes for the first five years, iv) Habitat features, for example bird nesting and bat roost provision on built structures and v) Monitoring schedule, including annual reporting to the Local Planning Authority.

**Reason:** In the interests of the character and appearance of the site and surrounding area in accordance with Cotswold District Local Plan Policy 45 and to ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981. It is important that these details are agreed prior to the commencement of development in order to ensure proper management of the landscape and biodiversity at the site both during and following the construction of the approved scheme.

The development shall not begin until a scheme to investigate and remediate any land contamination on the site has been approved in writing by the Local Planning Authority. The scheme shall include actions to identify and assess the extent of contamination and measures to remove risks to human health and the environment. Following remediation, a completion report that validates the remedial measures must be submitted to and approved in writing by the Local Planning Authority before any of the buildings are occupied.

**Reason:** To ensure that remedial measures are undertaken to remove the risks to public health and the environment due to land contamination. It is important that details are agreed prior to the commencement of development as any groundworks could cause contamination or a risk to human health or the environment

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

**Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

The vehicular access from Maugersbury Road hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the accesses (measured from the public road carriageway edge) to a point 89m to the north and 73m to the south and the area between those splays and the carriageway be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

The dwellings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plans drawing nos. P-10 Rev D, P-20 Rev D, P-30 Rev F, P-40 Rev E and P-50 Rev D, and those facilities shall be maintained available for those purposes thereafter.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

No dwelling shall be occupied on the development hereby permitted until details of the widening the footway on Maugersbury Road have been submitted to and approved in writing by the Local Planning Authority and approved works have been completed and are open to the public.

**Reason:** To ensure that [the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

Notwithstanding the submitted plans the accesses shall be surfaced in a bound material for at least the first 5m of the access from the carriageway edge.

**Reason:** To prevent the migration of loose material in the interests of highway safety paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

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:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

**Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and Policy 38 of Cotswold District Council Local Plan.

No building on the health care centre site shall be brought into use until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building have been completed to at least binder course level and the footway(s) to surface course level.

**Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

The vehicular access from Oddington Road hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.

The health care centre building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing nos. P-89 Rev B, and those facilities shall be maintained available for those purposes thereafter.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

The health care centre hereby permitted shall not be brought into use until the uncontrolled pedestrian crossing has been implemented in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To provide a safe means of pedestrian access in the interests of highway safety paragraph 32 of the NPPF and Policy 38 of the Cotswold District Local Plan.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar has been erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

No external woodwork shall be installed in the development hereby approved until a sample finished in the proposed colour has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

The oak shall not be treated in any way and shall be left to weather and silver naturally.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

No windows and doors (including garage doors), balustrades, roof glazing, rooflights shall be installed/inserted/constructed in the development hereby approved until their design and details (including paint colour for the timber) have been submitted to and approved in writing by the Local Planning Authority.

The design and 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 only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

The development shall not start before a comprehensive landscape scheme has been approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 45. It is important to identify trees and other landscape features that are to be retained and provide adequate protection prior to the commencement of development.

Landscaping on the boundary of the site shall be completed by the end of the first planting season following the start of construction and the remainder by the end of the planting season immediately following the development being brought into use or occupied.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45

#### Informatives:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

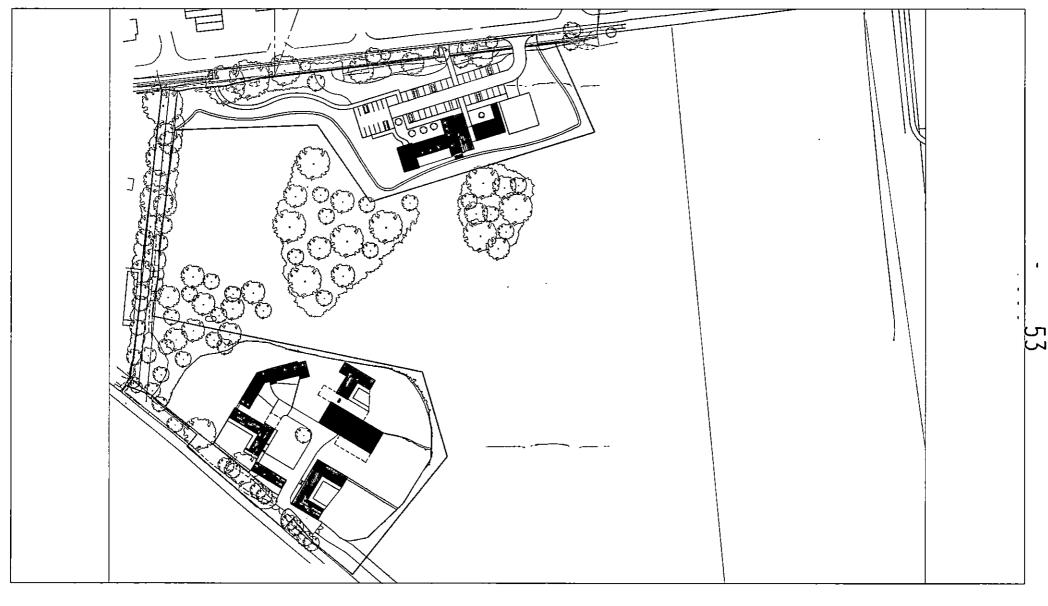


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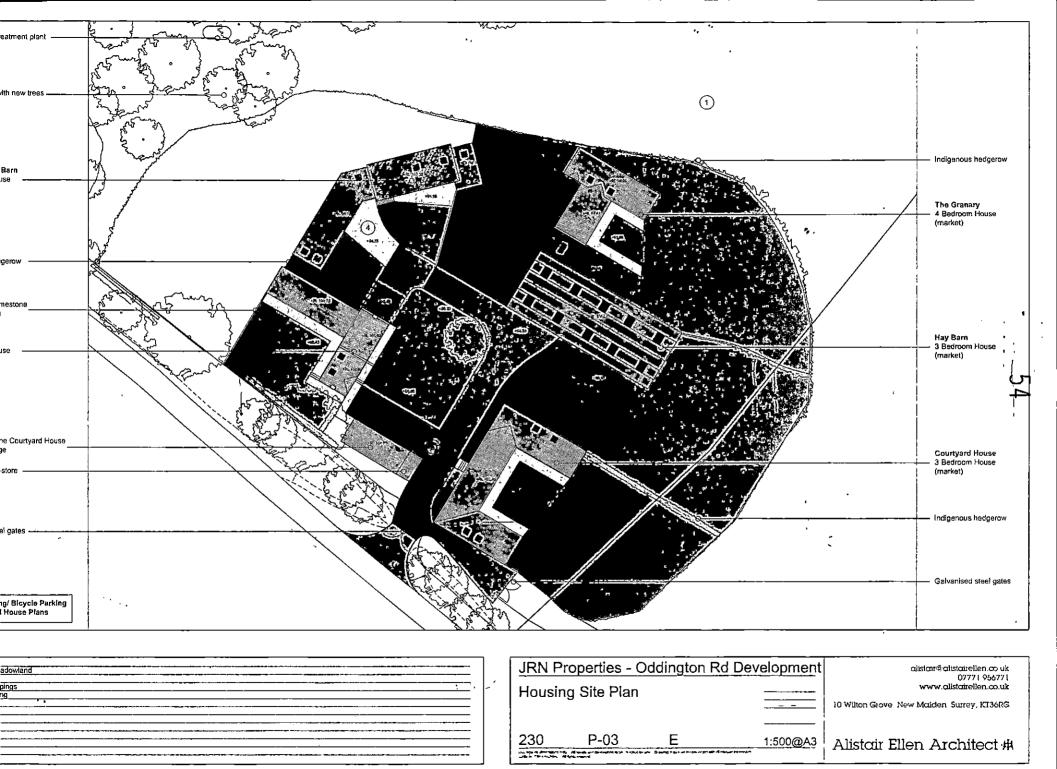
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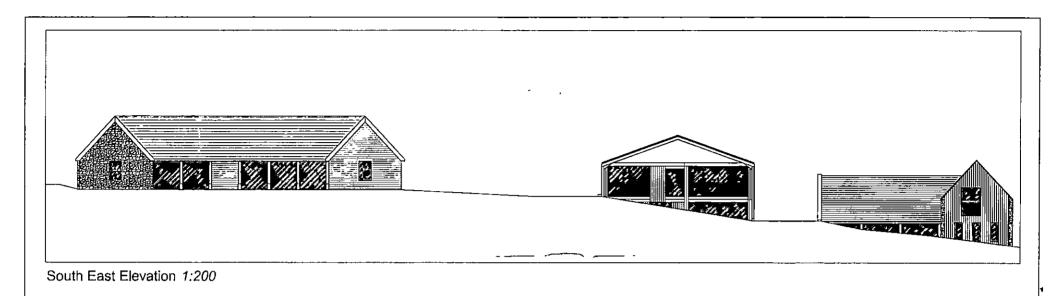
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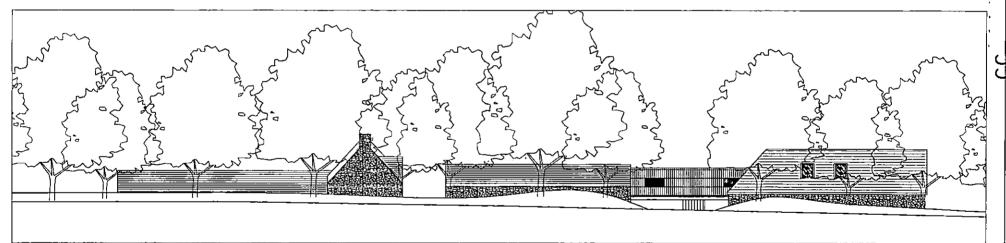


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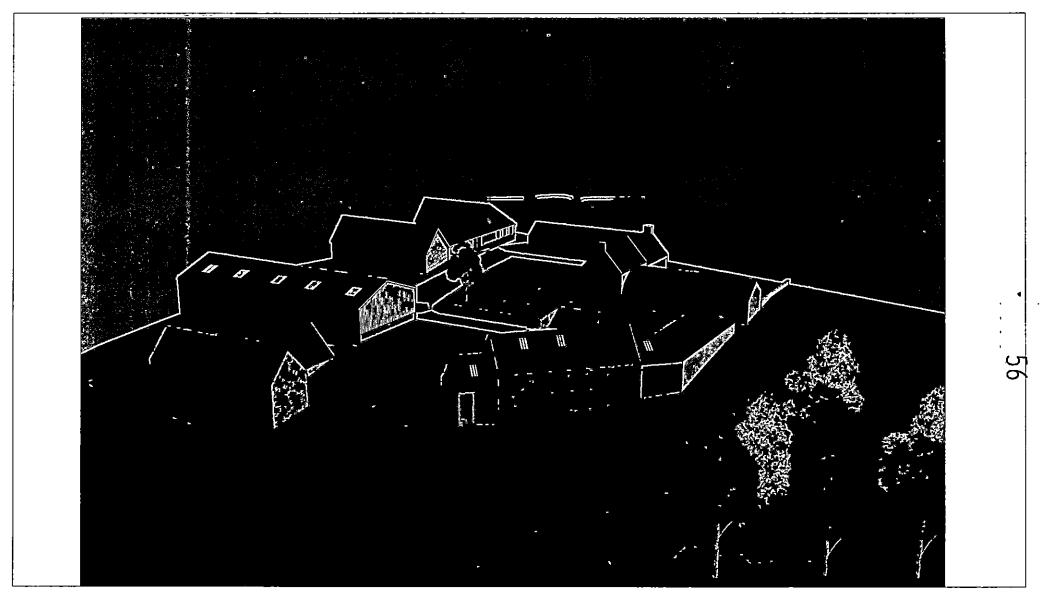
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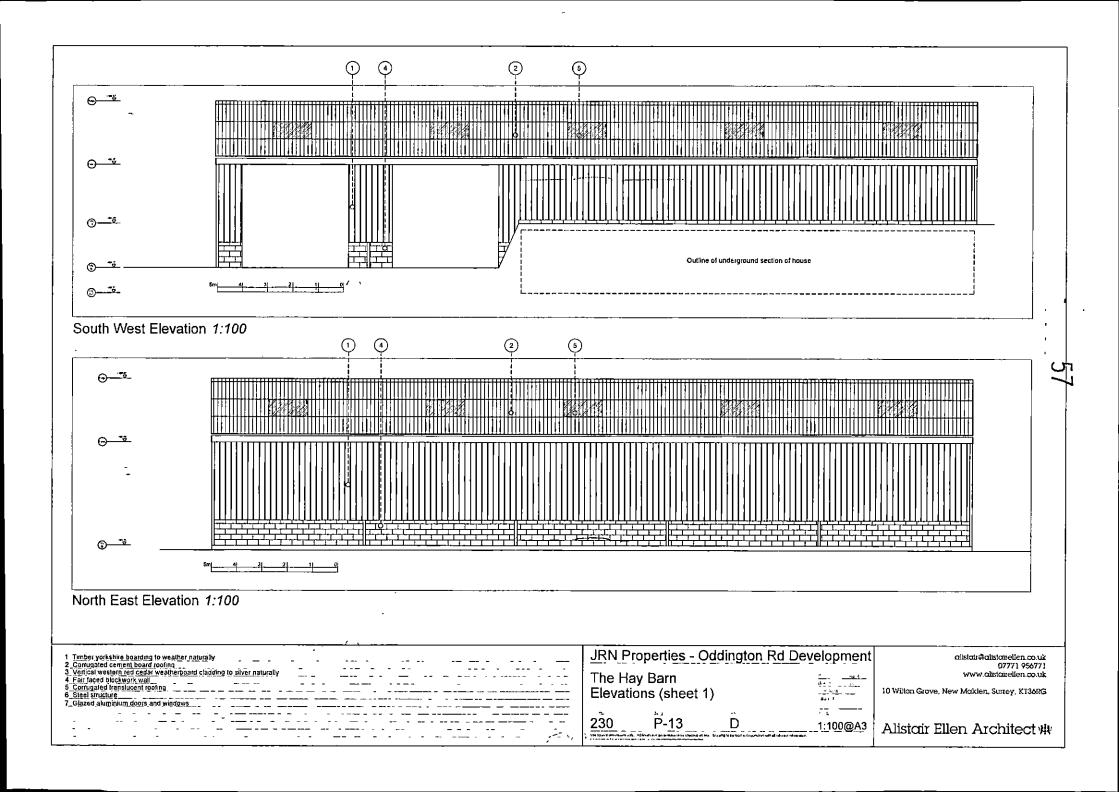
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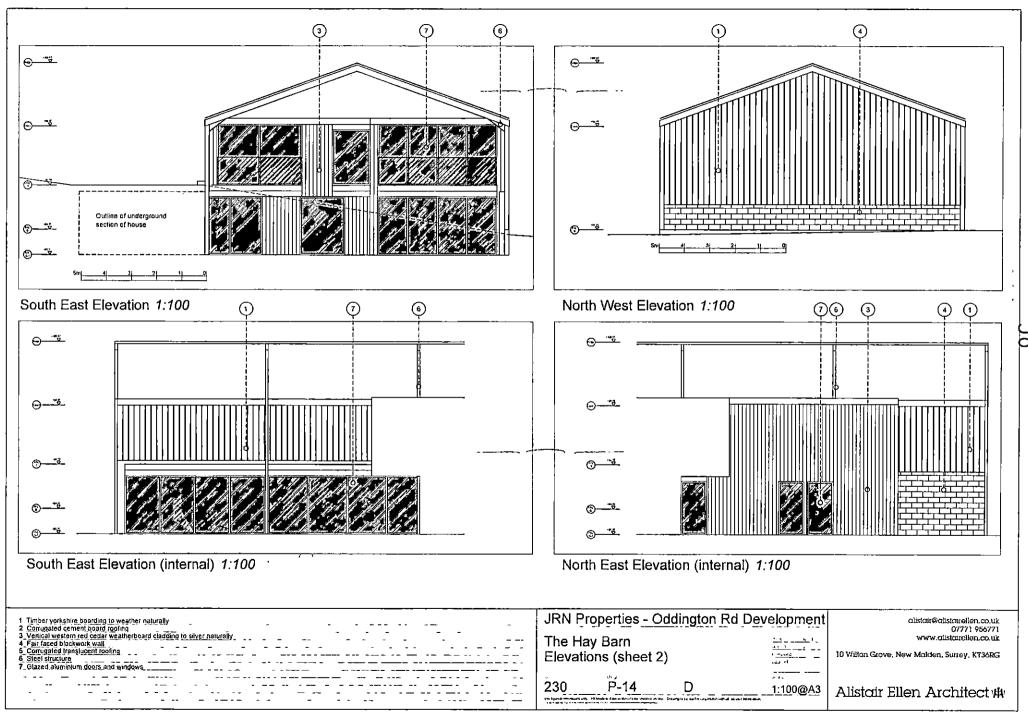
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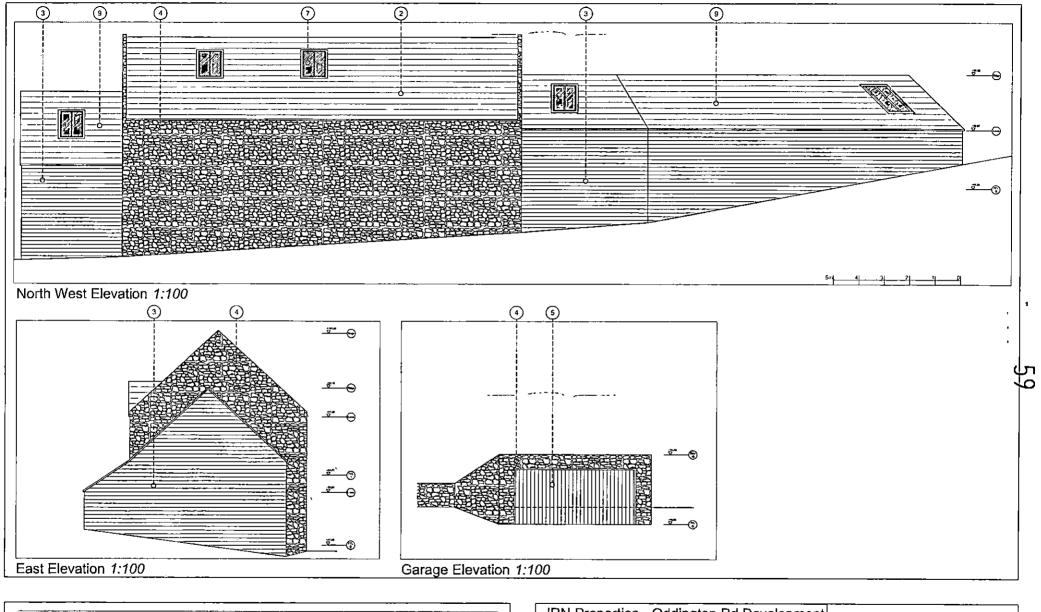
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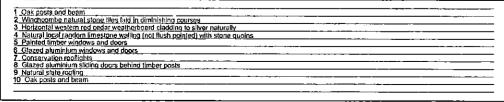
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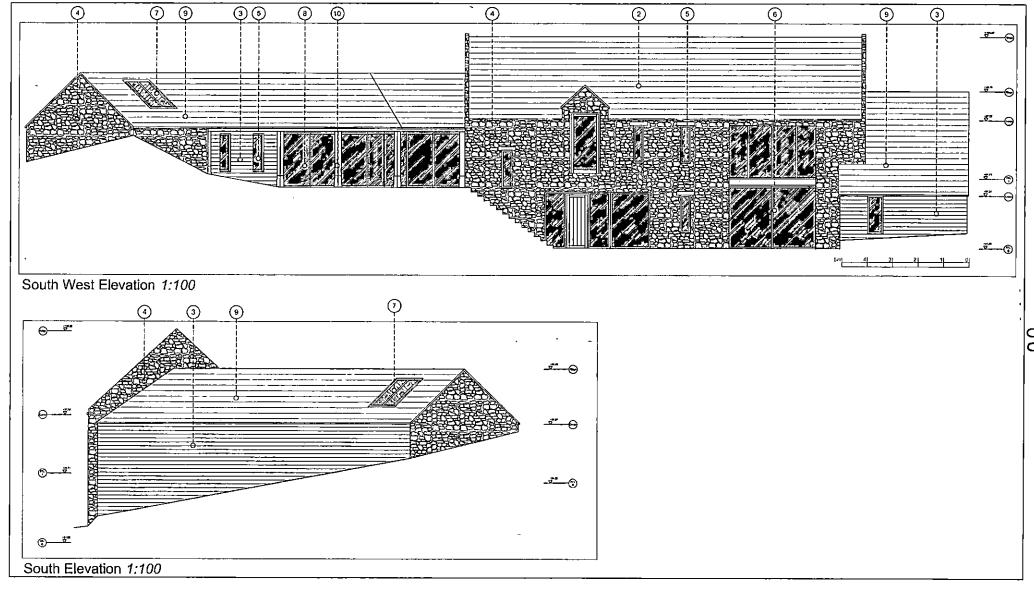


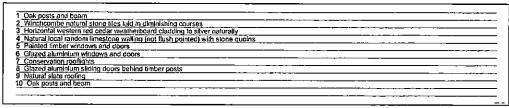




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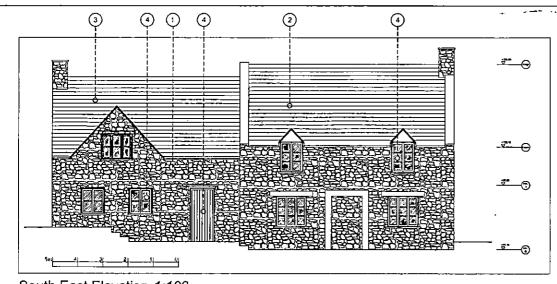




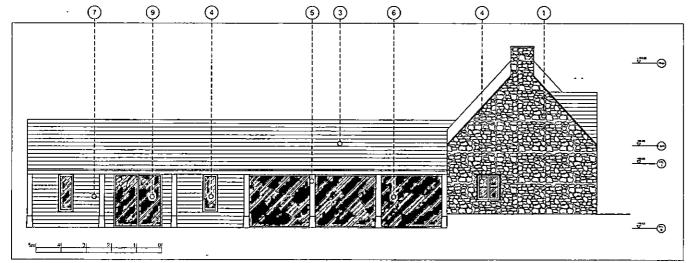


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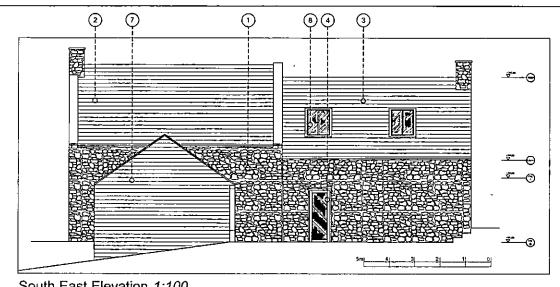
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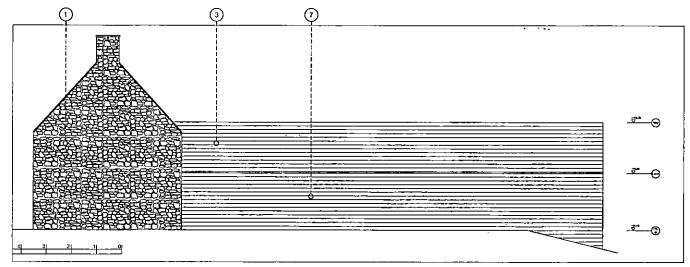
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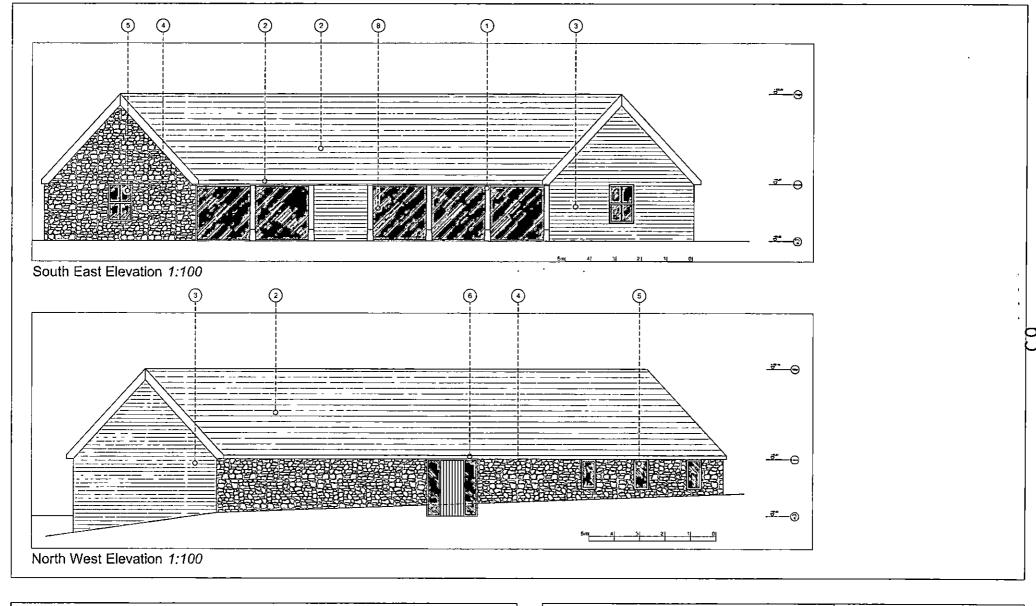
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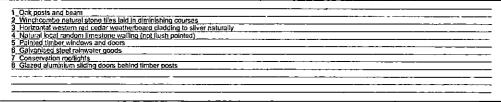


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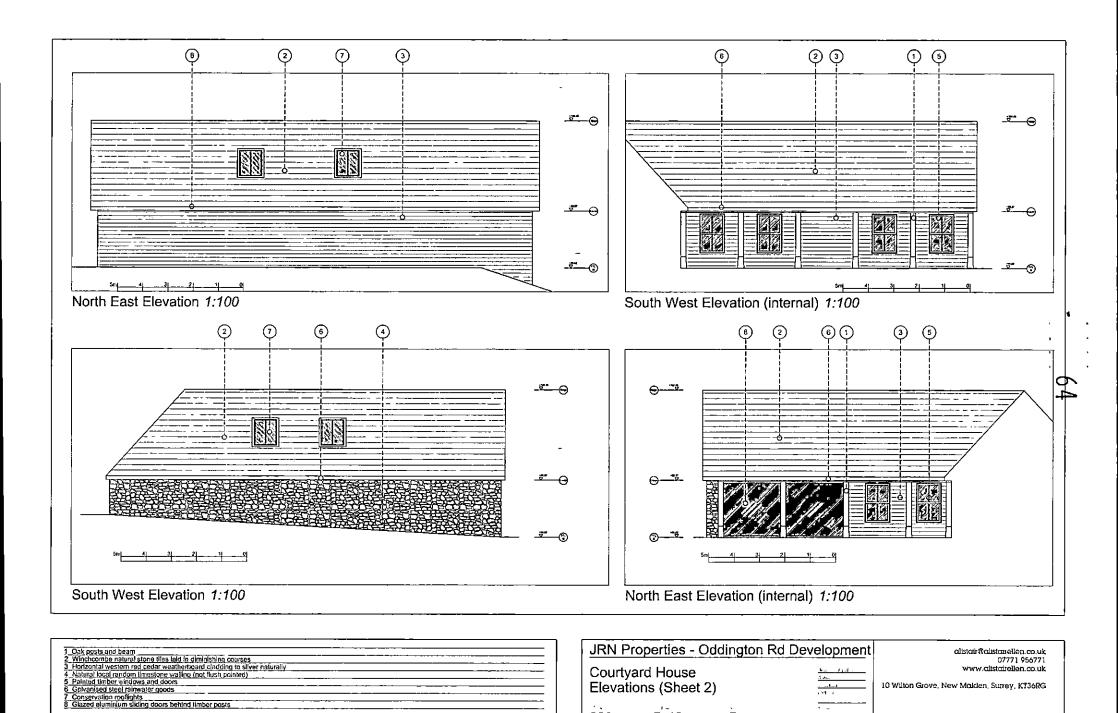




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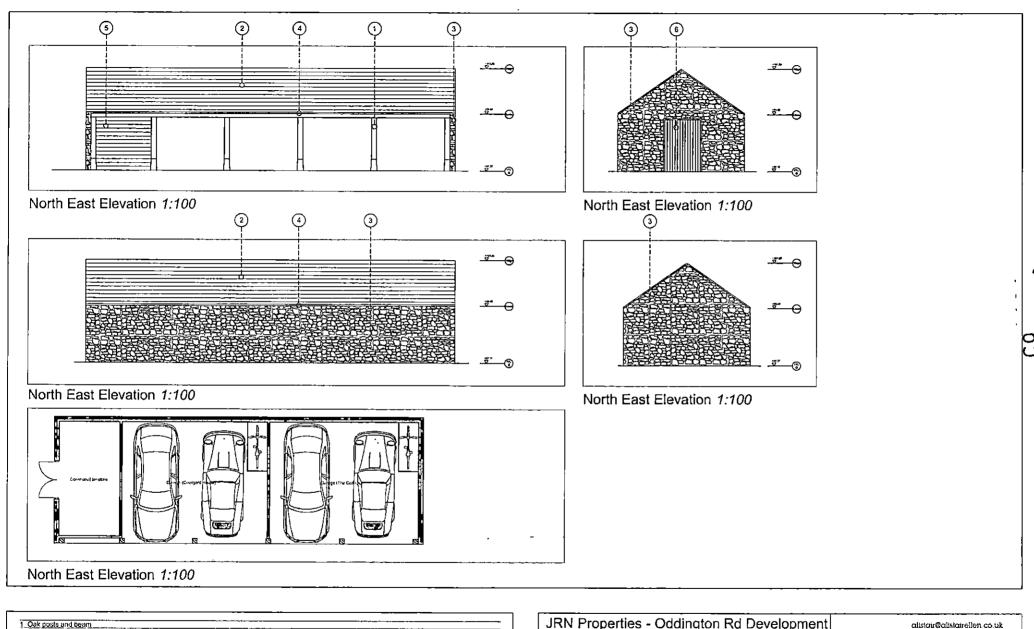
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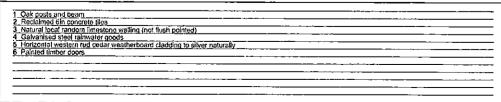
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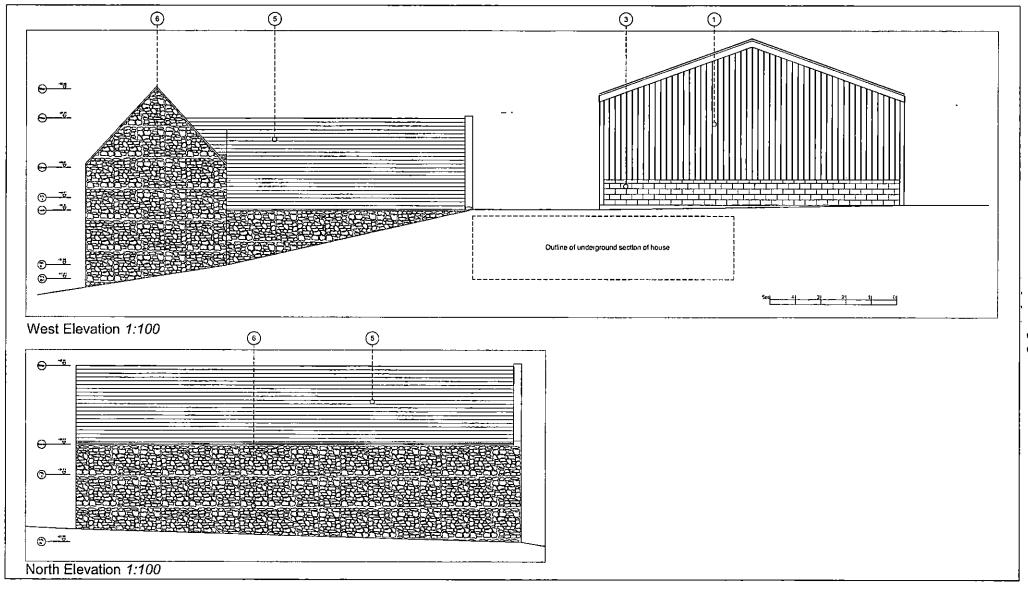
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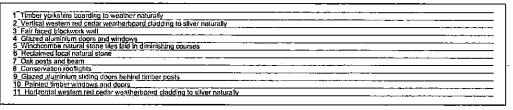






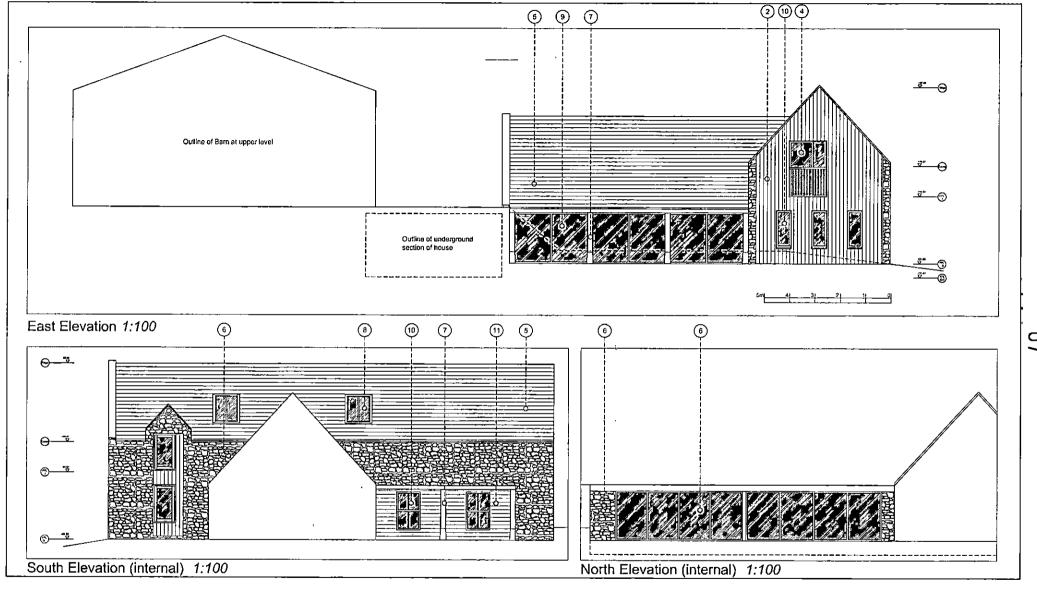
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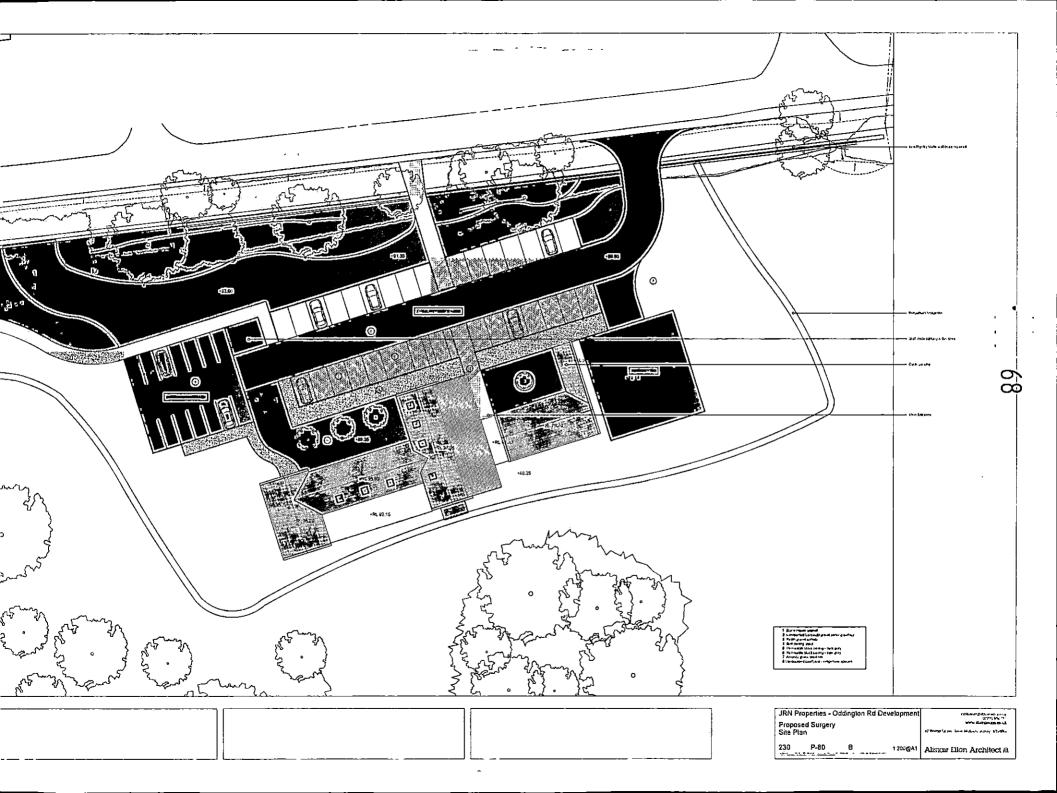
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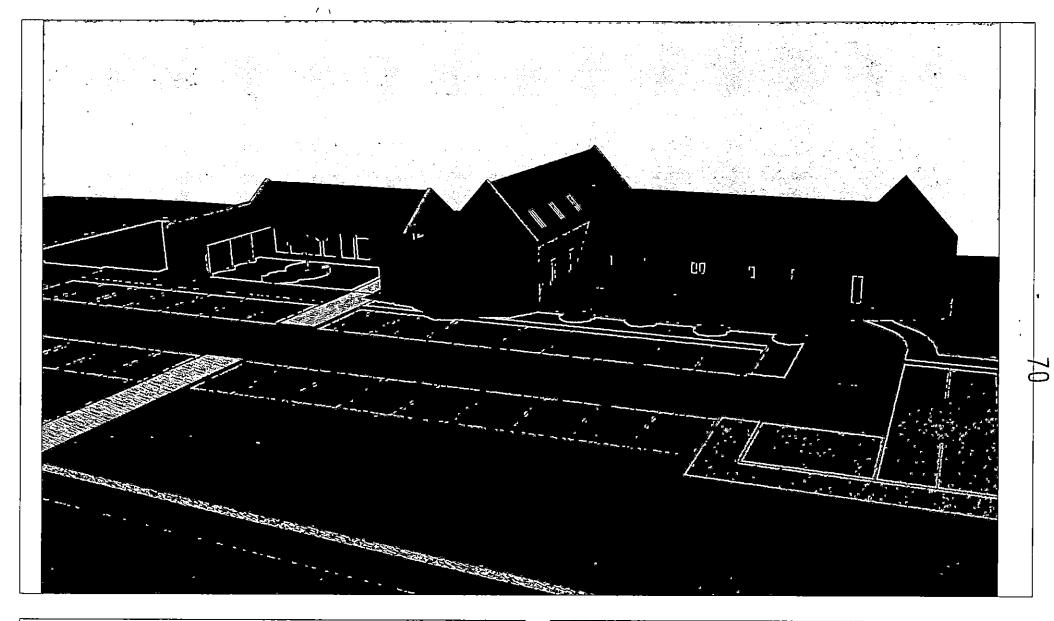




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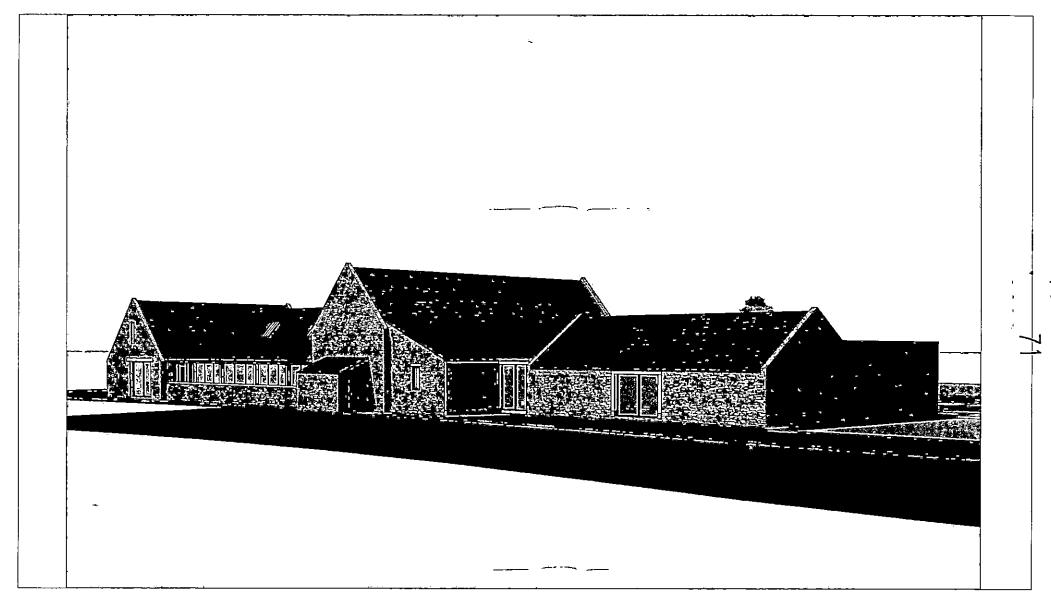
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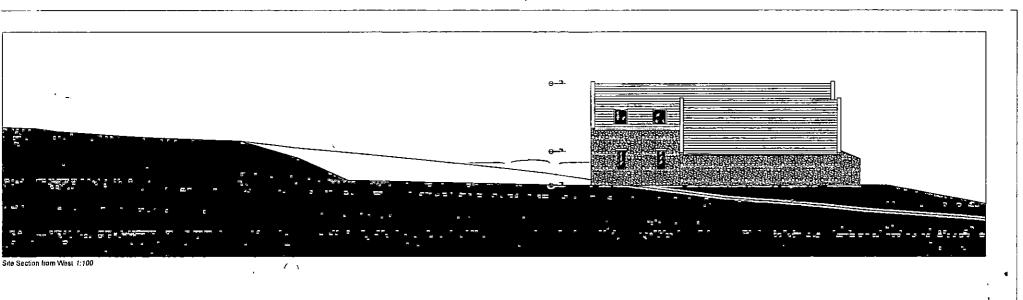
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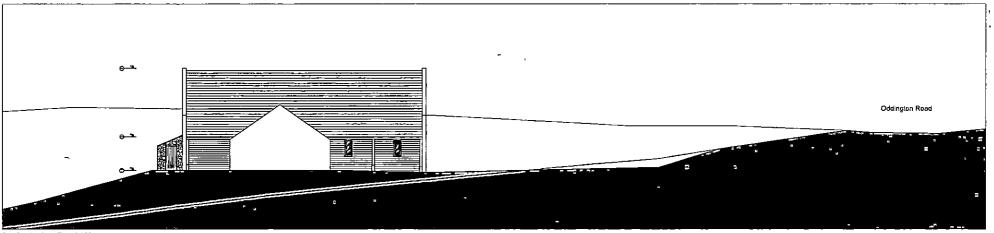
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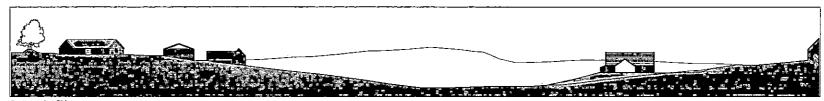
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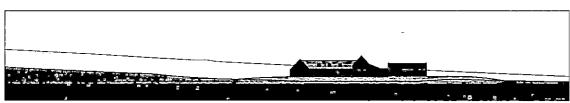


Site Section from East 1:100

JRN Properties - Oddington Rd Development	njakova zakova sa so sa dimi ka ni
Proposed Surgery Site Sections	to bitmore on the banks being stated
230 P-86 - 1100@A1	Alistoir Ellen Architect #



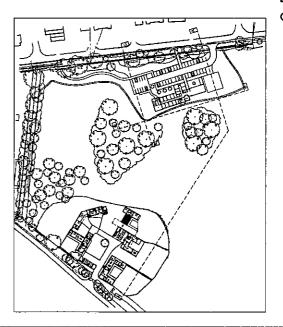
Section A-A 1:500



Section B-B 1:500



Section C-C 1 500



, JRN Properties - Oddington Rd Development Site Sections		annian ir metameler car uz (777): Pol 77) were dat philian de ib annian ir metameler car uz annian ir metameler car uz annian ir metameler car uz
230 P-103 -	1,500@A1	Alistoir Ellen Architect #4