

Item No 04:-

16/01418/OUT (CD.6682/J)

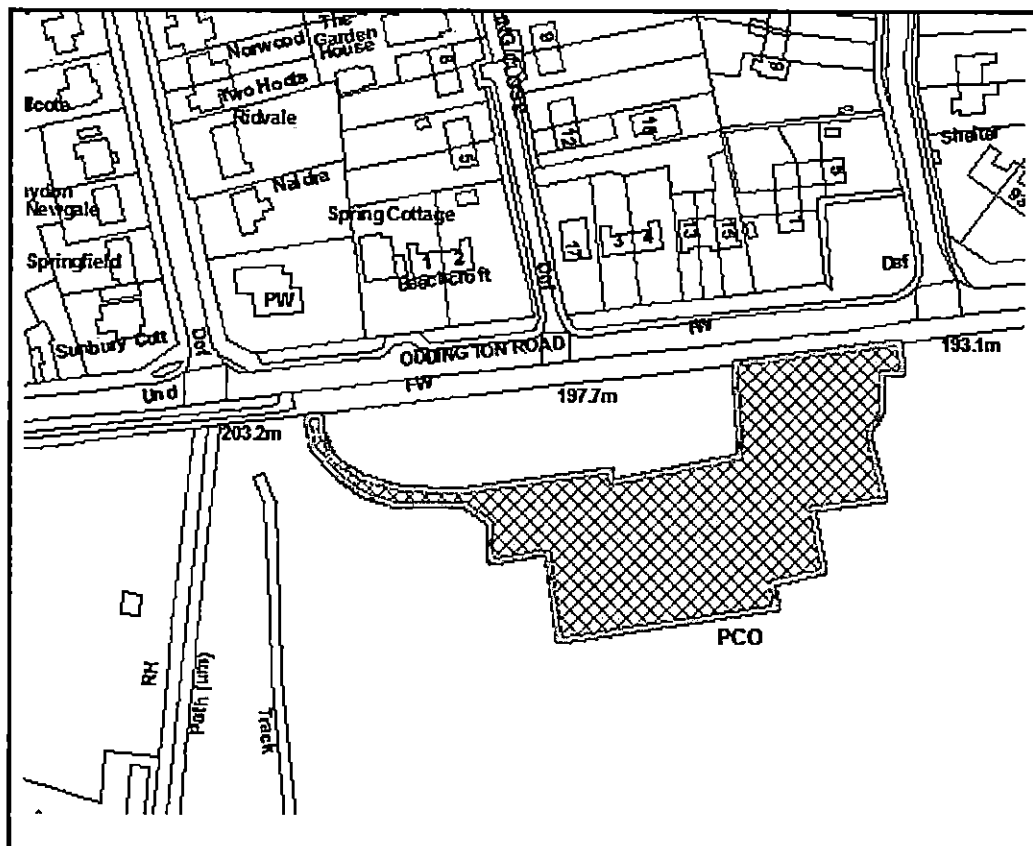
**Land Parcel Stow Fair Site Between Mangersbury Road And A436
Mangersbury Road
Stow-On-The-Wold
Gloucestershire**

Item No 04:-

**Erection of a Primary Health Care Centre and associated infrastructure, parking
and landscaping at
Land Parcel Stow Fair Site Between Mangersbury Road And A436
Mangersbury Road Stow-On-The-Wold**

Outline Application 16/01418/OUT (CD.6682/J)	
Applicant:	JRN Properties Ltd
Agent:	N/A
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Barry Dare
Committee Date:	8th June 2016

Site Plan



© Crown copyright and database rights 2011 Ordnance Survey, SLA No. 0100018800

RECOMMENDATION: REFUSE

Main Issues:

78

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

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee for determination in light of the Committee's previous refusal on the site and to consider the application proposals in light of the omission of the housing element of the scheme.

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 Stow Conservation Area (CA) wraps around to the west and north-west of the site, albeit not directly adjacent to the site.

The site lies adjacent to the Oddington Road (A436) and a public footpath extends along the western boundary, linking Maugersbury Road to the Oddington Road. The application site consists of approximately 0.37 hectares of land, forming part of an agricultural field, generally used for rough pasture. The wider paddock area forms a valley with steep slopes to the north and south, with small pockets of woodland set within the valley and with mature trees on the north and west boundaries.

The current access point into the wider paddock area is from the south from the Maugersbury Road and there is no current access from the Oddington Road. There are a number of Public Rights of Way (PRoW) that cross the wider countryside, one of which follows a route immediately west and Macmillan Way which follows a route along the country road further east.

There are three Grade II Listed buildings (two of which are within the CA) 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.

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 flats. Erection of a sports club. New vehicular & pedestrian 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 bi-annual 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.

CD.6682/H (15/01809/FUL): Erection of a primary health care centre, 5 residential units and associated infrastructure, parking and landscaping. Refused 21st July 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
 LPR32 Community Facilities
 LPR38 Accessibility to & within New Development
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development

4. Observations of Consultees:

Conservation Officer: views incorporated within the Officer's report

Landscape Officer: views incorporated within the Officer's report

Biodiversity Officer: views incorporated within the Officer's report

Thames Water: no objection with regards to sewerage or water infrastructure capacity

Gloucestershire County Council Senior Archaeologist: no objection; there is no evidence for any significant archaeological remains on this site

Council's Drainage Engineer: no objection subject to a condition requiring details of a surface water drainage scheme

Land Contamination Officer: no objection subject to a condition

Public Protection: no objection

GCC Highways Engineer: not yet received

5. View of Town/Parish Council:

Not yet received

6. Other Representations:

12 third party letters of support:

- i. Wholeheartedly support this application since it is solely for the purposes of building a much needed Health Centre and it will not be at all intrusive due to the fact that there is no housing associated with the application;
- ii. Now that the housing element has been removed, it will not set a precedent for further development in the rest of the field;
- iii. This is a far better site than the adjacent site because there is room for expansion here and the building is flexible enough to be reconfigured in the future if necessary;
- iv. Access to this site is much safer than the Tall Trees site because it would come off Oddington Road rather than Maugersbury Road;
- v. Excellent design and high quality materials which will fit into the area perfectly and improve the scruffy site on this entrance to Stow;
- vi. It will be in easy walking distance for most ambulant patients within Stow and is more easily accessible to patients from outlying villages;
- vii. The building will sit well within the AONB because it is single-storey and is screened by trees along the frontage;
- viii. The developer is ready and able to build straight away with no further delay; and
- ix. There is a crossing to safely walk to the site.

3 letters of objection raising the following concerns:

- i. This site separates Stow from Maugersbury and the conjoining of the two settlements should be resisted;
- ii. If planning permission is granted on this site, it would open up the area for further development;
- iii. This application does not have the support of the doctors;
- iv. If planning permission is granted, it could open up opportunities for employment development and industrial units;
- v. Previous applications for development on the site have been comprehensively rejected because of the devastating effect on the views of Stow and the effect on the AONB;
- vi. The alternative site at Tall Trees has the full support of the doctors and all the stakeholders and so there is no need for another surgery option;
- vii. Permission for an additional surgery in Stow would be redundant as the NHS will only fund one;
- viii. The application fails to provide pertinent, up-to-date, factual information throughout both the Planning Statement and the Sequential Test;
- ix. This highly visible and vital green space is a major part of the intrinsic character and history of the town and should be protected at all costs; and
- x. The Oddington Road is a major thoroughfare, carrying an extraordinary level of traffic and without a right-hand turn lane a significant danger to pedestrians will be presented when endeavouring to cross the road and hold-ups will invariably be created at peak times.

7. Applicant's Supporting Information:

Floor Plans
 Elevations
 3D models
 Agricultural Land Classification and Soil Resources
 Archaeological Desk-Based Assessment & Evaluation
 Extended Phase 1 Habitat Survey
 Geophysical Survey Report
 Heritage Statement
 Landscape and Visual Impact Assessment
 Phase 1 Land Contamination Risk Assessment
 Transport Statement
 Arboricultural Impact Assessment

Himalayan Balsam Method Statement
Planning Statement
Sequential Analysis of Alternative Sites

8. Officer's Assessment:

Background

Members will recall that planning permission was refused by the Planning Committee in July 2015 for the erection of a primary health care centre, 5 residential units and associated infrastructure, parking and landscaping. That 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.

This current application comprises the erection of the health care centre (doctor's surgery) only as the applicant now asserts that new residential development is no longer required to enable the delivery of the doctor's surgery.

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.

Proposals

The building would be orientated in an approximately east-west direction, set back from, but fronting onto the Oddington Road. 31 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.

(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.

Policy 19 allows for the provision of 'small-scale community facilities', the definition of which includes 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.

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.' 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 a new doctor's surgery against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

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 doctor's surgery proposed here, 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.

(b) 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 LPA has a statutory duty to have regard to the desirability of conserving and enhancing the natural beauty of the landscape, in accordance with Section 85 of the Countryside and Rights of Way Act 2000.

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.'

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

Character

The site and the wider landscape falls just within the character area 15A Farmed Slopes and is further refined as Vale of Bourton Farmed Slopes (Landscape Strategy and Guidelines for the Cotswolds AONB). The site and the surrounding countryside typifies this type of landscape. The character assessment states that:

"...the elevated and sloping landform of the Farmed Slopes makes them a highly visible feature and therefore very sensitive to change, particularly where this would introduce built elements to the otherwise agricultural landscapes, or interrupt the strong patchwork patterns created by hedged pasture and arable fields".

Stow-on-the-Wold is a hilltop town characterised by the dramatic downslopes and valleys which drop away from the settlement in all directions. The town has a close relationship with this surrounding landscape. It is considered that this area of pasture land makes a positive contribution to the setting of the built edge of the town and also forms a distinctive landscape within the wider Bourton Farm Slopes landscape type.

To accommodate the scheme and to create access to the steep valley slope, extensive earthworks would be required. In addition, a small section of existing boundary vegetation would need to be removed for the new vehicular access. It is considered that by introducing a large building, parking, access and lighting to an undeveloped, conspicuous valley would urbanise the attractive rural setting of the town and detract from the character and appearance of the AONB.

The study for SHLAA sites by White Consultants (2014) concluded that the area between Stow and Maugersbury provides an important green buffer which helps to retain the settlements' separate identities. It is considered that this area provides a transitional landscape between the two settlements and introducing built form to this area would pose incremental harm to the landscape.

Visibility

The submitted Landscape and Visual Impact Assessment (LVIA), dated April 2014 concluded that "the small scale of the site area within the wider AONB, the quality of the landscape and opportunities for improvement of existing landscape features have resulted in the significance of the landscape impact being assessed as Low Beneficial". It also stated that the majority of views are close distance.

It is acknowledged that views of the site are mainly restricted to local views, but it is considered that the impact upon these views has been downplayed by the applicant. Whilst views of the site from the south are seen set against the existing residential development, views of the site from the east, west and north will be seen against a rural backdrop. This emphasises the fact that the

site is isolated from the built edge of the town and that the development is in the open countryside.

In terms of screening, the existing boundary vegetation to the wider field and pockets of woodland would obscure views. However, given the siting on a conspicuous valley side and the fact that the vegetation is sparse and broken it is considered that the site is particularly prominent in views from the PRow immediately west, along the Oddington Road and also from the Maugersbury Road to the south.

Proposed Planting

It is stated within the LVIA that improvements to existing landscape features will be beneficial to the site. Landscaping includes a native hedgerow the boundary and some tree planting to the car park. Whilst this would provide some softening of the site, given the steep topography Officers consider that this would not provide suitable mitigation in terms of screening; this planting would also be out of character with the historic field patterns of the open valley. In addition this hedgerow would take some time to establish, leaving the site entirely exposed in the short to medium term.

In summary, given the site's valley side location, the proposed development would be highly conspicuous from a number of local viewpoints and would represent encroachment of built form into the open countryside which currently provides an attractive rural setting to the built edge of the town. Officers consider that the proposed development, by virtue of its location, scale and form would have an adverse impact on the character and appearance of the AONB. This is a significant factor that clearly weighs against the development proposals.

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.

(c) 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 CA also wraps around to the west and north-west of the site albeit not directly adjacent to the site. The character of the CA 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 CA) 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 Mangersbury 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.'

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, however it is considered that this impact would not 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 Mangersbury Roads is an important consideration. The encroachment of the development into the field by the development would be visible from the CA to the south and in the view of Officers, would have an adverse visual impact upon views to the north from this particular part of the CA along Mangersbury Road.

The layout of this proposal is confined to an area of the northern part of the parcel of land. Notwithstanding that the development would be contained within a small part of the larger parcel of land, Officers consider that it would compromise the current sense of open countryside penetrating the fringe of the town.

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 proposed doctor's surgery and related complex in this location, with parking and associated 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 Policies 15 and 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 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 CA. It is considered that the proposed development would have 'less than substantial harm' to the significance of the CA. 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. Paragraph 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 the scheme could only be supported if the considerable weight and importance given to the perceived harm was outweighed by other benefits.

(d) Assessment of Alternative Sites (Sequential Test)

Due to the concerns raised by Officers with regards to the negative visual impact of the proposed development on the application site, the applicant has undertaken a sequential appraisal of potential alternative sites in and around Stow for the doctor's surgery. 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. However, it would appear that the 'Tall Trees' site to the south-west of the application site is suitable, available and achievable. Outline planning permission has been granted for a doctor's surgery on that site and a reserved matters application relating to the appearance of the building on that site has been submitted to the LPA for consideration (it is noteworthy that all other matters, i.e. access, scale, layout and landscaping were approved under the outline consent).

It is of course possible for the Planning and Licensing Committee to grant planning permission for more than one doctor's surgery or health care facility for the town but the fact that planning permission has been granted on the alternative site and that it has the full support of Stow Surgery and the NHS Gloucestershire Clinical Commissioning Group and therefore has a realistic chance of being delivered in a reasonable timeframe, is a material consideration in the determination of this application. Furthermore, no evidence has been forthcoming to indicate that a second new doctor's surgery is needed for the town.

(e) Traffic Generation and Highway Safety

The Gloucestershire County Council Highways Engineer has been consulted on the application proposals but at the time of writing has not formally responded. An update on this issue will be provided on late pages in advance of the Committee meeting.

(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.

The Council's Drainage Engineer has advised that the hydrogeology consists of a Principal Aquifer overlying unproductive strata and therefore shallow groundwater is expected to be present under the site and surrounding area; this is confirmed by the presence of several springs in the area. Groundwater flow is anticipated to be from the northern and southern boundaries into the middle of the site. A highway drain has been observed along Mangersbury Road close to the south-west corner of the site. The drain currently discharges into an open ditch that flows directly on to the site in an uncontrolled manner.

Officers are satisfied that surface water drainage can be appropriately dealt with within the site and in the event that planning permission is granted on the site, a condition is suggested requiring a full surface water drainage scheme to be submitted to and approved by the LPA.

(g) Impact on Protected Species and Biodiversity

The Extended Phase one habitat survey submitted in support of the application (dated 2013 but it does include an update undertaken in April 2016) 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 an appropriate condition, 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.

(h) Other Matters

Trees

There are four trees adjacent to the northern boundary of the application site that are the subject of a Tree Preservation Order (TPO). As such, the trees are protected and Policy 10 (Trees, Woodlands and Hedgerows) of the Local Plan applies.

Generally, the proposed buildings and associated car parking areas are located outside of the root protection areas and canopies of the protected trees with the exception of a pedestrian access path that goes through the root protection area of T19, a beech tree. No details have been submitted in respect of the construction of this footway, although the arboricultural report does acknowledge that the hard surface works would be sensitive.

The Council's Tree Officer is satisfied that it should be possible to achieve a path through the root protection area without harm to the tree by using no-dig/special engineering. Accordingly, it is considered that the type of surface and method of installation could be adequately dealt with by condition and therefore, no objections are raised in terms of the impact of the development on the protected trees.

Archaeology

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.

Land Contamination

A land contamination report has been submitted in support of the planning application and concludes that as the site has been undeveloped and in agricultural use since the oldest available mapping and that there are limited contamination risks in the wider area, the potential for sources of contamination to be present on the site is negligible. The Council's Public Protection Officer concurs with this conclusion and raises no objection subject to a condition that would deal with unexpected contamination found during construction works.

Agricultural Land

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.

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. In that light, there would be significant public benefit in providing a doctor's surgery. The applicant has sought to demonstrate that there are no alternative sites within or adjacent to the town that could accommodate the surgery but it is clear that the 'Tall Trees' site to the west of the application site will realistically deliver the surgery and has the full backing of the Stow Surgery and the NHS Gloucestershire Clinical Commissioning Group.

The application site is prominently located outside of the built envelope of the settlement and on a main approach into the town. It is considered that the proposed development, by virtue of its location, scale and form would result in demonstrable harm to the character and appearance of the AONB and to the setting of the Stow Conservation Area and would thus be contrary to guidance set out within the NPPF and Cotswold District Local Plan Policies 15, 19, 42 and 45.

On balance, the environmental harm identified is considered to outweigh the social benefit of providing a doctor's surgery, especially in light of the likelihood of a surgery being delivered on the adjacent site. The application is therefore recommended for refusal.

10. Reasons for Refusal:

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB), wherein the Local Planning Authority is statutorily required to have regard to conserving and enhancing the natural beauty of the landscape. The site is clearly visible within the public realm and the development as proposed would cause harm to the character and appearance of the AONB by virtue of the encroachment of suburban features into a prominent and distinctive area of open agricultural land which contributes to the setting of Stow-on-the-Wold and which comprises an important rural gap between Stow-on-the-Wold and Mangersbury. The proposed mitigation planting would not overcome the harm identified. On balance, it is considered that the adverse impacts of the proposal outweigh the benefit of delivering a Primary Health Care Centre and as such, the proposal would not constitute a sustainable form of development. The proposals are consequently contrary to NPPF paragraphs 109 and 115 and Cotswold District Local Plan Policies 19, 42 and 45.

2. The application site is part of a prominent and distinctive area of open agricultural land which has historically remained undeveloped and preserved as a green wedge into the town, maintaining the historic relationship between the town and the adjacent countryside. The Stow-on-the-Wold and Mangersbury Conservation Area (CA) wraps around to the west and north-west of the site. As such, 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.

3. It is considered that development on this land would have a negative impact upon the character, appearance and local distinctiveness of this area of the town in regard to setting, harmony and street scene on the approach to the town and would consequently be visually harmful to the setting of the CA. It is considered that the adverse impacts of the proposed development outweigh the benefit of delivering the primary health care centre and as such, the proposals would not constitute a sustainable form of development. As such, the proposed development is contrary to Section 12 of the NPPF and Policies 15, 19 and 42 of the Cotswold District Local Plan.

90



JRN Properties - Oddington Rd Development

Site Plan

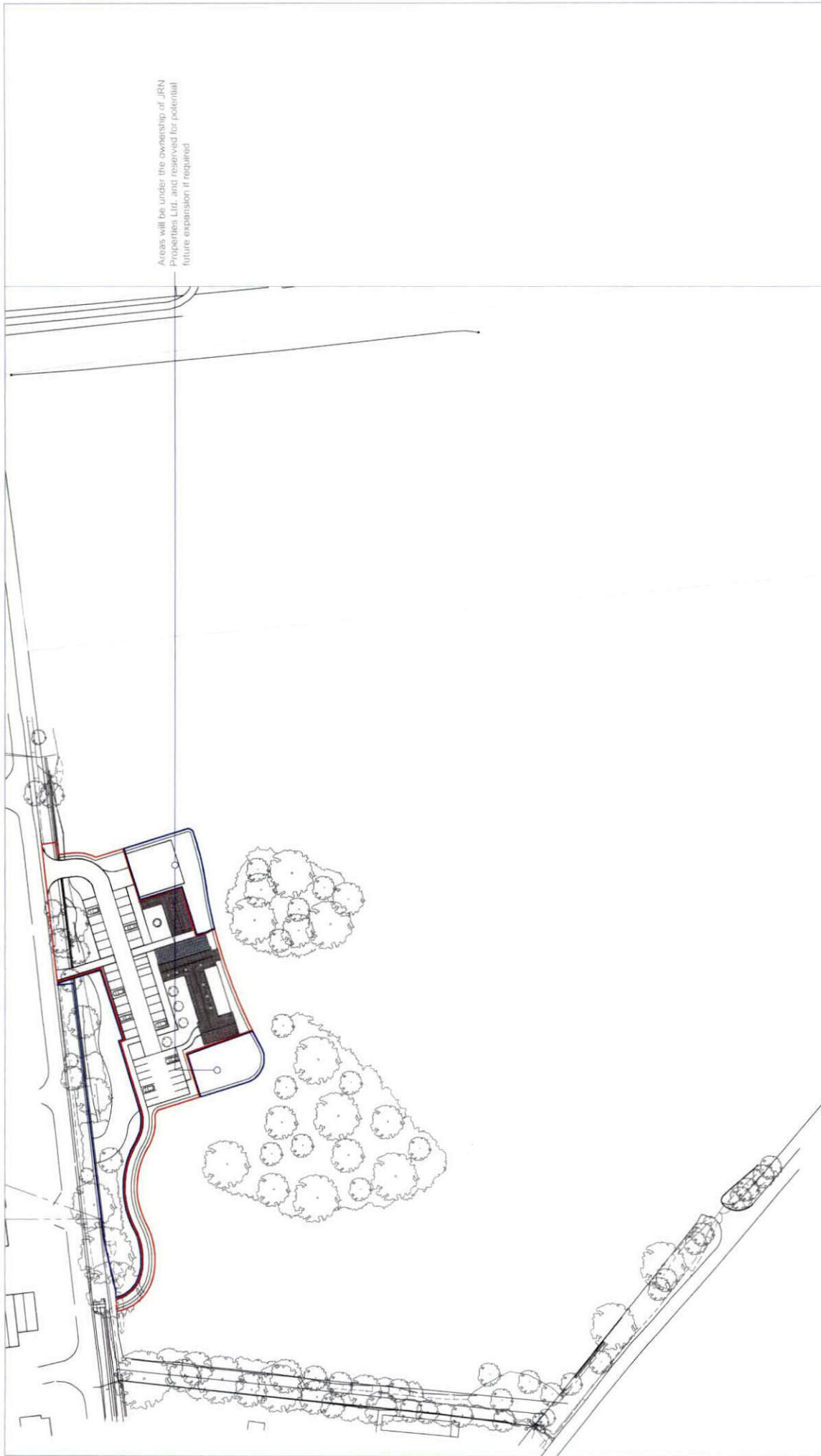
230 P-01 M 1:2500@A3

alistair-ellen@alistair-ellen.co.uk
07771 916771
www.alistair-ellen.co.uk

10 Wilton Grove, New Malden, Surrey KT366GG

Alistair Ellen Architect #

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the publisher.



Areas will be under the ownership of JRN Properties Ltd. and reserved for potential future expansion if required

JRN Properties - Oddington Rd Development

Site Plan

230

P-02

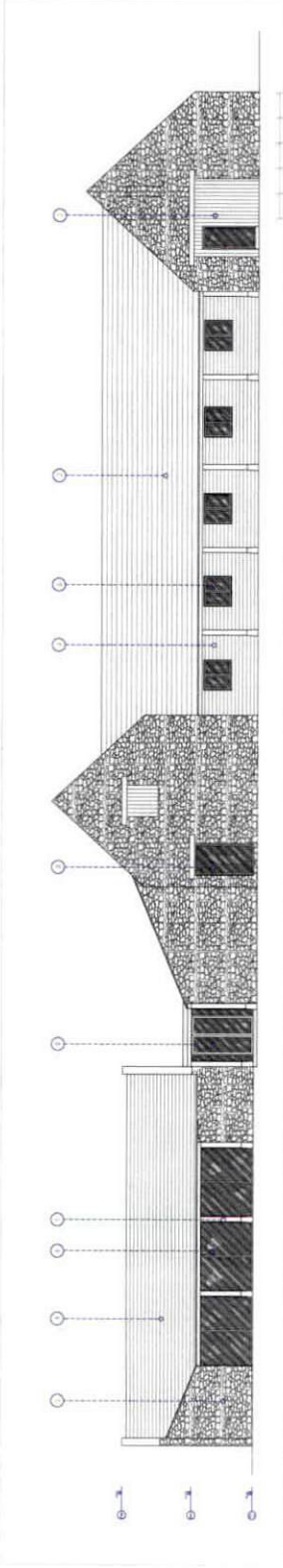
D

1:2500@A3

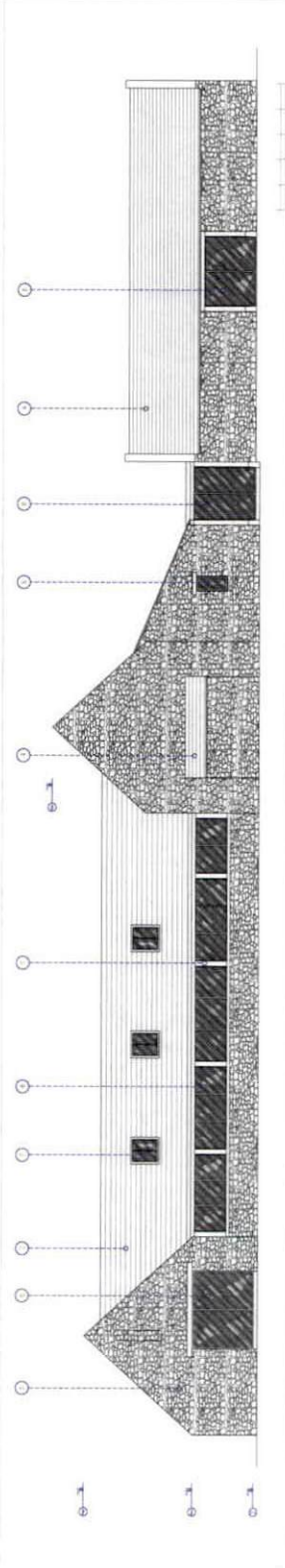
Alistair Ellen Architect #1

alistair@alistairallen.co.uk
07771 956771
www.alistairallen.co.uk
10 Wilton Grove New Malden, Surrey KT96BG

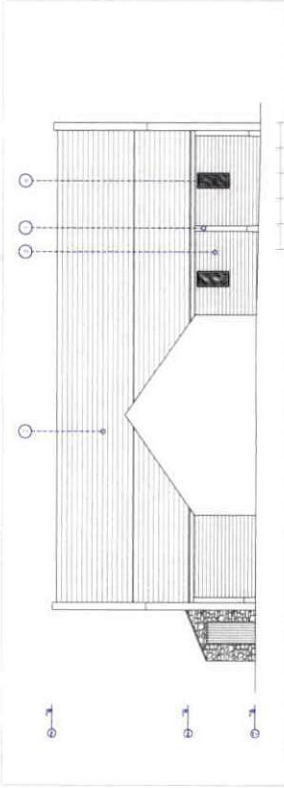
© Alistair Ellen Architect 2016. All rights reserved. This drawing is the property of Alistair Ellen Architect and is not to be reproduced without written permission.



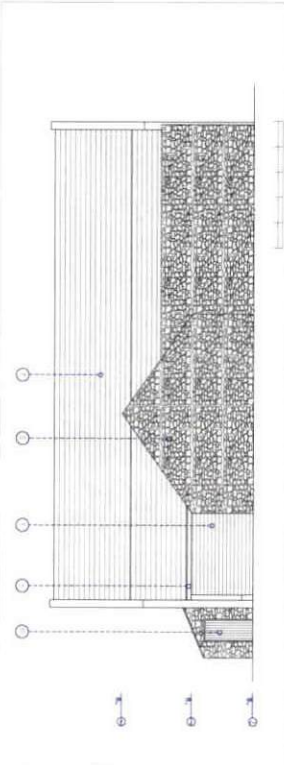
North Elevation 1:100



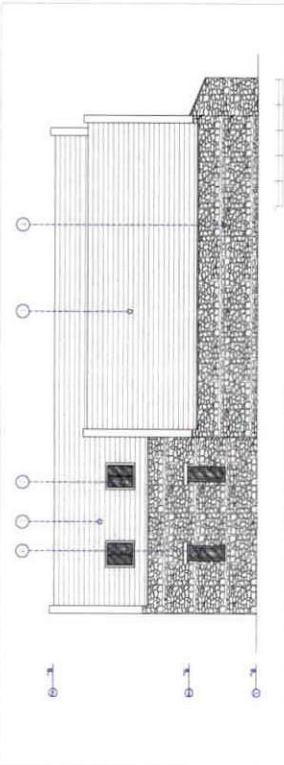
South Elevation 1:100



East Elevation (courtyard) 1:100

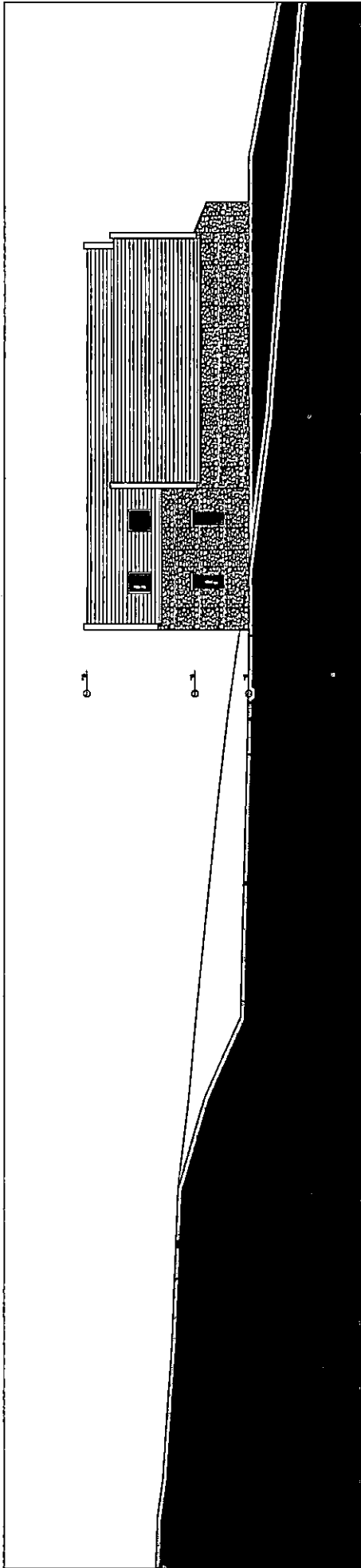


West Elevation 1:100

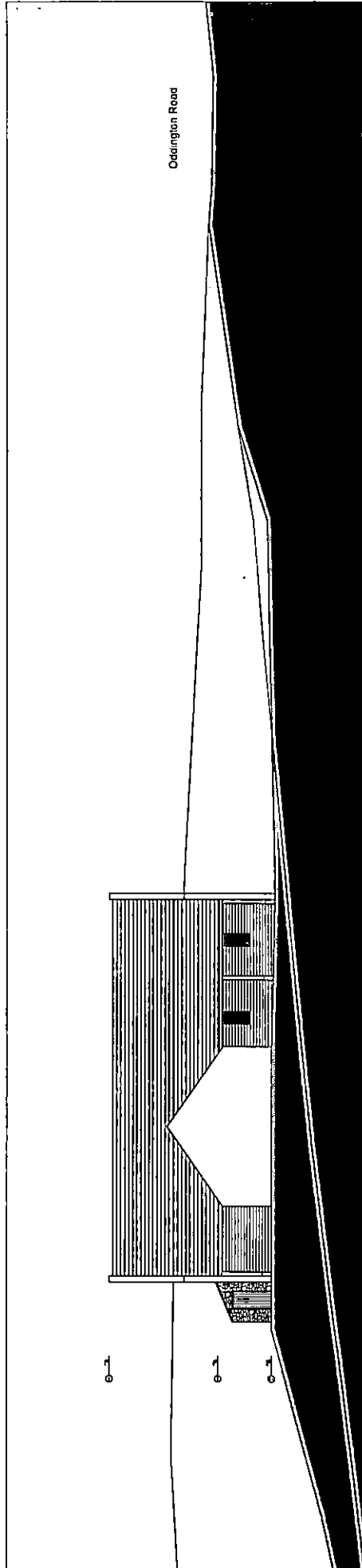


East Elevation 1:100

- 1. Gable ends to be brick
- 2. Windows to be timber with dark shutters
- 3. Windows to be timber with dark shutters and dark frames
- 4. Windows to be timber with dark shutters and dark frames
- 5. Windows to be timber with dark shutters and dark frames
- 6. Windows to be timber with dark shutters and dark frames
- 7. Windows to be timber with dark shutters and dark frames
- 8. Windows to be timber with dark shutters and dark frames
- 9. Windows to be timber with dark shutters and dark frames
- 10. Windows to be timber with dark shutters and dark frames

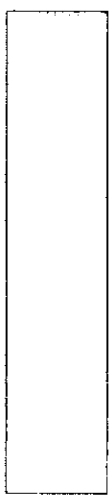


Site Section from West 1:100

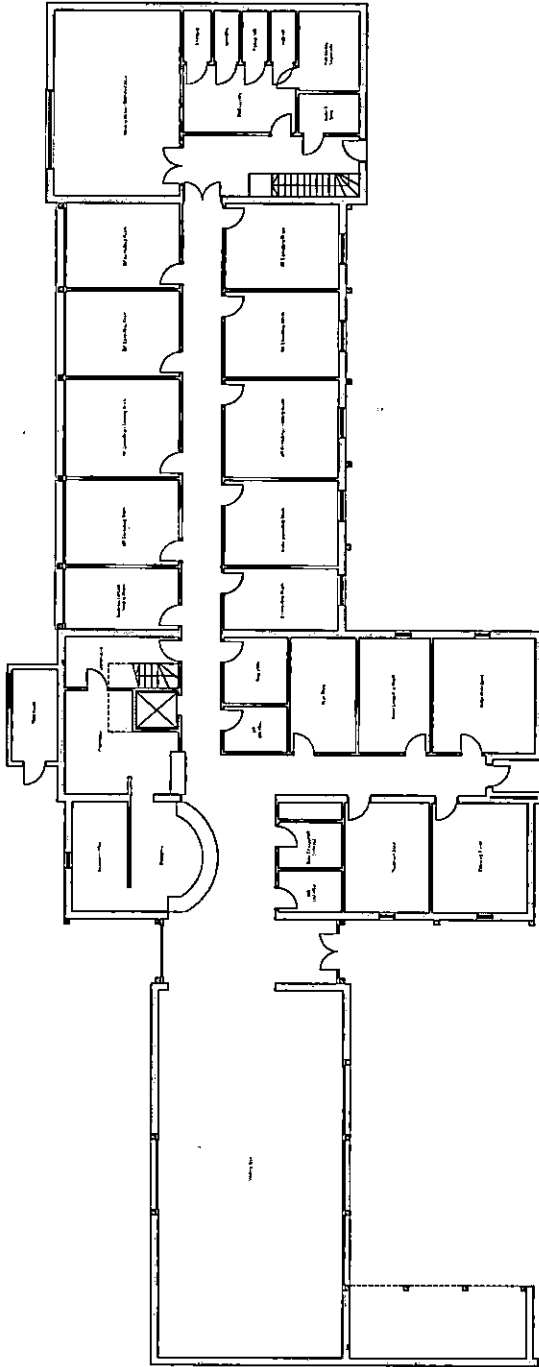


Site Section from East 1:100

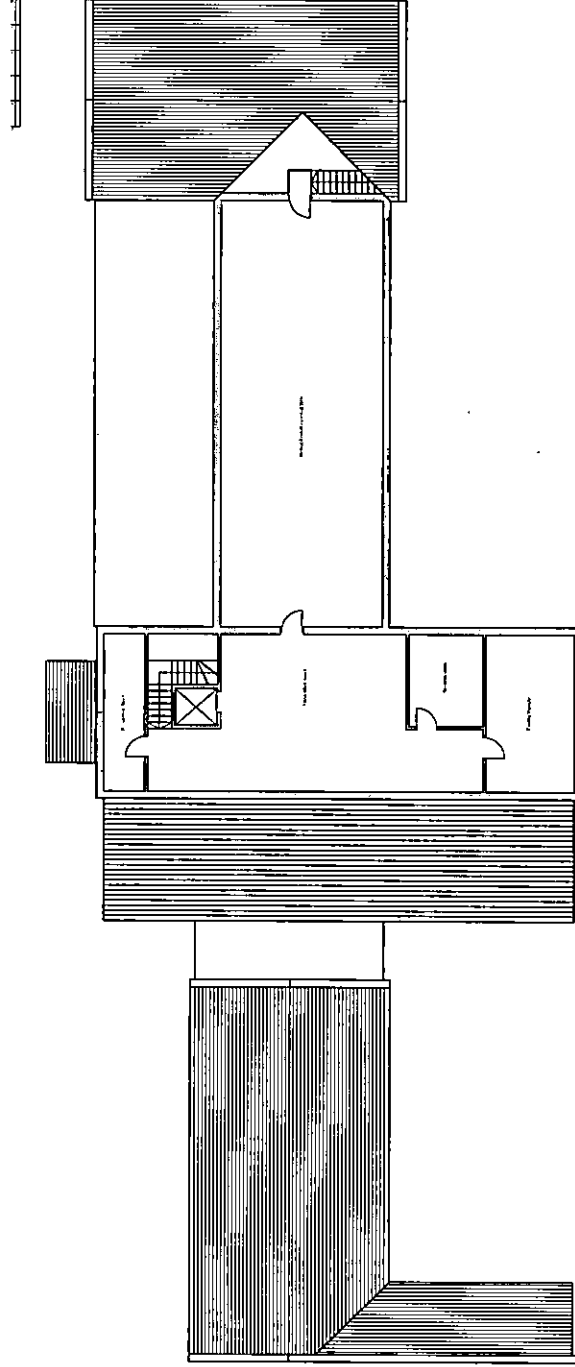
JRN Properties - Ockington Rd Development
 Proposed Surgery
 Site Sections
 230 P.06 1:100 041
 10 Marsh Lane, Redditch, Staffs, CV23 9JF
 www.jrnproperties.co.uk
 Alison Ellen Architect #8



95



Ground Floor Plan 1:100



First Floor Plan 1:100

JRN Properties - Odington Rd Development
 Proposed Surgery
 Floor Plans
 230 P-81 B
 1.10.2014
 Alistair Ellen Architect #