

Item No 03:-

16/00139/REM (CD.0070/3/F)

**Land North Of Tesco
Fosseway
Stow-On-The-Wold
Gloucestershire
GL54 1WH**

Item No 03:-

Reserved Matters pursuant to Outline permission granted under ref. 13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping at Land North Of Tesco Fossey Way Stow-On-The-Wold Gloucestershire GL54 1WH

Approval of Reserved Matters 16/00139/REM (CD.0070/3/F)	
Applicant:	McCarthy & Stone Retirement Lifestyles Ltd
Agent:	The Planning Bureau Ltd
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Richard Keeling
Committee Date:	12th October 2016
RECOMMENDATION:	PERMIT SUBJECT TO THE SATISFACTORY RESOLUTION OF ISSUES RELATING TO THE DESIGN AND LANDSCAPING

Main Issues:

- (a) Appearance, Layout and Scale of the Development
- (b) Landscaping
- (c) Other matters

Reasons for Referral:

The application has been referred to the Planning Committee for consideration following the determination of the outline planning application by the Committee in 2014.

1. Site Description:

The site subject to this application is located at the northern edge of Stow-on-the-Wold and extends to an area of approximately 1.15 ha of agricultural land to the north of the Tesco supermarket and adjoining the Fosse Way (A429) main road. The site extends northwards to the Broadwell road junction and is basically triangular in shape. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The site is prominently located on the edge of the town and immediately adjacent to the A429/Fossey Way and helps form the northern gateway to the town. The ground level within the site varies considerably; it is on a gradual slope, sloping north-west to south-east; the overall fall from north-west to south-east is approximately 3m. The Tesco building to the south of the application site is set at a lower level and is set back from the A429 behind a wide grass verge and a Cotswold drystone wall. On the opposite side of the A429, the buildings are residential properties and consequently have a distinctly 'domestic' scale and low density. Construction is shortly to commence on a dementia care home to the south-east of the application site (which would essentially separate the site from the Tesco store).

The site was formerly unkempt rough grassland, divided diagonally by a somewhat fragmented field boundary hedgerow but site clearance works are underway in association with outline planning permission 13/05360/OUT (see section on 'Relevant Planning History'). The site is bounded to the west (the Fossey Way) by a drystone wall, which is in a poor state of repair, and well-established trees and hedges. The eastern part of the site adjoins a fairly recently planted tree belt. A Tree Preservation Order (reference TPO 14/00005) covers five areas of trees bounding the site (including the recently planted tree belt on the eastern boundary).

The site is accessed off a mini-roundabout on the southern boundary that also serves the Tesco store. Access from this side road to the A429 is controlled by four-way traffic lights.

2. Relevant Planning History:

13/05360/OUT: Development of 44 extra care apartments and green open space (outline application with access to be determined) and the construction of a 48 bed dementia care home with associated access, car parking and landscaping (full application with all details to be determined). Permitted 01.08.2014.

3. Planning Policies:

LPR10 Trees, Woodlands and Hedgerows
 NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Gloucestershire County Council Highways Engineer: no objection.

Land Contamination Officer: land contamination has been dealt with via conditions attached to the outline planning permission.

Thames Water: no objection with regard to sewerage infrastructure.

Conservation Officer: views incorporated within the Officer's report.

Landscape Officer: views incorporated within the Officer's report.

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

5. View of Town/Parish Council:

Stow Town Council: objects on the following grounds:

- i. CDC should cease and desist from considering this application as the current proposal is a free market proposal that pays no regard to the charitable and affordable character of the Brackley application (outline planning permission) that was instrumental in securing our support for that proposal;
- ii. the stark and manifest differences between the two proposals merits treating this application as a fresh application;
- iii. section 5.4 of the emerging local plan confirms that affordable elderly care housing is required; McCarthy and Stone have not indicated that there will be a requirement of a minimum care package;
- iv. they appear to be top-end providers and therefore will not meet the town's urgent need for low-cost affordable housing;
- v. the Town Council only supported the outline planning application on the basis that The Order of St. John would be the care providers on site;
- vi. the design of the proposals is entirely inconsistent with the local vernacular, is too high, too dense and over-scaled and thus the proposals do not accord with the Cotswold Design Code, the Design Guide for Stow-on-the-Wold (recently adopted in May 2016) or emerging Local Plan policies;
- vii. the site sits on the ridgeline at the busiest entrance to the town and so the building needs to be sensitively designed;

- viii. the proposed development is incongruous, out of scale and inappropriate and thus conflicts with para.6.2.4 of the emerging Local Plan;
- ix. there has been no substantive discussion with the Town Council;
- x. the development will attract frail elderly from a wider area placing unwelcome stress on local health and allied services;
- xi. the car parking provision proposed is wholly inadequate for this site on the edge of a small country town with inadequate public transport; and
- xii. the Council should act consistently and refuse this application as it did the application on the Stow Agricultural Services site.

Broadwell Parish Council: objects on the following grounds:

- i. insufficient parking;
- ii. the increase in vehicular movements of workers, visitors and residents will add to traffic congestion in and around the town;
- iii. too large a development and the town already has other large care homes;
- iv. it is far too large and will severely alter the demography of Stow on the Wold;
- v. being on the ridge, the development will be visible from a long distance;
- vi. fear that flooding may result;
- vii. Thames Water will not have sufficiently investigated the suitability of the drains to take on sewage from this large development; and
- viii. light pollution from such a large scale development.

6. Other Representations:

8 third party letters of objection raising the following concerns:

- i. when Brackley Investments submitted the outline planning application on behalf of the Orders of St. Johns Trust, it was generally supported by the local community as it was suggested that it would provide, in part, a replacement for Ashton House and run on a charitable basis offering the less well-off local people the prospect of affordable housing and care in their old age - the current applicant does not intend to deliver on this charitable basis;
- ii. the new developers are not offering a minimum care package as Brackley did and will not offer affordable or low-cost housing;
- iii. section 5.4 of the emerging local plan confirms that affordable elderly care housing is required; McCarthy and Stone have not indicated that there will be a requirement of a minimum care package;
- iv. they appear to be top-end providers and therefore will not meet the town's urgent need for low-cost affordable housing;
- v. the absence of a S106 legal agreement means that the contribution towards affordable housing made necessary by the development is not secured and is thus contrary to Local Plan policies and the NPPF;
- vi. the number of units on the Fosseyway side has been increased, significantly altering the appearance at the entry to Stow from the north;
- vii. the area joining the two 'wings' is a substantial mass;
- viii. the garden area previously extended into the green triangle to the north of the site - there is now little green space and landscaping proposed;
- ix. there would appear to be less parking spaces now proposed and these are required for residents, staff and visitors as public transport provision is poor;
 - i. car parking provision in the town is already woefully inadequate and this development will exacerbate this situation;
 - ii. the car parking provision proposed is wholly inadequate for this site on the edge of a small country town with inadequate public transport;
- x. the units appear to extend further out than previously;
- xi. the area of land to the north of the access was promised by Brackley (previous applicants) either as a doctors surgery or as additional car parking for the town and this is now not shown or offered;
- xii. the proposal is so far removed from the original application for which outline planning permission was granted that CDC should demand that a new planning application is submitted;

- xiii. the density, scale, massing and design of the proposed development does not conform to the local vernacular and should be of a more natural rural edge for this edge of town location;
- xiv. the developer has not engaged in any public consultation on this scheme;
- xv. the town is being besieged by expensive, private, aged care developments and cannot support or integrate that number of elderly into its already older than average population;
- xvi. the use of the site now proposed is not C2 (residential institutions) but C3 (dwelling houses);
- xvii. 44 additional dwellings is well beyond CDC's housing requirement for Stow; and
- xviii. Stow cannot cope with the increase in traffic at this traffic light junction.

7. Applicant's Supporting Information:

Design and Access Statement
 Planning Statement
 Report on Parking Provision
 Drainage Statement
 10 Year Landscape, Ecological and Arboricultural Management Plan
 Arboricultural Survey, Impact Assessment and Method Statement

8. Officer's Assessment:

Background

Outline planning permission was granted for the provision of 44 extra care apartments and full planning permission granted for a dementia care home under application reference 13/05360/OUT in 2014 (it was a hybrid application comprising those two elements of development). The principle of extra care units on the site has therefore clearly been established and this Reserved Matters application seeks the agreement of the outstanding details relating to the layout, appearance and scale of the development, together with landscaping (access was considered and approved under the outline planning permission 13/05360/OUT).

Proposals

The scheme seeks to provide 44 units of assisted living/extra care units within a single building on approximately the same footprint as that indicated on the illustrative drawings submitted in support of the outline planning application. In total, 20 one-bedroom and 24 two-bedroom apartments are proposed over two floors and amount to approximately 4,746sq.m. of internal floor space. The communal facilities to be provided in association with the extra care units are to be provided at ground floor level. A total number of 33 car parking spaces are proposed (this number includes 4 disabled parking spaces) to serve the development. An area of green open space to the north of the building is to be retained and managed as open space to serve the extra care facility.

(a) Layout, Appearance and Scale of the Development

The layout of the site generally follows the illustrative site masterplan submitted at the outline stage. The amount of car parking proposed equates to approximately 0.75 spaces per unit. The GCC Highways Engineer has advised that as car ownership will be lower given the nature of the development and as the site is within walking distance of the town centre, the amount of car parking proposed is acceptable. Based upon the findings of parking surveys on similar developments, it would be expected that the development would generate a parking demand of 24 spaces. The remaining five spaces could accommodate visitors and staff parking. Cycle parking is also provided within the scheme and safe footways are provided to enable pedestrian access to the town. On this basis, Officers have no objections to the proposed layout of the internal roads, parking arrangements and footways, having regard to Section 7 of the NPPF and Local Plan Policies 38 and 39.

Due to the nature and specific functional requirements of the development, it is necessary to provide the extra care apartments within a single building and the applicant has sought to adopt a Cotswold vernacular design approach. This design approach has created significant challenges in terms of the massing, scale and form of the resultant building because in order to provide the plan depth of building required, large flat-roof elements have been incorporated within the design of the scheme. Following prolonged negotiations with Officers, the applicant has sought to break up the massing of the building by varying the building line and roofline. The scheme has been designed to appear as individual dwellings within an unbroken terrace when viewed from external vantage points.

The proposed development would comprise two storeys in height, with some elements of single-storey accommodation. It is proposed that the walls would be constructed in a combination of natural stone and roughcast render (to match the materials used in the construction of the adjacent care home). Artificial Cotswold stone tiles are proposed for the roofs. This mix of materials is considered to be acceptable in this context.

Negotiations are ongoing with the developer to attempt to resolve various matters of detailing, including roof terraces, architectural features and windows, together with the more substantive issues of roof form. Officers expect to be in a position to update Members on these issues at the Committee meeting and it is therefore not possible at the time of writing to confirm that the proposals accord with Section 7 of the NPPF and Local Plan Policy 42.

(b) Landscaping

The existing planting belts to the north-east and west boundaries are to be retained and enhanced and this would help to integrate the scheme into the landscape and screen the building from long distance views. The existing drystone walling along the western boundary of the site with the A429 (Fosseway) is shown to be restored and re-built to a height of between 1.2 - 1.5m along its entire length which is a welcome feature of the landscaping scheme.

Landscaping includes formal planting and surfaced paths close to the care home building (to the south) and informal planting proposals to the boundaries and within the open space area in the northern part of the site. Informal planting to the north includes the use of native trees, shrubs and meadow grass, which are considered to be sympathetic to the rural surroundings, and this would also help to filter views of the building when entering the town from the north. A native hedgerow is shown to the west of the building which would help to soften it in views from the A429 and also help to create a sense of enclosure for the residents.

Some minor adjustments to the detailed planting scheme have been sought and it is anticipated that revised details will be received prior to the Committee meeting.

The application site contains trees that are subject to a Tree Preservation Order (TPO 14/00005). The Area Order consists of five areas, basically covering the perimeter of the site. The layout of the building acknowledges the existing trees as constraints and has been designed to accommodate them.

A Landscape, Ecological and Arboricultural Management Plan (LEAMP) has been submitted to secure the long-term management of landscaping features across the site. It is considered that the LEAMP provides a good overall strategy in terms of landscape maintenance but it does require some amendments to identify all of the trees that are protected by the TPO, and to stipulate that a TPO application must be submitted prior to any of the works recommended in the management plan being undertaken. In addition, the submitted Arboricultural Survey, Impact Assessment and Method Statement needs to be amended to show the British Standard default protective fence specification used around the construction site.

Subject to the above amendments to the detailed planting scheme and the LEAMP, Officers consider that the landscaping proposals are acceptable, having regard to Local Plan Policies 10 and 45 and Section 7 of the NPPF.

(c) Other Matters

Members will be aware that Stow Town Council has queried whether this reserved matters application falls within the scope of the outline consent and have sought Counsel's advice in this regard. I have attached copies of all of the Town Council's representations as appendices to this report for Members' attention. I have also attached a copy of the applicant's own legal advice on this issue.

The Council's Head of Legal and Property Services has advised that the issue of whether or not this reserved matters application falls within the scope of the outline planning permission is a matter of judgement for Development Management Officers and we are content that the reserved matters scheme does conform with the outline permission granted under 13/05360/OUT. Condition 6 of the outline permission makes it clear that the use of the site is for C2 purposes only (C2 uses comprise residential institutions such as care homes, extra care facilities, residential schools, etc.) and there is a S106 legal agreement associated with the outline permission which, inter alia, requires the developer to offer the extra care units to persons with a local connection in the first instance and also contains a clause to ensure that occupants of the units require a minimum of 1.5 hours of care per week. The S106 forms part of the planning permission and thus, must be complied with. The scheme before Members for consideration is promoted as an extra care facility and thus falls within the scope of the outline planning permission.

There are no residential properties adjoining the site so there will be no impact upon privacy or amenity. The proposals thus, accord with Local Plan Policy 46.

9. Conclusion:

Officers are satisfied that the proposed scheme is consistent with the principles established under the outline permission. However, as set out above, we still have concerns relating to the form and detailed design of the building and negotiations are ongoing with the applicant's agents in this regard. We also await amendments in relation to the detailed planting plan and the LEAMP. Subject to these issues being satisfactorily resolved, Officers are minded to approve the application subject to the conditions set out at the end of this report. Therefore, delegated authority is sought to permit the application, subject to the design and landscaping issues being satisfactorily resolved.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing numbers: AC-001, 002, 003/D, 005/B, 006/B, 007/B, 010/B, 011/B, 012/B, 017 and WM-2222-01-02-LA-001-B.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

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.

The development shall not be brought into use or occupied until the existing Cotswold drystone wall fronting the Fosseway (the western boundary of the site) has been repaired and made sound in accordance with the approved details.

Reason: Cotswold drystone walls are a characteristic, traditional feature of the Cotswolds. The wall identified on the drawing contributes to the character of the area in accordance with Cotswold District Local Plan Policy 45 and must be retained as part of the development and repaired and made sound for the future.

Notwithstanding the approved details, the external walls of the development hereby permitted shall be built in a mix of Huntsman Quarry split building stone and K Rend 'buttermilk' render, unless otherwise approved in writing by the Local Planning Authority. The distribution of natural stone and render shall accord with the elevational drawings hereby approved.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

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

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF, 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 shall be 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 Policy 42 and the provisions of the NPPF, 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.

Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be 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 Policy 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.

All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF.

Notwithstanding the approved details, prior to the first occupation of the development hereby permitted, the windows and doors shall be painted in a colour(s) to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour(s) unless otherwise 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 Policy 42 and the provisions of the NPPF.

No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42 and the provisions of the NPPF.

No verge and eaves treatments, chimneys or railings shall be installed/inserted/constructed in the development hereby approved, until their design and details 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 Policy 42 and the provisions of the NPPF.

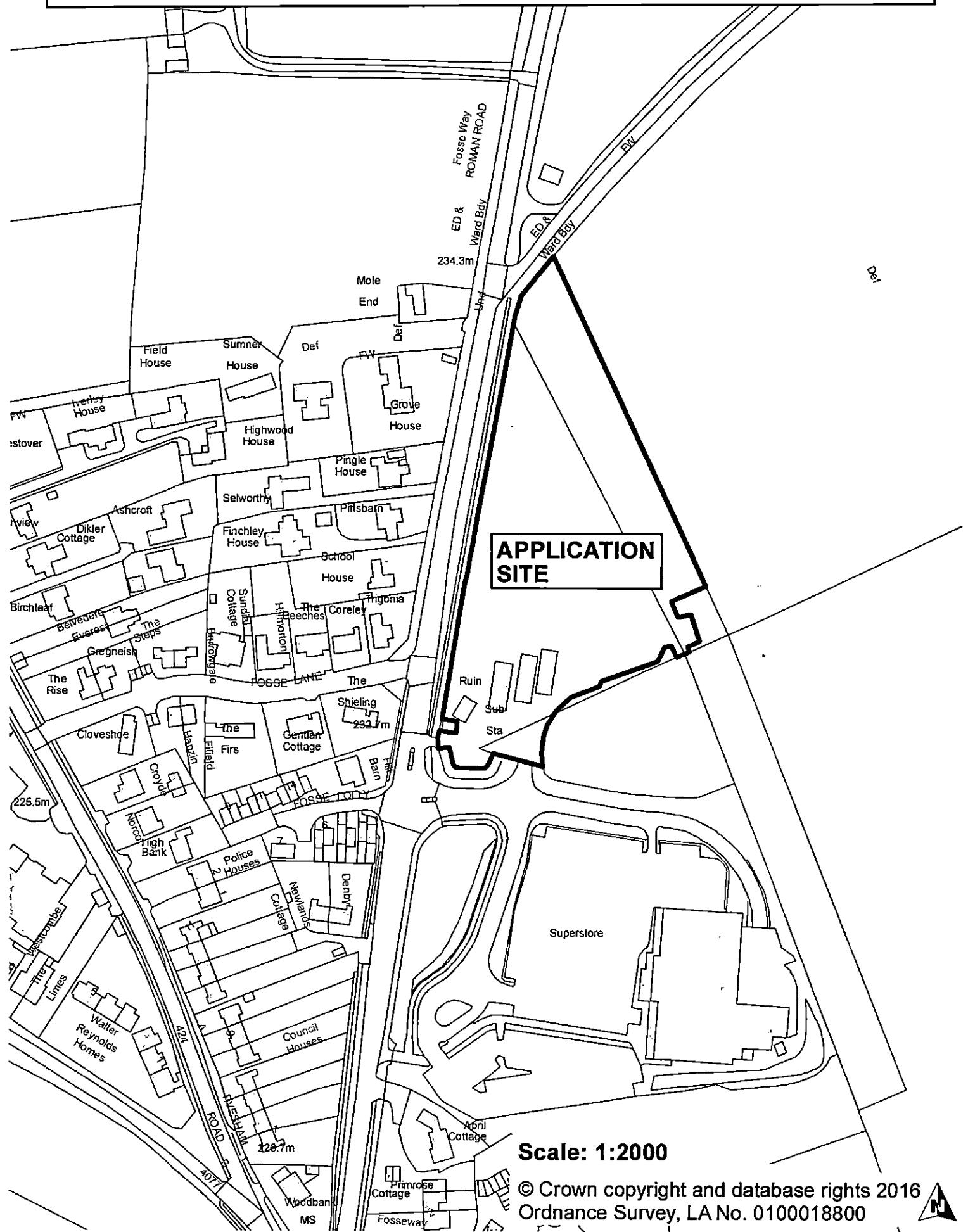
Provision for refuse/waste storage shall be completed in accordance with drawing number: AC-003/D prior to the development being brought into use.

Reason: To ensure that appropriate provision is made for the storage of collectable waste, in accordance with Cotswold District Local Plan Policy 5 and the provisions of the NPPF.

Land north of Tesco, Fosseway, Stow-On-The-Wold

16/00139/REM CD.0070/3/F

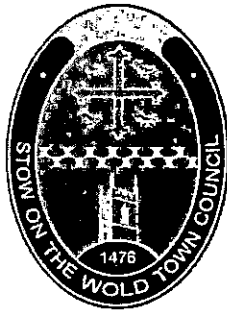
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APPLICATION SITE

Scale: 1:2000





STOW-ON-THE-WOLD TOWN COUNCIL

STOW YOUTH CENTRE
FOSSEWAY, STOW-ON-THE-WOLD, GL54 1DW

CLERK: KIM BEDFORD

Dear Madam

REF: 16/00139/REM - Reserved Matters pursuant to Outline permission granted under ref.13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping, Land North of Tesco, Fosseway, Stow-On-The-Wold, Gloucestershire.

Stow Town Council request that Cotswold District Council cease and desist from considering the McCarthy and Stone proposals as Reserved Matters under the Outline Planning Permission previously granted to Brackley Investments acting for the St Johns Trust. McCarthy and Stone should be advised to submit a fresh application to enable full public consultation on their scheme.

Stow Town Council makes this request on the grounds that the current proposal is a free market proposal that pays no regard to the charitable and affordable character of the Brackley proposal that was instrumental in securing our support for that proposal. The stark and manifest differences between the two proposals merits treating the McCarthy & Stone scheme as a fresh application. It is out of context with all previous consideration of care provision on this site.

The application site has a long history in relation to proposed provision of Aged Care. As clearly identified in the Planning Statement provided by Brackley in the original application which states that, during a council meeting of 29th April 1993, members made the following decision regarding a proposal to include a Care Village on the current site within the draft Local Plan:

*• 'Members supported the principle of the Care Village. **Provisions need to be made to secure the affordability of the scheme in perpetuity.** Policy and any legal agreement would need to ensure that the site would not become general market housing in future.'*

At the same meeting, concerns were raised about the scale of development and about demand coming from outside the area, with the conclusion expressed that:

*• '**It is very important that any proposed scheme should relate to local needs and be genuinely affordable.**'*

And section 5.4 of the second Draft Local Plan confirms an issue that existed as significantly then as it does now:

*• '**There is a shortage of nursing home beds in the North Cotswolds. Although there are many private facilities, there is increasing concern that less well-off local people are not adequately catered for. There is a growing requirement for***

accommodation, not only for the elderly, but anyone in need of care which is affordable to local people.

Paragraph 5.5 also goes on to say:

• ...It is the affordable element of the Care Village that is most important to the success of any scheme. Any proposal must demonstrate that it will benefit local communities'.

Brackley go on to back that expectation up in their Planning Statement page 18 in support of their original proposals:

• 'For the reasons stated above - namely local occupancy restrictions in perpetuity and not-for profit operation of the site, allied with restrictions on minimum care packages, our proposal achieves these aims.'

To reinforce the 'Extra Care' nature of the Brackley development, they state on page 18 that:

• 'Our proposal incorporates a specialist Dementia Care Home to be operated by a 'not for profit' charitable trust who will also provide care packages to the Extra Care accommodation. Minimum take-up of such care will be restricted by legal agreement (1.5 hours per week) to ensure that the apartments remain 'Extra Care' in perpetuity and the C2 consent sought will also serve to constrain any future C3 market housing use of the site'.

Brackley most importantly continue to say on page 19:

• 'Thus the development is only for Older People with care needs, and local qualifying people will always be able to have first opportunity to purchase a virtual freehold (long leasehold) extra care apartment (either one or two bedrooms) so long as they sign up to a minimum care package. In respect of affordability the whole development's care packages are proposed to be offered by the charitable trust under their 'not for profit' constitution and their Care Homes tend to be aimed at the middle of the market, as opposed to the 'top-end' of the market, where developments such as Newlands are pitched'.

McCarthy & Stone have not indicated that there will be a requirement of a minimum care package, thereby not meeting the qualifying provisions made by Brackley, and quite clearly not offering a 'not for profit' care package opportunity. From their marketing material, McCarthy & Stone appear to be 'top-end' and subsequently will not meet the town's urgent need for low cost/affordable housing for the less well-off of all ages. This lack of affordable or low-cost housing, especially for the young and the elderly local people has only become more of an issue throughout the past 25 years and is still not being addressed. The current application at reserved matters stage will do nothing other than import more aged people into the population from outside the area and not address the need for low-cost aged care for local, less well-off residents that the Brackley development was targeting. In their Planning Statement, M&S make no similar assurances but only provide a generic and nonspecific provision in para 6 page 10:

• *'The 'need' expressed in the National Planning Practice Guidance is across all 'tenures and types of older persons' housing ranging from bungalows to residential institutions.*

The proposal falls within the spectrum of accommodation cited in the NPPG and will meet a need for specialised accommodation for older people'.

and;

• *'In providing much needed accommodation for the elderly population, the proposed development will optimise the use of this site whilst also supporting local businesses. The site is ideally located for this type of Retirement Living housing, being in close proximity to the amenities of Stow-On-The-Wold Town Centre, and would provide for much needed specialised older persons housing in the District as part of the wider Care Village'.*

As quoted in Brackley's Planning Statement further, it was the intention in the 1990s that any new Aged Care development on this site would be to replace the ageing Ashton House, which eventually closed in Spring 2012 to great public outcry. The Order of St John's Care Trust who ran Ashton House were the intended providers of care for

Brackley's application and, it is on this premise, along with the understanding that there was to be an 'affordable' or 'charitable' nature to the development, that the public and Stow Town Council were in support of it.

In page 40, Brackley refer to Paragraph 70 of the NPPF where it calls for planning decisions to 'guard against the unnecessary loss of valued facilities' (and subsequently the intention to replace Ashton House). They state:

• ***'The provision of a Care Home within Stow run by OSJCT to replace the previously lost residential care home is a huge benefit to the proposal'.***

There is no doubt that the current proposals at reserved matters stage are very far removed from the proposals and intentions of the original application and cannot be considered as its substitute. Whereas before, the Brackley development was intended to replace the charitable nature of Ashton House and voiced this aspiration throughout their application, the current application makes absolutely no mention of these objectives. Its care packages also appear not to be an obligatory condition, only available should they be required. It is a blatant endeavour to build yet further aged care developments that will benefit only the developer, further increasing the town's elderly component and entirely bypassing the town's individual and specific needs.

Stow Town Council has grave concerns about the design proposed.

Despite the town council's lengthy negotiations with Brackley to come to an agreement on acceptable design standards, McCarthy & Stone have completely changed the look of the buildings and introduced a design element that is entirely inconsistent with the local vernacular. Their illustration of Stow buildings as a comparison with their proposed plans merely affirms that the flat roof element they are endeavouring to include does not at all align with the vernacular of the town.

To maintain the uniqueness and character of this historic town, it is of paramount importance that any new development is entirely in keeping with the vernacular and does not, in any way, detract from its visual impact, especially at its entrance. McCarthy & Stone claim that they had extensive public consultation and that

• the design of the Proposed Development has been significantly influenced by discussions with CDC and local stakeholders, and has resulted in a scheme that addresses and responds to the opportunities and constraints of the Application Site and its context.

There has been no substantive discussion with Stow Town Council – just one brief meeting – and none with the residents. Indeed Stow Town Council only came to know of McCarthy & Stone's involvement through a chance approach to Brackley in the context of developing our Neighbourhood Plan.

Stow Town Council also notes that the character of the development now proposed is broadly in line with the Porthaven Care Homes Group's proposal for Moreton in Marsh which was refused by the District Council's Planning Committee on 9 March 2016. We draw particular attention to the views on that development expressed by the GCC Adult Social Care Commissioning team.

The proposed development will be at the high end of such provision. As such few residents of Stow and surrounding parishes will be able to afford apartments. We assume that as with McCarthy & Stone's established practice the development will be advertised nationally and attract frail elderly from a wide area placing unwelcome stress on local health and allied services.

We are also concerned that given that the ownership of the site has been divided between McCarthy & Stone and St Johns it will render enforcement of the conditions attached to the Brackley approval difficult if not impossible to enforce. An instance of this is the wholly inadequate provision for parking made by McCarthy & Stone.

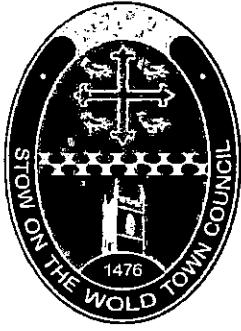
They propose for a development on the edge of a small country town with entirely inadequate public transport, 21 regular car parking spaces will be sufficient for a total of 44 apartments - residents, visitors, staff and tradesmen etc. In order to justify the limited car parking provided, comparisons are made between the application site and entirely dissimilar far larger towns where developments can rely on far larger labour pools and far superior public transport. None of their exemplars remotely replicate the conditions under which a development in this town will exist.

For all these reasons Stow Town Council request that Cotswold District Council cease and desist from considering the McCarthy and Stone proposals as Reserved Matters under the Outline Planning Permission previously granted to Brackley Investments acting for the St Johns Trust. McCarthy and Stone should be advised to submit a fresh application to enable full public consultation on their scheme.

Yours Faithfully

Kim Bedford

Kim Bedford. Town Clerk



STOW-ON-THE-WOLD TOWN COUNCIL

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STOW YOUTH CENTRE
FOSSEWAY, STOW-ON-THE-WOLD, GL54 1DW

CLERK: KIM BEDFORD

Ms D Smith
Planning Officer.
Planning Dept.
Cotswold District Council
Cirencester
Glos.

21.04.16. By email.

Dear Ms Smith

REF: 16/00139/REM - Reserved Matters pursuant to Outline permission granted under ref.13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping, Land North of Tesco, Fosseway, Stow-On-The-Wold, Gloucestershire.

Stow Town Council continues to request that Cotswold District Council cease and desist from considering the McCarthy and Stone proposals as Reserved Matters under the Outline Planning Permission previously granted to Brackley Investments acting for the St Johns Trust. McCarthy and Stone should be advised to submit a fresh application to enable full public consultation on their scheme.

Stow Town Council makes this request on the grounds that the current proposal is a free market proposal that pays no regard to the charitable and affordable character of the Brackley proposal that was instrumental in securing our support for that proposal. The stark and manifest differences between the two proposals merits treating the McCarthy & Stone scheme as a fresh application. It is out of context with all previous consideration of care provision on this site.

Further to our representations of XX (copy attached for new recipients) we express our deep concern of the precedent that would be set by continuing to treat McCarthy & Stone's proposals as if they were reserved matters from the previous hybrid permission granted to Brackley.

Put simply to allow a developer to purchase part of a hybrid permission and then use that to construct a scheme of a totally different character from that which was pivotal in securing the hybrid scheme drives a coach and horses through planning policy. To accept McCarthy & Stone's coup de main opens a new way for developers to game the system. Because of our concern over this issue and our extensive objections to the scheme now proposed we are copying this letter to the Secretary of State and to our local Member of Parliament, the Leader of Cotswold District Council and Councillor Keeling.

In the unfortunate event that your authority continues to treat McCarthy & Stone's proposals as Reserved matters there are further points that we would like you to consider.

In the one, brief meeting that Stow Town Council has had with McCarthy & Stone we expressed considerable concern about the poor quality of the pastiche of Cotswold style that characterised their design drawings. They undertook to take our views into account. The resultant revised drawings show little greater understanding of the need to provide at a sensitive site on the entrance to our historic market town a high quality development that respects and contributes to its panorama.

Those drawings are at variance with the advice on the Cotswold vernacular set out in the emerging Local Plan and the Design Guide of the emerging Neighbourhood Development Plan for Stow. They are uninspired and the sameness is scarcely helped by a tokenistic attempt to vary the ridge line. We can see no justification for such features as twentieth century office style slit windows and flat roofed sections.

These shortcomings are particularly regrettable as they will sit immediately alongside the already approved, more sensitive design for the dementia home.

Put bluntly this design appears to us to be a failed cosmetic treatment of a standard McCarthy & Stone design which is out of character with our town. It may help minimise their costs but it is unacceptable for such a sensitive setting. To borrow from a description of the old Soviet Volga motorcar it is as pretty as a tank in skirts.

It is surprising that for a development described as Extra Care the minimum amount of extra care to be provided *if requested* is one and a half hours a week. Such a minimalist package *if requested* would amount to less than fifteen minutes a day – just about enough time to have a cup of tea. Again it seems more directed at cost control than the needs of an elderly, frail clientele.

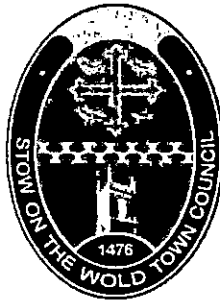
Stow does not need such an addition to its already aged population (over 37% of our 2000 residents are over 60 and the Care Village approved on Appeal will add over 100 more. What this town needs is affordable housing for hard working younger people and developments for the affluent old are using up all the possible sites.

That same approach seems to govern the approach to parking. The vast majority of the inadequate number of parking spaces proposed (25 of which 4 will be disabled) will be leased to residents leaving precious little space for visitors or staff parking. McCarthy & Stone's approach appears to be that such parkers should take their chances in the adjacent, heavily used Town Car Park. Indeed if McCarthy and Stone are not prepared to increase parking provision, they should be pressed to provide additional public parking on the undeveloped southern part of their site as a community benefit to the people of Stow.

Yours sincerely

Kim Bedford

Kim Bedford, Clerk to Council.



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Stow-on-the-Wold Town Council

Stow Youth Centre, Fosseway,
Stow-on-the-Wold, Gloucestershire GL54 1DW

Town Clerk & RFO: Heather Siphorp

21st June 2016

Ms D Smith
Planning Officer
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire GL7 1PX

Dear Deborah

**REFERENCE PLANNING APPLICATION NO 16/00139/REM – RESERVED MATTERS
PURSUANT TO OUTLINE PERMISSION GRANTED UNDER PLANNING APPLICATION
NO 13/05360/OUT FOR THE ERECTION OF 44 EXTRA CARE APARTMENTS, GREEN
OPEN SPACE, CAR PARKING AND LANDSCAPING FOR LAND NORTH OF TESCO,
FOSSE WAY, STOW ON THE WOLD, GLOUCESTERSHIRE**

Stow Town Council has been advised by Counsel – Miss Anne Williams of 6 Pump Court, Temple, London EC4Y 7AR on this matter.

By way of background, there has been correspondence previously which I attach.

As a matter of law, it is Stow Town Council's view that the current reserved matters application ("REM") does not fall within the scope of the original permission (13/05360/OUT) ("the permission"). That permission was granted for:-

"Development of 44 extra care apartments and green open space (outline application with access to be determined) and the construction of a 48 bed dementia care home with associated access, car parking and landscaping (full application with all details to be determined) at land north of Tesco, Stow-on-the-Wold, Gloucestershire".

The permission was subject to a number of conditions including condition 6:-

"for purposes of clarity and the avoidance of doubt, the application site, as a planning unit, shall be used only for C2 (Residential Institutions) use, and for no other purpose, including Class C3 (Dwelling Houses), of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or the equivalent to that Class in any statutory instrument amending or replacing the 2010 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 1995.

Reason: *It is essential that the Local Planning Authority retains control over the use of the development because of its rural location outside of a defined development boundary. This condition is imposed in light of Cotswold District Local Plan Policies 19, 21, 32 and policies within the NPPF."*

The permission was also granted subject to a Section 106 Agreement dated 1st August 2014 ("the Agreement") which I also attach.

The Schedule of the Agreement specifically provided that the Extra Care Housing Units be made available for occupation by "Eligible Persons" to maximise local take up. As a matter of fact, the REM application does not fall within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 ("the Order") as amended as it only provides two hours care per week. It is more likely to fall within C3 or be a sui generis use. Class C2 of the Order covers:-

"Provision of residential accommodation and care to people in need of care ..."

"Care" means:-

"personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment"

(Article 2 of the Order)

I now turn to the law. In general terms, an outline permission is a framework for approval of reserved matters but such an application may not be used to alter the nature of the development for which outline permission has been granted (see *Calcaria Construction Co. Ltd. v Secretary of State for the Environment* (1974) 27P + CR 435 and *R v Castle Point DC Ex p. Brooks* [1985] JPL 473).

Whilst it is accepted that the determination of whether the current REM application falls within the scope of the permission is a planning matter it is one which must be made in accordance with proper legal principles as set out above.

Accordingly the Council request that this assessment and the reasons for it be provided both to Stow Town Council and Cotswold District Council's legal department for their consideration before the REM application proceeds to determination in order to avoid additional costs being incurred in any future possible proceedings.

Yours sincerely

Heather Siphthorp
Clerk & RFO of the Council

List of Enclosures:-

- Brackley Investments Limited – 13/04360/OUT Decision Notice
- Stow Town Council's letter to Deborah Smith, Planning Officer dated 13th April 2016
- Stow Town Council's letter to Deborah Smith, Planning Officer dated 21st April and email response dated 22nd April 2016
- Emails between Stow Town Council and Deborah Smith's reply dated 9th May 2016

- Email from Stow Town Council to Bhavna Patel, Monitoring Officer and her response dated 27th May 2016
- Email from Stow Town Council to Mr Clifton-Brown MP and response by Christine Gore, Strategic Director dated 27th May 2016.
- Letter from Gloucestershire County Cllr Nigel Moor to Deborah Smith dated 28th April 2016
- Letter from Stow Town Council to Deborah Smith dated 10th June 2016.

Copies to:-

Mr G Clifton-Brown MP

County Cllr Nigel Moor

Cllr Lynden Stowe, Leader of CDC

Cllr Mark Mackenzie-Charrington, Cabinet Member Planning Services

Cotswold District Cllrs Barry Dare & R Keeling

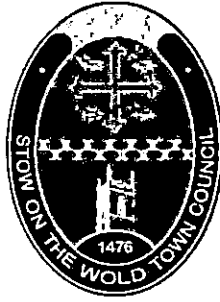
Ms C Gore, CDC Strategic Director

Mr K Field, CDC Head of Planning

Mrs B Patel, CDC Monitoring Officer

Stow-on-the-Wold Town Council

Stow Youth Centre, Fosseway,
Stow-on-the-Wold, Gloucestershire GL54 1DW



Town Clerk & RFO: Heather Siphorp

27th June 2016

Ms D Smith
Planning Officer
Cotswold District Council
Trinity Way
Cirencester
Gloucestershire
GL7 1PX

Dear Deborah

REFERENCE PLANNING APPLICATION NO 16/00139/REM – New Details – Reserved Matters pursuant to Outline permission granted under planning application no 13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping, Land North of Tesco, Fosseway, Stow-on-the-Wold, Gloucestershire

The Council has already written to you in relation to whether this application falls within the scope of the original outline permission but without prejudice to that matter, I set out the detailed objections made on behalf of Stow Town Council.

The design does not accord with the advice on the Cotswold Vernacular set out at Appendix D of the Emerging Local Plan, The Cotswold Design Code and the Design Guide for Stow on the Wold, Upper and Lower Swell and Nether Swell recently adopted in May 2016. Guidance on the weight to be attached is set out in the Framework at paragraphs 183-185 and 216.

The Council also requests that Cotswold District Council (CDC) act consistently and refuse this application in the light of the refusal at Stow Agricultural Services, 14/001/88/FUL where circumstances were sufficiently similar to the current application. (*Fox Strategic Land v Secretary of State for CLG* [2012] EWHC 444 Admin).

This proposed development sits on the ridge line at the busiest entrance to the historic market town of Stow on the Wold any building on this site should be designed sensitively with its impact on the approach to Stow very much in mind.

Concerns over the appearance to the entrance to Stow was among the reasons for the Secretary of State's refusal of Bovis Appeal for a development on the less trafficked Oddington Road approach to Stow.

Concerns over location and design feature prominently in CDC's statement to the Appeal against its refusal on the McCarthy & Stone proposal for the former Stow Agricultural site (copy attached). That proposal is for a development less than a third of the size of this one

and down slope from the ridge line on which Stow sits and on a relatively thinly trafficked approach. These concerns should factor even more strongly in the present case given the great sensitivity of the site and large scale and mass of the development here proposed.

The scheme proposed is insensitive and the fundamental problem with this scheme lies in the brief from McCarthy & Stone. The concept is one of flats strung along corridors to form a very large building removing the need for the occupants to venture into the open air to access the various services on offer.

From examination of these plans and those of the scheme refused on the Stow Agricultural site it appears McCarthy & Stone use standard plans for their developments and a standard philosophy. This means that the only influence that the Architect can have is to vary the elevations and try to disguise the enormous bulk of the building.

Economics and the maximisation of McCarthy & Stone's profits, have also dictated the form of the building. The brief requires the use of "double sided" corridors to access the flats and a bad situation in terms of producing a scheme with human scale and respecting the qualities of the Cotswold tradition is made even worse. The traditional span of a floor in a modest Cotswold house is between 12 and 16 feet determined by the size of the structural timbers available. Modern construction materials and techniques obviously overcome these limitations but the sake of respecting the tradition they need to be observed. This is impossible to do with the plan as designed and hence the massive expanses of flat roof hidden by the "pastiche" elevations.

The perceived density, the location of the building nearer to the Fosseway, the massive bulk and the virtually non-existent detailing of the "houses" all conspire to produce a scheme of singularly poor quality.

The Conservation Officer's comments point the way and need to be augmented; the response by Hunters so far demonstrates that, although they think they have answered with a design that is in the Cotswold vernacular, they have in fact not understood it at all. The comments made in their response that a scheme of this size has been approved does not mean that it has to be designed as a single building.

Turning to the particulars of the design it is difficult to know where to start on the criticism. This list covers the elements which need considerable attention.

- i) Gable widths are too narrow on a number of the units and where the gables are conjoined there is no gap for the valley gutter.
- ii) Chimneys. These have two over-sailing courses consistently, normally a feature for a superior dwelling. There is little variation in materials whereas Stow's chimneys are generally in Cotswold stone laid and finished in various ways, blue or red brick. There are very few, if any, rendered barrels. Heights and plan dimensions should also be varied.
- iii) Dormers. There are no pole plates, framing or any other detailing. Reference should be made to traditional dormer construction.
- iv) Window dressings and lintel heights. There is an unrelenting "dullness" in the elevations largely caused by the consistent lintel and eaves heights as demonstrated on drawing AC-005A. There are some details of window dressings but no indication of traditional lintels or cills. There does not appear to be even a soldier course for some lintels, stretcher bond stonework as a lintel is a hideous detail.

- v) Roofs and roof coverings. Some of the "houses" have tabling on the gables and no base moulding on the chimney barrel, others have no verge to the roofs and all the roofs are of one pitch and of the same material. Examination of the buildings of Stow will demonstrate the wide variety of materials and pitches used for the roofs.
- vi) Windows and other openings. These are also of an unrelenting sameness of size and style and subtle variations should be introduced to compliment the changes in head heights and eaves heights. The main entrance is unattractive.
- vii) Materials. The Hunters' response states that "Huntingdon" stone will be used, the drawing that the stone will be supplied by Huntsmans. This needs clarifying. Render should be through coloured lime render, not as the modern examples on the opposite side of the Fosseway.

The bulk of the building should be broken up into a series of smaller units, each with their own lift and linked by discrete covered and protected ways at ground level. This, with correct detailing, could enable the currently mutually exclusive aims of Conservation and McCarthy & Stone to be met.

Yours sincerely

Heather Siphthorp
Clerk & RFO of the Council

Enclosure:

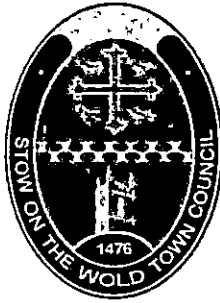
CDC letter to the Planning Inspectorate dated 6th May 2016 re APP/F1610/W/16/3144662 re former Stow Agricultural Services site, Lower Swell Road

Copies to:

Mr G Clifton-Brown MP
County Cllr Nigel Moor
Cllr Lynden Stowe, Leader of CDC
Cllr Mark Mackenzie-Charrington, Cabinet Member Planning Services
Cotswold District Cllrs Barry Dare & R Keeling
Ms C Gore, CDC Strategic Director
Mr K Field, CDC Head of Planning
Mrs B Patel, CDC Monitoring Officer
Members of the CDC Planning Committee

Stow-on-the-Wold Town Council

Stow Youth Centre, Fosseway,
Stow-on-the-Wold, Gloucestershire GL54 1DW



Town Clerk & RFO: Heather Siphorp

28th June 2016

Ms D Smith
Planning Officer
Cotswold District Council
Trinity Way
Cirencester
Gloucestershire
GL7 1PX

Dear Deborah

REFERENCE PLANNING APPLICATION NO 16/00139/REM – New Details – Reserved Matters pursuant to Outline permission granted under planning application no 13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping, Land North of Tesco, Fosseway, Stow-on-the-Wold, Gloucestershire

I refer to the Council's letter dated 27th June 2016 in relation to the above planning application. Since writing the Council has seen the Reg 19 Submission Draft of Cotswold District Council's Local Plan.

That draft states at paragraph 6.2.4

"Most of the Principal Settlements have Conservation Areas and historic buildings, while Cirencester in particular includes large areas covered by scheduled archaeological sites. These make important contributions towards the area's heritage, for which the Cotswolds are internationally renowned. Evidence shows that inappropriate development can cause irreparable damage to the sensitive historic environment. In some instances, this has resulted from poorly designed development while, in others, infilling of visually important spaces has harmed the traditional character of settlements. A settlement's historic, incremental pattern of development should not be materially harmed by incongruous, out-of-scale, or inappropriate development."

It is the Council's view that the presently proposed McCarthy & Stone development is incongruous, out of scale and inappropriate. It is in conflict with the emerging local Plan para 6.2.4 and should be refused. As we have previously urged, a fresh application should be sought and determined on its merits.

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Yours sincerely

Heather Siphthorp
Clerk & RFO of the Council

Copies to:

Mr G Clifton-Brown MP

County Cllr Nigel Moor

Cllr Lynden Stowe, Leader of CDC

Cllr Mark Mackenzie-Charrington, Cabinet Member Planning Services

Cotswold District Cllrs Barry Dare & R Keeling

Ms C Gore, CDC Strategic Director

Mr K Field, CDC Head of Planning

Mrs B Patel, CDC Monitoring Officer

Members of the CDC Planning Committee

COUNSEL OPINION ON BEHALF OF
McCarthy & Stone

58

**RE: LAND NORTH OF TESCO, FOSSEWAY, STOW ON THE WOLD,
GLOUCESTERSHIRE**

NOTE ADVISING

1. Introductory Matters

- 1.1 On 1st August 2014 outline planning permission was granted by Cotswold DC as local planning authority ('LPA') under reference I3/05360/OUT for the erection of 44 extra care apartments in respect of land to the North of Tesco's on Fosseway, Stow on the Wold ('the Site'). All matters save access were reserved for determination at a future date.
- 1.2 McCarthy & Stone Retirement Lifestyles Ltd ('MSRL') have secured an interest in the site and have applied for reserved matters approval (16/00139/REM) under the outline planning permission to construct a block of specialist apartments for the elderly on the Site.
- 1.3 Objections have been lodged by Stow Town Council and others to the reserved matters application based on the contention that the building, when constructed, would not be operated within the scope of the outline permission. Condition 6 of the outline permission makes it clear that the consented use is under class C2 of the Town and Country Planning (Use Classes Order) 2010 and not class C3. The difference is said to arise by reason of the level of care which is provided to residents. Condition 6 of the outline permission provides:
- "For purposes of clarity and the avoidance of doubt, the application site, as a planning unit, shall be used only for C2 (Residential Institutions) use, and for no other*

purpose, including Class C3 (Dwelling Houses), of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or the equivalent to that Class in any statutory instrument amending or replacing the 2010 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 1995."

1.4 I am accordingly asked to advise.

2. Discussion

-
- 2.1 There has been extensive correspondence between the LPA and Stow-on-the-Wold Town Council ('TC') in which the latter seeks to argue that the reserved matters application does not fall within the outline consent since it relates to a use which is not within the scope of condition 6 – ie the level of care is such that the proposed use does not fall within use class C2.
- 2.2 In a letter dated 21st June 2016 the TC rightly point out, based upon counsel's advice that a reserved matters application cannot change the scope of the outline consent and can only relate to those matters which are to be determined (in this case layout, appearance, scale and landscaping). The position of the TC seems to be that even if those matters were uncontentious then what is proposed does not fall within Use Class C2.
- 2.3 With respect it is apparent that the TC has elided two different concepts. Firstly, the scope of consideration of an application for reserved matters, and secondly the extent to which condition 6 would be enforceable against what is proposed. That is to say it has confused how the scheme is to be operated with what is the legitimate scope of consideration for the LPA on an application for reserved matters.
- 2.4 The Town Council are right to cite authority for the proposition that a LPA cannot expand the extent of the outline permission by the grant of reserved matters approval.

However it appears to have missed the rather more obvious point that on a reserved matters application the LPA too is not permitted to revisit the scope of what has been consented in the outline permission (in this instance a use land to construct a building which will fall solely within class C2 of the Use Classes Order by reason of condition 6. The LPA's sole concern in relation to the application before it is to determine whether what is proposed in terms of the external appearance of the building, its scale and its layout as well as the proposed landscaping is acceptable.

- 2.5 The proposed manner in which the building will be operated is a matter of indifference to the decision as to whether its appearance, layout, scale and landscaping are acceptable or not. The grant of reserved matters approval cannot alter the lawful use to which the land is permitted to be put, nor the enforceability of condition 6.
-
- 2.6 The complaint raised by third parties would seem to be that if the building is constructed then the use to which MSRL propose to put the building, would in their view not fall within Use Class C2. Such a complaint is a matter of indifference to the issue of whether layout, appearance, scale and landscaping are acceptable, Rather that would be an issue for the LPA consider once the building has been complete and the use to which the site is being put is evident as a matter of fact. In other words, the issue of whether condition 6 of the outline permission is or not is complied with once the building is operational is a matter for the enforcement team of the LPA and is irrelevant to the instant application.
- 2.7 Whether the use to which MSRL does propose to put the building falls within Use Class C2 or not falls outwith the scope of this advice. However I would note the following:
- (i) there is a wealth of evidence to support the contention of MSRL that the use proposed does indeed fall within class C2, which I do not rehearse here; and
 - (ii) the outline permission is not a personal permission, and it is not a relevant consideration that the building would be constructed and operated by MSRL and not the original beneficiary of the permission. Outline planning permission 'runs with the land'.

2.8 Accordingly I do not consider the objection of the Town Council to be one which is well founded in law.

3. Conclusions

3.1 I advise accordingly. Should anything else arise please do not hesitate to contact me further.

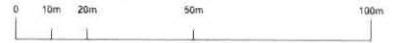
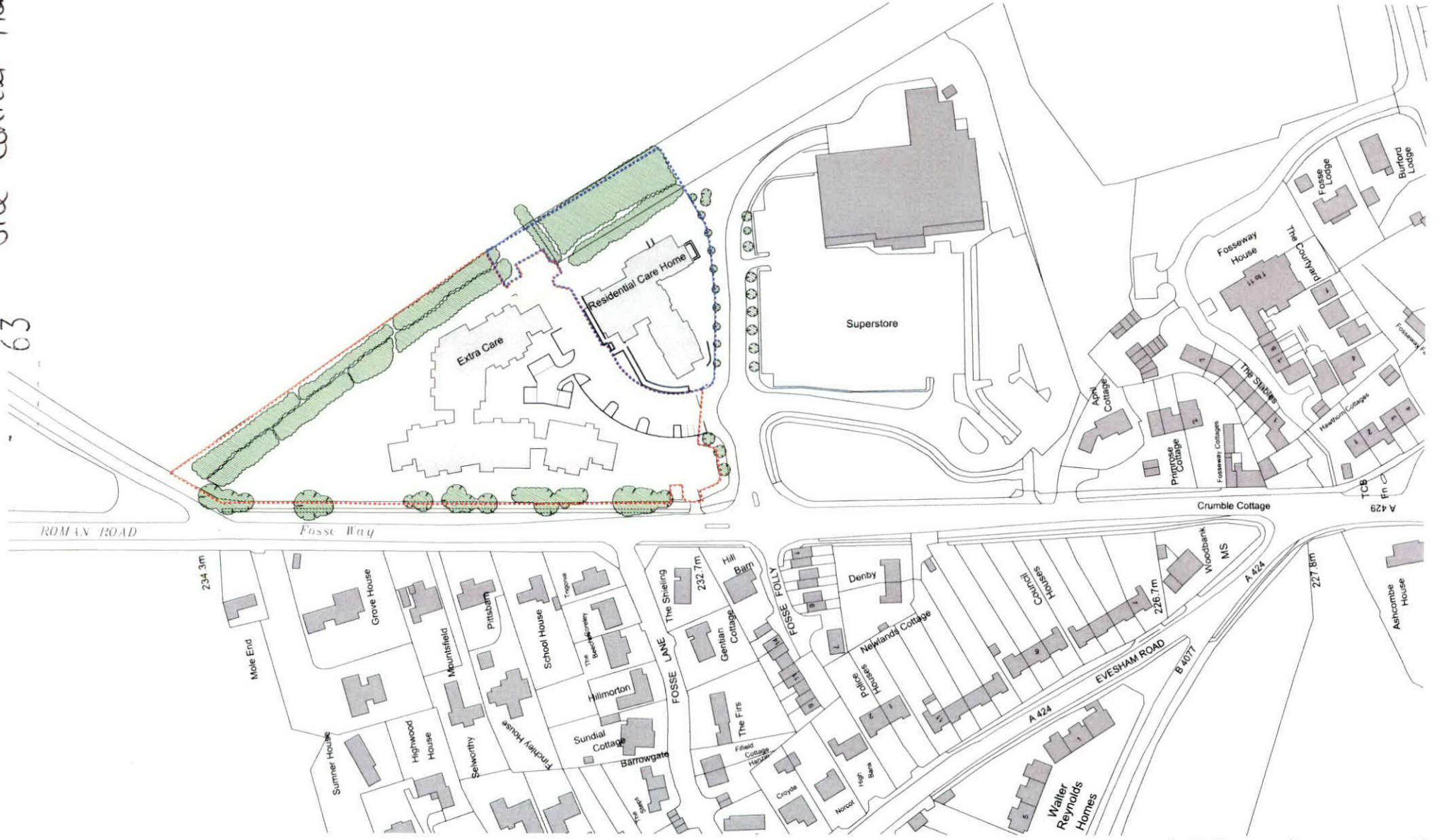
Kings Chambers
36 Young Street
Manchester

Paul G Tucker QC
31st July 2016

M3 3FT

Site Context Plan

63



Scale 1:500 @ A0



STOW-ON-THE-WOLD EXTRA CARE SCHEME	
Proposed	As Shown
Existing	As Shown
Planning	As Shown

hunters

64

SCHEDULE OF ACCOMMODATION

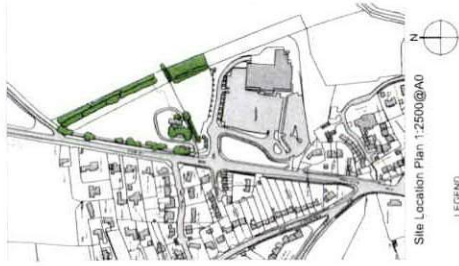
Room	1 Bed	2 Bed	3 Bed	4th Bed
Ground Floor	10	11	11	11
1st Floor	12	13	13	13
TOTAL	22	24	24	24

Total Apartments: 64
 Total Area: 11,522sqm
 PARKING: 33 spaces including 4 disabled spaces
 Note: No Accommodation Suitable for Families of 5 or more.

Banks of existing trees to be retained

Farm Land

FOSSE WAY



LEGEND

- Proposed 2 Bed Apartment
- Proposed 3 Bed Apartment
- Proposed 4 Bed Apartment
- Proposed 1st Floor
- Proposed 2nd Floor
- Proposed 3rd Floor
- Proposed 4th Floor
- Proposed 5th Floor
- Proposed 6th Floor
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- Proposed 8th Floor
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- Proposed 94th Floor
- Proposed 95th Floor
- Proposed 96th Floor
- Proposed 97th Floor
- Proposed 98th Floor
- Proposed 99th Floor
- Proposed 100th Floor

1. SITE PLAN	2. FLOOR PLANS	3. SECTION	4. ELEVATION	5. EXTERIOR	6. INTERIOR	7. LANDSCAPE	8. UTILITIES	9. STRUCTURE	10. FINISHES	11. MATERIALS	12. SCHEDULES	13. SPECIFICATIONS	14. CONTRACT DOCUMENTS	15. LEGEND	16. INDEX	17. APPENDICES	18. NOTES	19. REVISIONS	20. DRAWING INFORMATION
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Scale Bar 1:200 @ A0

STAY ON THE WOLD EXTRA CARE SCHEME

100% WELFARE
 100% SECURITY
 100% SUPPORT

hunters

WIDER SITE PLAN

ACCOMMODATION SCHEDULE

Code	Room
01	Bedroom
02	Bathroom
03	Kitchen
04	Living Area
05	Study
06	Office
07	Reception
08	Waiting Area
09	Corridor
10	Staircase
11	Lift
12	Storage
13	Plant Room
14	Garage
15	Other

65

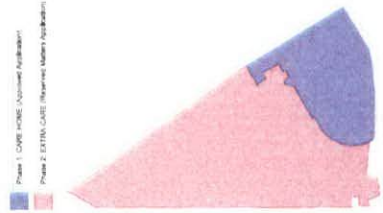
Banks of existing trees to be retained

Farm Land

FOSSE WAY



Site Location Plan 1:2500@A0



Site Phasing Plan 1:1250@A0

LEGEND

[Symbol]	Existing Buildings
[Symbol]	Proposed Buildings
[Symbol]	Proposed Parking
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Fencing
[Symbol]	Proposed Roads
[Symbol]	Proposed Paths
[Symbol]	Proposed Drains
[Symbol]	Proposed Utilities
[Symbol]	Proposed Services
[Symbol]	Proposed Security
[Symbol]	Proposed Access
[Symbol]	Proposed Easements
[Symbol]	Proposed Rights of Way
[Symbol]	Proposed Other



1	Site Plan
2	Site Phasing Plan
3	Site Location Plan
4	Site Access Plan
5	Site Security Plan
6	Site Services Plan
7	Site Utilities Plan
8	Site Fencing Plan
9	Site Landscaping Plan
10	Site Parking Plan
11	Site Roads Plan
12	Site Paths Plan
13	Site Drains Plan
14	Site Utilities Plan
15	Site Services Plan
16	Site Security Plan
17	Site Access Plan
18	Site Easements Plan
19	Site Rights of Way Plan
20	Site Other Plan

Scale Bar 1:200 @ A0

STONING THE WOLD EXTRA CARE SCHEME

Project No: 1001/2010

Client: Stoning the Wold

Architect: [Firm Name]

Planning: [Firm Name]

hunters

GROUND FLOOR PLAN

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SCHEDULE OF ACCOMMODATION

Floor	1 Bed	2 Bed	GM	apm
Ground Floor	04	11	2.15	0 apm
First Floor	12	13	2.284	4 apm
TOTAL	26	24	4.434	4 apm

Total Apartments: 44
 BETS AREA: 11,522m²
 PARKING: 15 spaces (including 4 disabled spaces)
 Refer to Accommodation Schedule for summary of spaces

COLOR KEY

- Lounge / Dining
- One Bathroom Flat
- Two Bathroom Flat
- Office / Reception
- Storage / Closets
- Corridor
- Stair / Lifts
- Resident Lobby
- Resident Activity Area

GROUND FLOOR PLAN

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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STEW ON THE HILL EXTRA CARE SCHEME

NO. 100 @ A/C

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PLANNING

Scale: 1:100 @ A/C

