

**Item No 01:-**

**17/02108/FUL**

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

**Item No 01:-**

**Erection of a Primary Healthcare Centre (Doctors' Surgery) and associated infrastructure, parking and landscaping at Land Parcel Stow Fair Site Between Maugersbury Road And A436 Maugersbury Road Stow-On-The-Wold Gloucestershire**

| <b>Full Application : 17/02108/FUL</b> |                        |
|--|------------------------|
| <b>Applicant:</b>                      | JRN Properties Ltd     |
| <b>Agent:</b>                          |                        |
| <b>Case Officer:</b>                   | Deborah Smith          |
| <b>Ward Member(s):</b>                 | Councillor Dilys Neill |
| <b>Committee Date:</b>                 | 9th August 2017        |
| <b>RECOMMENDATION:</b>                 | <b>REFUSE</b>          |

**Main Issues:**

- (a) Principle of Development Outside of a Development Boundary
- (b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (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 history of the site and the local and political interest in the proposed delivery of a doctor's surgery within the town.

**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.

CD.6682/J (16/01418/OUT): Erection of a Primary Health Care Centre and associated infrastructure, parking and landscaping. Refused 9th June 2016.

## **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 Develop outside Development Boundaries

LPR32 Community Facilities

LPR38 Accessibility to & within New Develop

- 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

Environmental Regulatory Services (Land Contamination): no objection subject to a precautionary condition in the event that contamination is found during construction works

Gloucestershire County Council Highways: no objection, subject to conditions relating to highway safety

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

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

Maugersbury Parish Council: supports the application for the following reasons:

Recognises the urgent need for a doctor's surgery; disappointed with the lack of progress on the Tall Trees site; the JRN proposal represents a real alternative and the layout of the building meets the requirements of the doctors and has scope for expansion at ground floor level; we understand that funding for this scheme has been agreed; and we support the application on the basis that the site can only be used as a health care facility and that no housing is required in order to deliver the surgery.

Stow Town Council: not yet received.

#### **6. Other Representations:**

35 third party letters of objection raising the following concerns:

- i. Planning permission has previously been refused for this development and no material considerations have changed since then;
- ii. The previous Committee decision was made on solid and valid planning grounds in order to protect the beautiful landscape that surrounds our town;
- iii. Dangerous access onto the Oddington Road;
- iv. There is no right hand turning lane into the site which could prove dangerous;
- v. Development within the AONB for which there is no need as planning permission has been granted on the adjacent site;

- vi. The Tall Trees site is discreetly located;
- vii. The site provides a strategic gap between Stow and Maugersbury and this would be lost if the development were to go ahead;
- viii. Could set a precedent for development on the remaining part of the field and within the wider locality and result in a merging of Stow and Maugersbury;
- ix. The sequential appraisal is inaccurate as it states that no NHS funding is available for the Tall Trees site, when in fact the funding is available and development is shortly to commence on site;
- x. The Tall Trees site is classed as a brownfield site which is preferable to developing a greenfield site;
- xi. The sequential appraisal states that alternative sites are unavailable but my family has never been approached regarding the development of the field we own adjacent to the existing surgery;
- xii. There is no mention of a covenant to protect the remainder of the land from development;
- xiii. It is regrettable that the proceeds from the sale of the existing surgery and Rose Cottage are not being put towards the new surgery;
- xiv. The development would harm the character and appearance of the AONB and thus be contrary to Paragraphs 115 and 116 of the NPPF;
- xv. The White Consultants Report commissioned by CDC and which informs the current and emerging Local Plans identifies the site as being least suitable for development;
- xvi. The development would harm the character and appearance of the Conservation Area;
- xvii. It would not be a sustainable form of development;
- xviii. The location of the site will result in increased journeys by car because it is not well serviced by public transport and being at the bottom of the hill it is unlikely to encourage visits by foot or cycle;
- xix. The motivation behind the application is to relocate the gypsy fair but this will only shift the problems associated with that;
- xx. The transport statement contains contradictory statements throughout and does not make reference to additional journeys associated with the new surgery;
- xxi. The Landscape and Visual Impact Assessment claims that the development would have little visual impact but no visual evidence has been submitted in support of that claim;
- xxii. The development does not look viable and no agreed funding is in place;
- xxiii. The applicant does not explain why the scheme is now viable when he claimed previously that it was unviable without building housing as enabling development;
- xxiv. Nothing has changed regarding this site other than increased political pressure;

- xxv. There should remain a clear definition between the built form of the town and the countryside beyond;
- xxvi. Allowing the development would pose a danger to the continuation of the two historic annual gypsy fairs which are cultural traditions of national importance; and
- xxvii. The development is contrary to the NPPF.

2 general comment letters:

- i. Before either surgery is built, the road safety issues on Oddington Road need to be addressed for vehicles and pedestrians;
- ii. If this site is approved, a set of traffic lights or a roundabout should be introduced given the proximity of the site access to estate roads adjacent;
- iii. It is vital that either medical centre has enough capacity to provide services now and in the future;
- iv. This field is an ideal parcel of land to provide a range of facilities, including affordable housing, industrial units and additional parking which would enable investment in improving the A436; and
- v. Progress on the Tall Trees site is now being delayed by the doctors as they have not signed the contract.

31 letters of support:

- i. The need for a health care centre is evident and this scheme would provide a fit for purpose building capable of being expanded in the future to cope with an increasing population;
- ii. There have been significant delays in the alternative site being progressed and there is scepticism that it will be delivered so this scheme offers a viable alternative;
- iii. It will be a valuable community facility;
- iv. The single-storey building proposed would be largely hidden from view due to the topography of the site and the hedge along the Oddington Road so the visual impact will be limited;
- v. The design is in keeping with the AONB and the doctor's requirements;
- vi. The Maugersbury Consortium has confirmed that it will purchase the remaining land if the application is successful and has given assurances that the remainder of the land would remain undeveloped in perpetuity;
- vii. The doctors and the NHS clinical Commissioning Group should be given the choice between the two surgery options;
- viii. The site is easily access by car and the access is more appropriate than that proposed for the Tall Trees site;
- ix. There is good access from the A436 with excellent views in both directions;

- x. A footpath links the surgery site to the pedestrian crossing thus providing safe pedestrian access;
- xi. The site is easily accessible from much of Stow's housing and the outlying villages;
- xii. There is ample parking on the site;
- xiii. Funding is in place for the scheme and it will be delivered in a timely manner, in contrast to the Tall Trees site;
- xiv. No residential units are now proposed so it will not set a precedent for further development on the remaining land;
- xv. Minimal impact on the conservation area;
- xvi. The development would enhance the conservation area;
- xvii. The applicant has a first class reputation for designing and erecting fine buildings in the near area;
- xviii. The recently permitted developments on other approaches into the town are far more impactful than this scheme; and
- xix. Any harm to the AONB is far outweighed by the benefit to the local community.

CPRE: objects on the following grounds:

The landscape impact of the proposed development would be unnecessarily adverse; the development would be very obvious from a number of local viewpoints; the CPRE agrees with the views of the Landscape Officer; and whilst the CPRE understands and acknowledges the need for a doctor's surgery, we do not consider that this site is appropriate.

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

Floor Plans

Elevations

3D model drawings

Agricultural Land Classification and Soil Resources

Archaeological Desk-Based Assessment & Evaluation

2017 Updated Extended Phase 1 Habitat Survey

Biodiversity Method Statement

Geophysical Survey Report

Heritage Statement

Landscape and Visual Impact Assessment

Phase 1 Land Contamination Risk Assessment

Transport Statement

Planning Statement

Trees and Construction

Sequential Analysis of Alternative Sites

## **8. Officer's Assessment:**

### **Background**

Members will recall that planning permission was first refused by the Planning and Licensing 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.

On 8<sup>th</sup> June 2016 the Planning and Licensing Committee refused a similar scheme for the health care centre; the residential units were omitted from that scheme. The application was refused on two grounds: firstly, that the development would represent an 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 Maugersbury; and secondly, that the development 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 conservation area.

This current application is identical to the 2016 scheme that was refused.

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.

It is a material consideration that planning permission has been granted for a doctor's surgery on land adjacent to 'Tall Trees', that funding is in place for that development, it has NHS approval and that an application has been submitted to address the planning conditions to enable work to start on site.

### **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. Given that the site lies within the Cotswolds AONB, the presumption in favour of development does not apply.

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 Maugersbury to the South-East.

The Local Planning Authority is statutorily required to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality and have special regard to the desirability of preserving the setting of the listed buildings in compliance with Section 66(1) &

72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 12 of NPPF.

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

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

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

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

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

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

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 Maugersbury 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 Maugersbury 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.

In relation to "Site 18", the Tall Trees site, the sequential appraisal states: that the access to the site "is considered to be inadequate", yet the access has been approved, in consultation with Gloucestershire County Council's Highways Engineers, as part of the planning permission; that no NHS funding is available, but later goes on to state that NHS funding was "switched to the Tall Trees site after approval"; that the availability of the site is "presently unclear"; and that it is "unlikely" to be achievable. However, it is clear that the 'Tall Trees' site is suitable, available and achievable; planning permission has been granted for a doctor's surgery on that site, NHS funding is in place and the Council is currently considering an application for condition compliance in relation to the planning permission which will enable work to start on site. It is therefore apparent that the sequential appraisal contains some inaccuracies.

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 a viable alternative site and that it has funding and the support of 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 and has provided the following advice.

The proposed new building is located at the north of the site adjacent to Oddington Road and both vehicle and pedestrian access is to be taken from Oddington Road. Oddington Road is an A-class highway which, adjacent to the application site, has a speed limit of 30 mph. It provides a significant link between the A429 and Stow-on-the-Wold to the west and the A44 further to the east.

#### **Access**

Vehicle access to the site is proposed by a simple priority junction with Oddington Road. The proposed vehicle access provides sufficient space for two-way vehicle movements including the occasional large vehicle for deliveries/ refuse collection etc. Pedestrian access to the site is proposed at two further points separate to the vehicle access point. Firstly at the far west of the application site at approximately the location of the existing traffic light controlled pedestrian crossing on Oddington Road, a footpath leads to the car park and then to the healthcare building. The second pedestrian access is located immediately to the north of the main building which provides a direct link from the existing footway on Oddington Road.

#### **Layout**

The site layout consists of the main surgery building located at the south of the site with a linear car park to the front with patient car parking closest to the site access and staff car parking at the west of the site. In total 44 car parking spaces are proposed for both patients and staff, this is considered to be appropriate and has taken account of the over-lap between patients as they enter and leave for appointments. In addition, separate patient and staff cycle parking would be provided to allow for travel by cycle.

It is stated that bin storage will be provided at the site; however it is not clear from the submitted drawings where this is to be located. In addition, it would be expected that access for delivery vehicles would be required for medical supplies etc. however currently turning facilities are not provided on the site for these types of vehicles. It is considered that with some relatively minor amendments to the proposed layout, suitable facilities could be provided and therefore a planning condition is recommended to cover this issue.

#### **Accessibility**

The site is located at the edge of Stow-on-the-Wold which itself is located in a rural area and this needs to be considered when assessing the accessibility of the site. The nearest bus stops to the development site are on Oddington Road, approximately 250m west of the site at the Bell Inn. To the east for eastbound trips, there are unmarked bus stops at King Georges Field approximately 100m from the site. The more regular bus services to Stow generally service the market square area of the town which is approximately 750m to the west of the site which is within a suitable walking distance for people with suitable health. The nature of a doctor's surgery means that a significant portion of patients will not be able to travel to the site by means other than the private car regardless of its location. For staff and able patients, the location is considered to have good accessibility given the rural nature of the surrounding area.

#### **Traffic impact**

The submitted Transport Statement (TS) has undertaken a review of the TRICS database which is made up of a number of surveyed sites from across the country to determine the likely number

of vehicle movements to be associated with the proposed development. Based on the current proposals it would be expected that approximately 26 two-way vehicle movements would be expected in the morning peak hour and 23 two-way movements in the evening peak period.

In comparison to the existing level of traffic on the highway network the impact of the doctor's surgery would be minimal. Notwithstanding this it should be noted that as this site is to replace the existing doctor's surgery on the north side of the town these vehicles would be on the wider network already and will be diverted to the Oddington Road site.

In light of the above, no objection is raised in relation to highway safety matters, subject to a number of conditions.

#### **(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.

On the previous (identical) scheme, the Council's Drainage Engineer 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 Maugersbury 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 could be appropriately dealt with within the site and in the event that planning permission is granted on the site, a condition would be imposed 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 (updated in 2017) 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.

Despite the landscape design and mitigation recommendations in Section 5 of the LVIA, there is limited detail on the proposed landscaping of the site. The proposed site plan shows an "indigenous hedgerow" around the eastern, western and southern boundaries of the application site, and the "existing dry stone wall to be repaired" on the northern boundary. However, the LVIA mitigation strategy also refers to the reinstatement of the hedgerow along the northern boundary (in association with the stone wall), tree and shrub planting within the car parking areas and planting copse in the corners of the site. It also refers to developing new stone walls as well as enhancing the existing. The proposals would contribute towards the replacement of lost scrub habitat and trees removed to facilitate the site access road, and provide biodiversity enhancements. Other habitats could be created on site, which do not appear to have been considered, including an appropriate wildflower meadow along the northern area of „green space" shown on the proposed site plan between the northern boundary wall/hedge/tree line and the new car parking area, and a wildlife pond, e.g. as an attractive feature at the north-eastern part of the site near the proposed access road (could be part of a wild/sensory garden).

It is therefore recommended that a condition requiring a landscaping scheme is submitted for approval as part of any planning permission granted, which should include the above biodiversity enhancements.

It is further recommended that additional biodiversity enhancements, specifically for nesting birds and roosting bats, should be incorporated into the proposed development. Integrated bat tubes/bricks/access panels could be incorporated into the central gable wall (above a single-storey lean-to) on the southern elevation or on the western elevation in the north-western corner near the eaves (away from windows); and bird boxes for house sparrows, starlings and swifts could be installed on the north-facing gable walls and/or the east-facing gable wall. The single-storey lean-to referred to above could be made suitable for lesser horseshoe bats by installing an appropriate access point for use as a night roost or feeding perch. Details of bat roost provision should be submitted for approval as a condition of any planning permission.

To ensure the appropriate long-term management of biodiversity features, it is recommended that a Landscape and Ecology Management Plan is also a condition of any planning permission. A sensitive lighting strategy would also be required to ensure that boundary hedgerows, trees and other biodiversity features are not impacted upon by light spillage, ensuring that nocturnal wildlife such as bats, badgers, hedgehogs and other species are not adversely affected.

The Council's Biodiversity Officer is satisfied that, subject to appropriate conditions as set out above, 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 tree 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 therefore 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 backing/funding of the NHS Gloucestershire Clinical Commissioning Group. Recently, Stow Surgery has indicated its support for this scheme and a copy of that letter is attached to this report for information.

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 fact that the surgery could be delivered on the adjacent site at 'Tall Trees'. The application is therefore recommended for refusal.

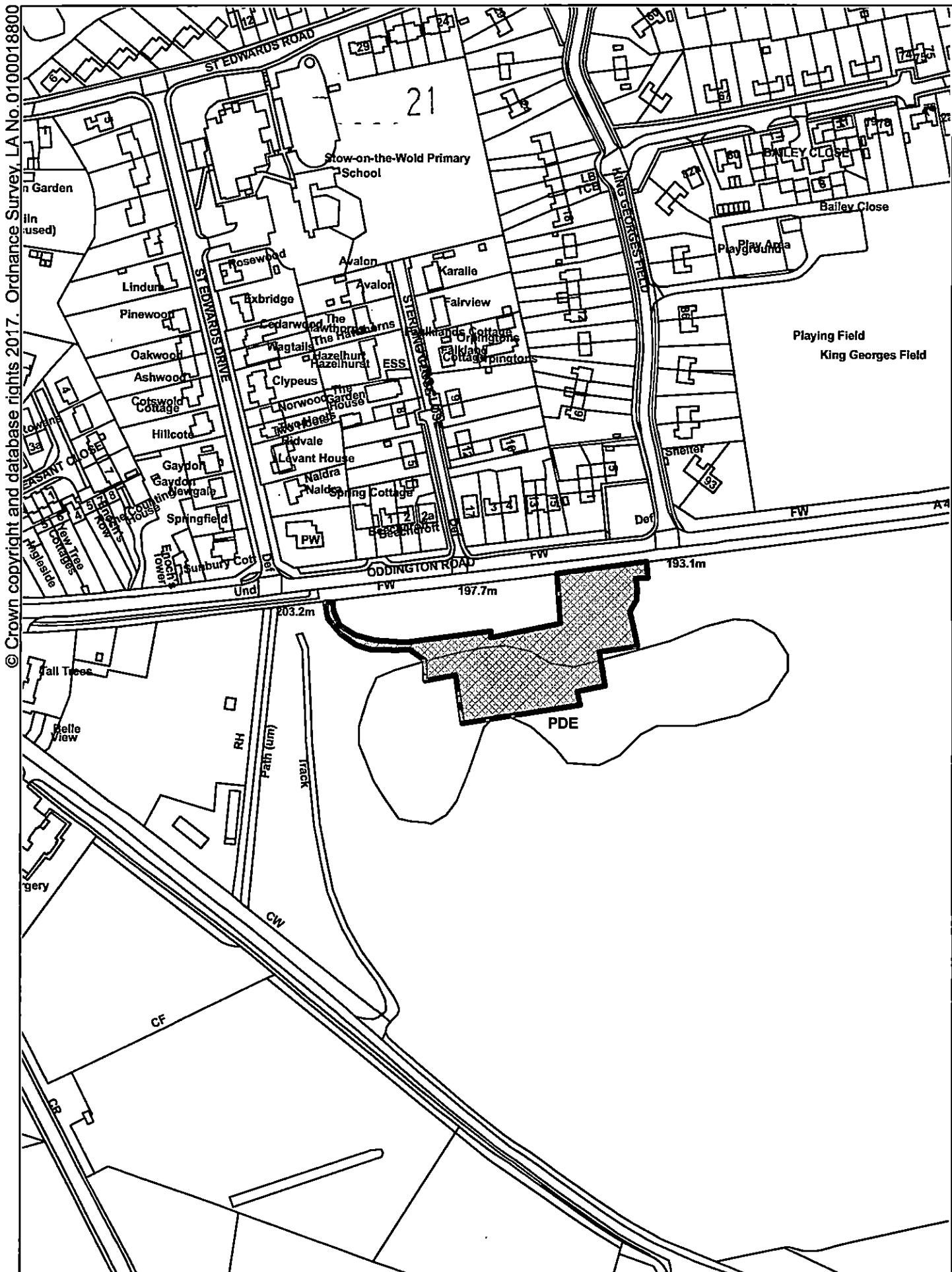
**10. Reasons for Refusal:**

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 Maugersbury. 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, particularly as planning permission for a doctor's surgery has been granted on an adjacent site at 'Tall Trees'. 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.

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 Maugersbury 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.

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, particularly as planning permission for a doctor's surgery has been granted on an adjacent site at 'Tall Trees'. As such, the proposals would not constitute a sustainable form of development and the proposed development is contrary to Section 12 of the NPPF and Policies 15, 19 and 42 of the Cotswold District Local Plan.

17/02/08/FUL



### LAND PARCEL STOW FAIR BETWEEN MAUGERSBURY RD/A436



COTSWOLD  
DISTRICT COUNCIL

Organisation: Cotswold District Council

Department:

Date: 28/07/2017

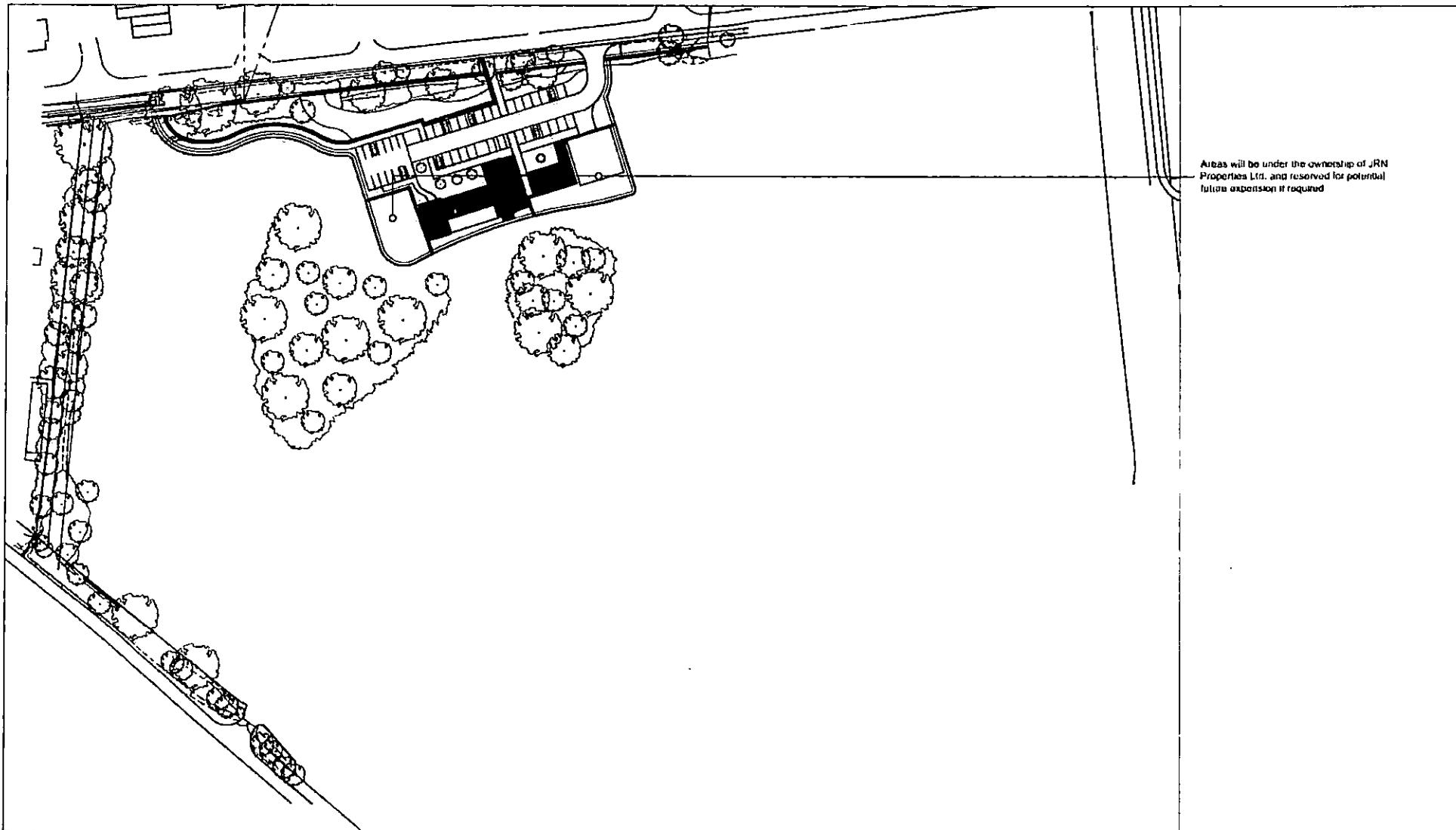




JRN Properties - Oddlington Rd Development  
Site Plan

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10 Water Grove New Melton Surrey KT26 9RG  
Alistair Ellen Architect



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JRN Properties - Oddington Rd Development  
Site Plan

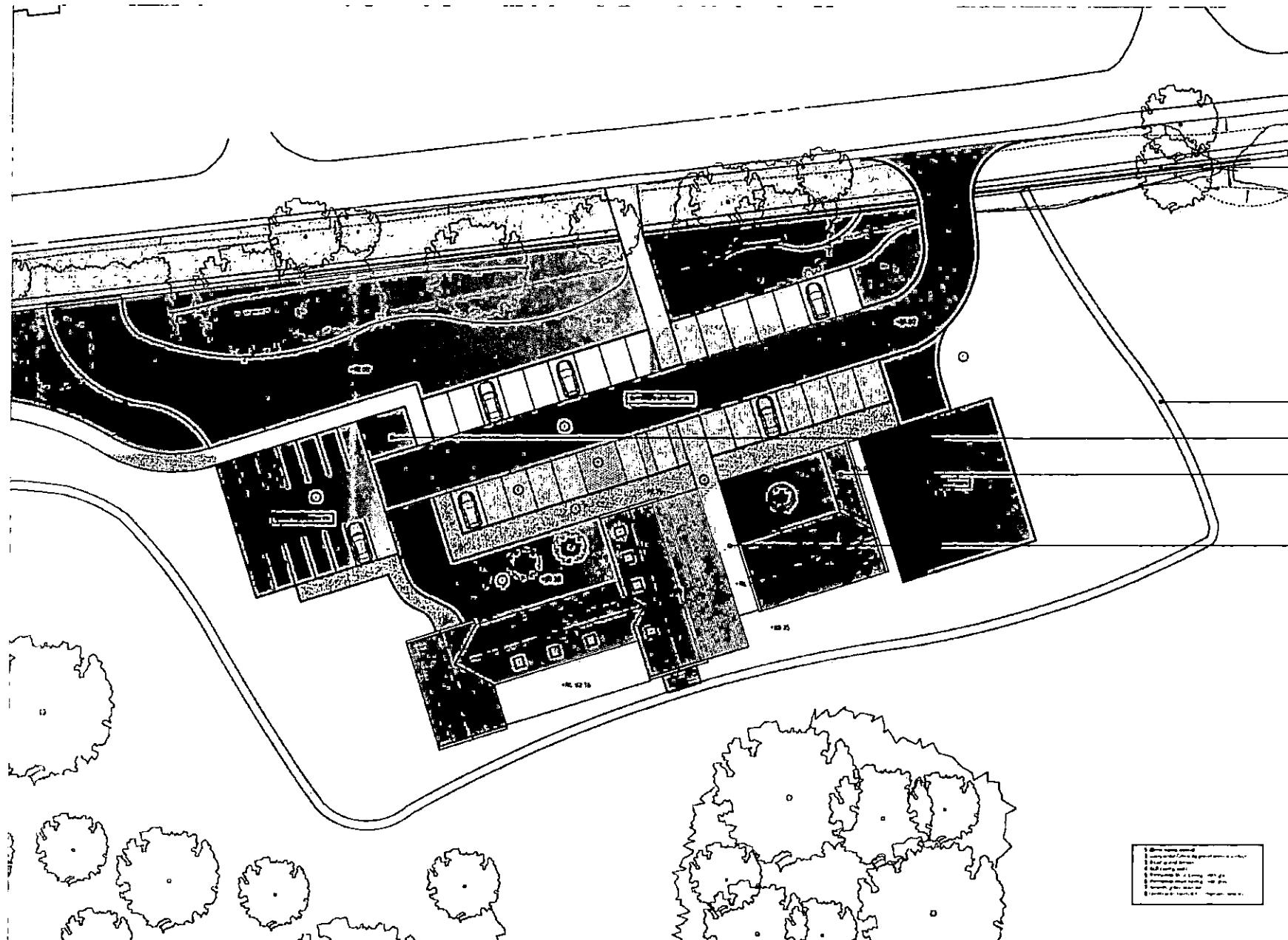
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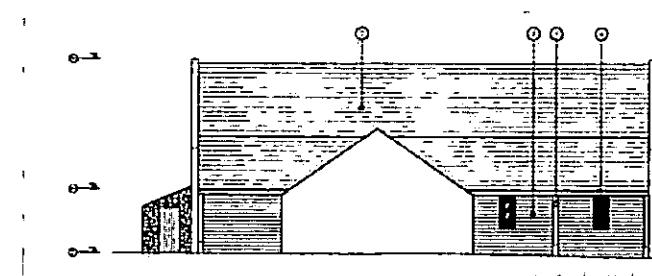
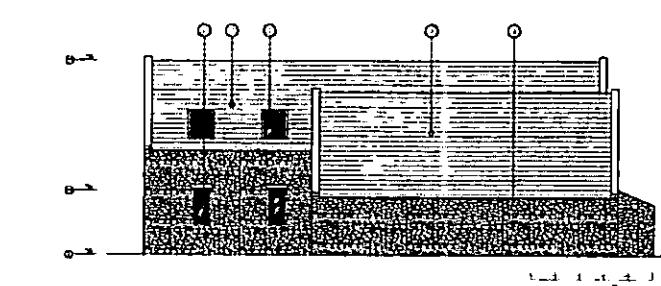
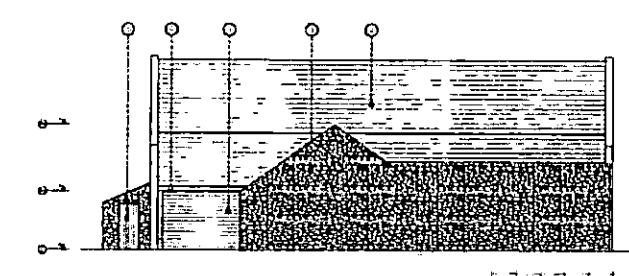
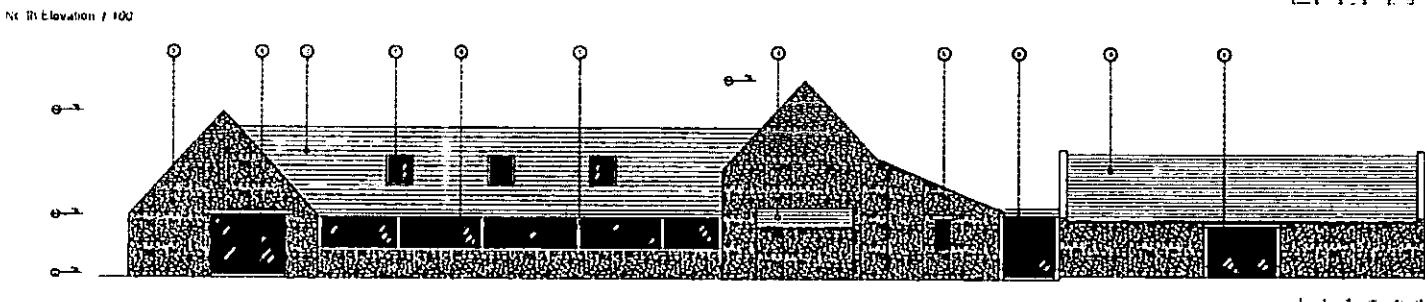
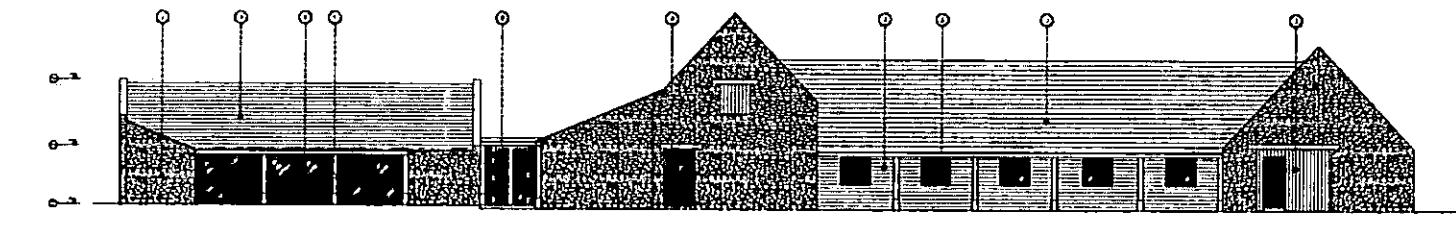
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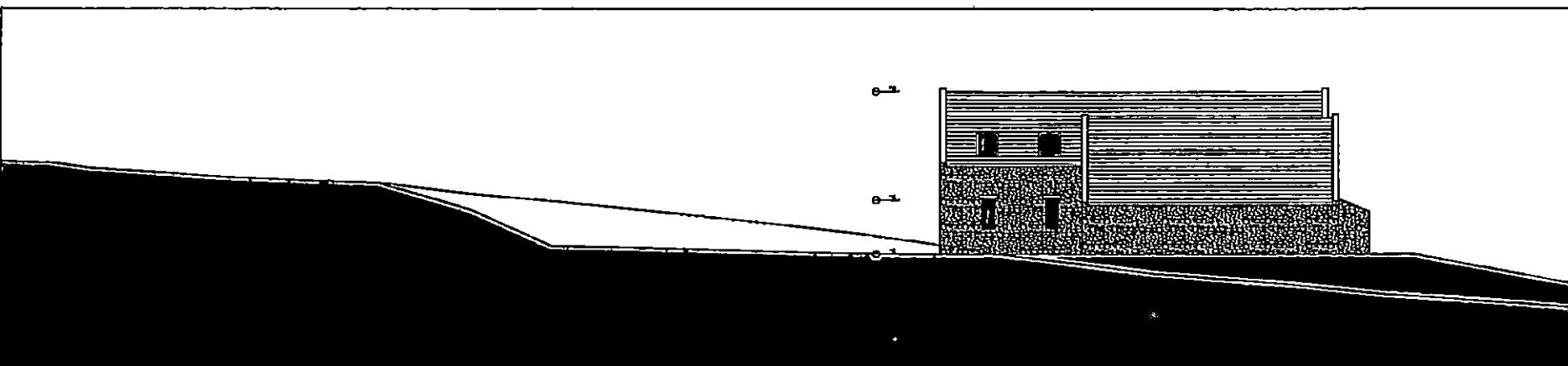
JRN Properties - Oddington Rd Development  
Proposed Surgery  
Site Plan

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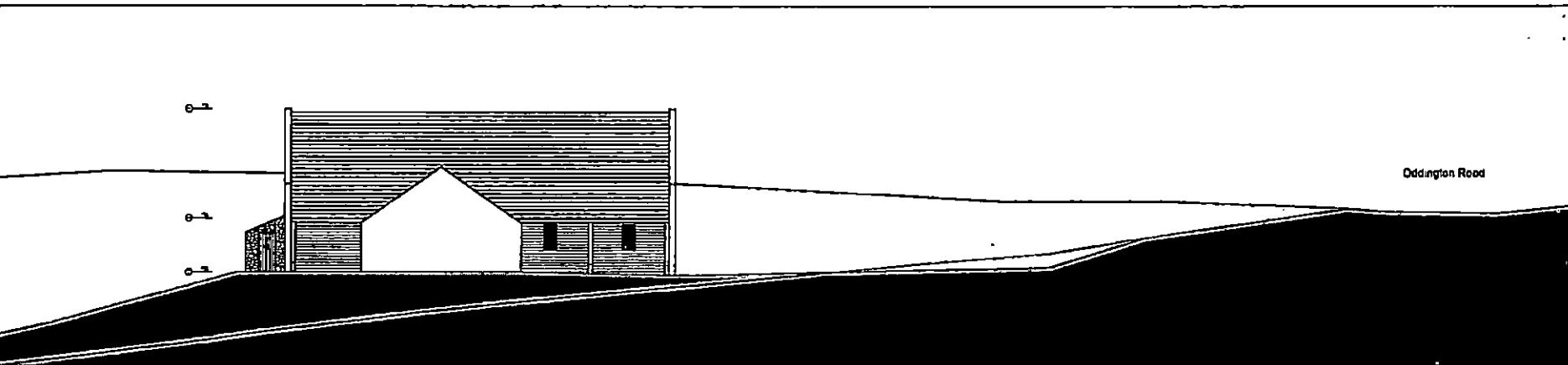


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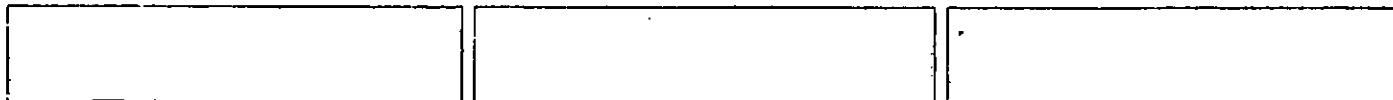
Site Section from West 1:100



Site Section from East 1:100

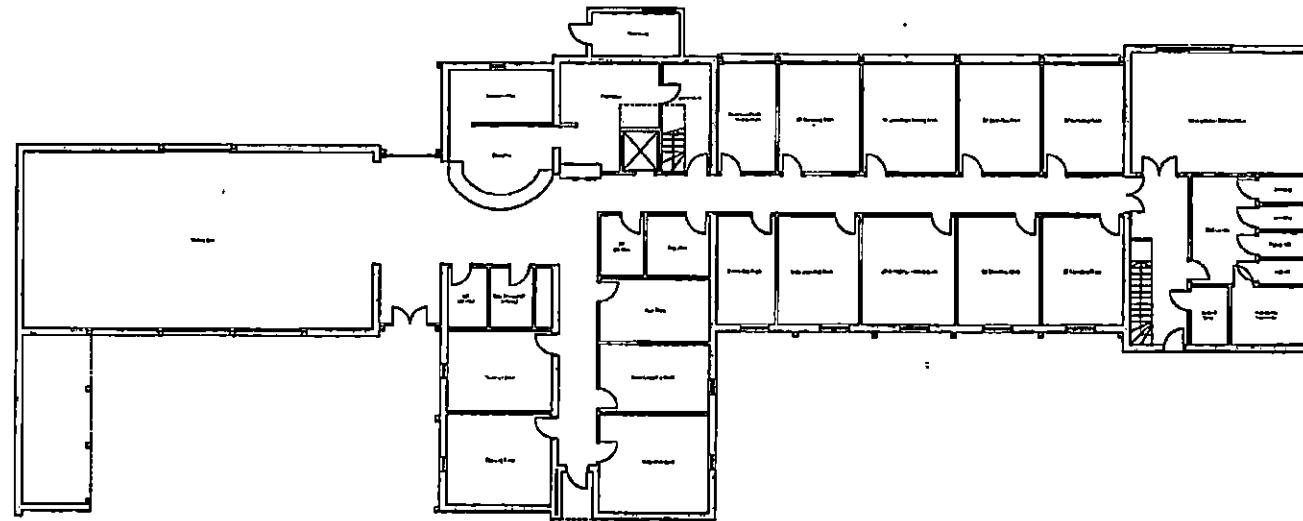
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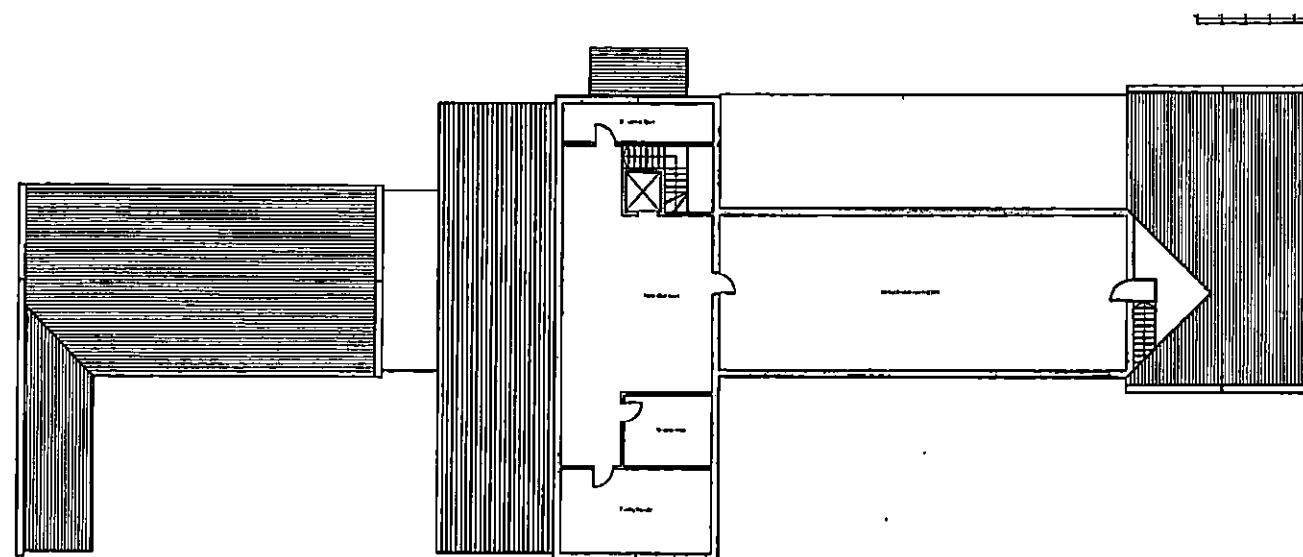


JRN Properties - Oddington Rd Development  
Proposed Surgery  
Site Sections  
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Architect: Alistair Ellen Architect Ltd  
Site Section 1:100gA1  
Proposed Surgery  
JRN Properties - Oddington Rd Development  
16/01418/OUT



Ground Floor Plan 1:100



First Floor Plan 1:100

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**STOW SURGERY**  
**WELL LANE, STOW ON THE WOLD**  
**CHELTENHAM, GLOS GL54 1EQ**

**Dr J ThorneTT**  
**Dr P Sherrington**

**Dr C Lawrence**  
**Dr A Chiles**

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

6 July 2017

Dear Ms Smith,

**Re Planning Application 17/02108/FUL - Erection of a Primary Healthcare Centre (Doctors' Surgery) and associated infrastructure, parking and landscaping | Land Parcel Stow Fair Site Between Maugersbury Road And A436 Maugersbury Road Stow-On-The-Wold Gloucestershire**

The Partners at the surgery are supporting JRN Properties Ltd in the above application for the following reasons:-

- The Partners have a duty of care to patients and the provision of medical care for the patients of Stow and the surrounding villages. They have been working towards a solution for many years. Their main concern is for the provision of a new doctors' surgery in Stow to enable effective and safe care to be delivered in the most time efficient manner.
- As you are aware the Planning Committee granted Outline Planning Permission on 13<sup>th</sup> July 2015 for a doctors' surgery adjacent to Tall Trees, Oddington Road, Stow on the Wold (15/01718/OUT). The then Partners of Stow Surgery opposed the application. At the same meeting an application to build a surgery on the Gypsy Field site (with associated housing), with access off the Oddington Road, supported by the then Partners of Stow Surgery was declined.
- The Partners opposed the planning application on the land adjacent to Tall Trees for the following reasons:-
  1. There were concerns about access to the development.
    - a) The access road (Maugersbury Road) is not wide enough for two 4x4 cars to pass safely at any speed and with additional vehicle movements plus the increased requirement for emergency vehicles, it was felt that this was unsuitable in its current state.

- b) The proposed pedestrian access along the Slad footpath (which links Oddington Road with Maugersbury Road) would require substantial upgrade and as it is not owned by the Tall Trees site owners it was felt that it would not be possible.
2. There was very little scope for future expansion except for in the loft space.
  3. The proposed landowner / developer had no experience in developing either commercial premises or primary care facilities and had not sought advice, either financially or technically from firms with expertise in this area.
- Despite these concerns the Partners accepted the decision of the Planning Committee granting outline planning permission on 13<sup>th</sup> July 2015 and looked forward to working with the developers to facilitate the building of a much needed new surgery.
  - However, since the granting of the planning permission there have been a number of concerns regarding the funding of the project, despite initial reassurances from the Tall Trees Development Team and by early 2017 they informed the Partners that they had no secure funding arrangements after all and were looking at other options. This was made public at the Friends Of Stow Surgery AGM in March 2017.
  - Various deadlines came and went with no updates from the Tall Trees Development Team and therefore at an annual town meeting, arranged by Stow Town Council, on 9<sup>th</sup> May the Partners were only able to make a brief statement explaining the lack of communication and progress and confirming that they would be looking at other options for a new surgery alongside maintaining a dialogue with the Tall Trees team.
  - To this end, the Partners spoke with John Nutbourne of JRN Properties and agreed to support him in the submission of another planning application for a surgery only (no housing) on the Gypsy Field site to ensure that there was an alternative option should there be further delays or an unsuccessful outcome to the planned development adjacent to Tall Trees. Almost immediately this became public knowledge Mrs Scarsbrook's financial advisor advised GVA Grimley, the doctor's advisors, that talks had commenced with Assura, a market leading company which develops, invests and manages portfolios of primary care medical centres across the UK.
  - At the current time, as far as the Partners are aware, there is no absolute, irrefutable guarantee that a surgery will be built on the site adjacent to Tall Trees. The Partners understand that discussions and negotiations are taking place between the Tall Trees Development Team and Assura.
  - The Partners have met with representatives from Assura in the last few days and have been reassured that Assura are keen to do a deal. Assura have advised that they have technical and legal due diligence to undertake and part of the agreement is for all the pre-conditions listed on the planning decision to be signed off by CDC prior to a funding arrangement being signed. They have advised that they expect to be in a position to sign an agreement with Mrs Scarsbrook in September 2017 subject to all of the above being complete and satisfactory.

- This exercise has been a costly experience for all parties involved not to mention the Taxpayers as additional funding had to be requested by the surgery to cover higher than expected professional fees due to the inexperience of the development team.
- Geoffrey Clifton-Brown, MP, in association with Stow Town Council called a public meeting which was held on 30<sup>th</sup> June 2017 in the town to seek people's views on the two surgery proposals. The doctors and the majority of attendees voted in favour of the motion to request CDC to expedite hearing this application in order that the doctors have a choice of premises.
- Over the last two years, relationships with the Tall Trees Development Team have become strained and the doctors are still uncertain whether the project will achieve a successful outcome. They are continuing to work with the Tall Trees team but feel that, for the benefit of the patients, the most expedient and viable option for new premises must be supported. At the current time there is insufficient information available to make that decision and as such the Partners are supporting both the Tall Trees and the JRN Properties proposals.
- The JRN Properties application does have various advantages in terms of a more pleasing traditional design, it has room for expansion on the ground floor, which is crucial and it does not have the contentious access from Maugersbury Road. Mr Nutbourne has an excellent track record of building locally and has a sound financial model in place.

The Partners look forward to hearing the result on 9<sup>th</sup> August.

Kind regards

Yours sincerely

Sophie Williams (Mrs)  
Practice Manager

On behalf of Dr Judy Thorne, Dr Paul Sherringham, Dr Catherine Lawrence and Dr Anna Chiles – Partners of Stow Surgery