



**COUNCIL**  
**(SPECIAL MEETING)**

**26<sup>TH</sup> SEPTEMBER 2017**

**AGENDA ITEM (3)**

**OUTLINE PLANNING APPLICATION - LAND TO THE SOUTH OF CHESTERTON, CIRENCESTER**  
**(16/00054/OUT)**

<b>Ward Members</b>	Councillor AR Brassington - Four Acres Councillor Jenny Hincks - Watermoor Councillor RC Hughes - Chesterton
<b>Accountable Officers</b>	Philippa Lowe Head of Planning and Strategic Housing 01285 623000 philippa.lowe@cotswold.gov.uk  Helen Donnelly Senior Planner (Development Management) 01285 623000 helen.donnelly@cotswold.gov.uk
<b>Purpose of Report</b>	To determine outline planning application 16/00054/OUT - land at Chesterton Farm, Cranhams Lane, Cirencester -  Outline application (with all matters except access reserved for subsequent consideration) for a mixed use development comprising demolition of existing buildings (as detailed on the submitted demolition plan) and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane), landscaping and associated supporting infrastructure to include vehicle access points from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road.
<b>Recommendation(s)</b>	(a) <b>That the application be PERMITTED subject to:</b>  (i) <b>the completion of Section 106 Legal Agreements between the Applicant and Cotswold District Council and the Applicant and Gloucestershire County Council, prior to the decision notice being issued;</b>  (ii) <b>the suggested draft conditions set out in the application report, together with any draft conditions as may be agreed by the Council at its Meeting on 26<sup>th</sup> September 2017;</b>

	<p>(iii) delegated authority being given to the Head of Planning and Strategic Housing, in consultation with the Chairman and Vice-Chairman of the Council, to amend and/or add to the suggested draft conditions set out in the application report prior to the decision notice being issued, where such amendments would be legally sound and would not deviate significantly from the purpose of the draft conditions;</p> <p>(iv) no new material issues arising from the Examination of the Cotswold District Local Plan 2011-2031;</p> <p>(v) referral to, and confirmation from, the Secretary of State that the application will not be called-in for determination by the Secretary of State if the decision notice is to be issued in advance of the adoption of the Cotswold District Local Plan 2011-2031.</p> <p><b>IN THE EVENT OF PERMISSION BEING GRANTED BY THE COUNCIL -</b></p> <p>(b) that if, by 12<sup>th</sup> April 2018, one or both of the Section 106 legal agreements have not been completed and an extension of time for completion has not been agreed, delegated authority being given to the Head of Planning and Strategic Housing to refuse the application, with the reason for refusal to be based upon the failure to secure the required infrastructure to support the development.</p>
<p><b>Reason(s) for Recommendation(s)</b></p>	<p>Please see attached application report</p>

<p><b>Ward(s) Affected</b></p>	<p>All Wards but, in particular, Four Acres, Chesterton and Watermoor, other Cirencester Wards (Abbey, The Beeches, New Mills, St Michaels and Stratton) and adjacent Wards (Kemble, Siddington and Cerney Rural).</p>
<p><b>Key Decision</b></p>	<p>Not applicable</p>
<p><b>Recommendation to Council</b></p>	<p>Not applicable</p>

<p><b>Financial Implications</b></p>	<p>If the application progresses to development, the Council will benefit from New Homes Bonus funding. The funding, under existing scheme conditions, is worth approximately £1,500 per dwelling.(Council Tax Band D equivalent) per annum for four years. In addition, each affordable housing unit will attract additional New Homes Bonus worth £350 per annum for four years.</p> <p>The New Homes Bonus available to the Council would be in the region of £13m, assuming a mix of band B and band D properties. The affordable home element would be an additional £980,000.</p> <p>Once development is completed, the Council will increase its annual income from Council Tax by £275,000 to support provision of services.</p>
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	There would be financial implications associated with a Public Inquiry should an appeal be lodged against a refusal or on the grounds of non-determination.
<b>Legal and Human Rights Implications</b>	<p>In addition to the Applicant's right to appeal against a refusal or on the on the grounds on non-determination, failure to follow the correct procedure and policies in making a decision could lead to the potential for the decision to be subject to Judicial Review.</p> <p>The Human Rights Act 1998 requires the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevance to the planning decisions are Article 1 of the First Protocol - The Right of the Enjoyment of Property, and Article 8 - The Right for Respect for Home, Privacy and Family Life. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. Officers have been mindful of the potential private interests and these have been weighed against the wider public interest in making the recommendation. Members must equally have regard to Human Rights issues in determining the outline planning application.</p>
<b>Environmental and Sustainability Implications</b>	Officers recommend approval of this application on the basis that the proposals constitute sustainable development in the context of the National Planning Policy Framework.
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	The determination of this application could impact on the progress of the emerging Local Plan and the Council's ability to deliver sufficient housing and employment land to meet the identified need.
<b>Equalities Analysis</b>	<p>No effect on protected groups identified.</p> <p>Section 149 of the Public Sector Equality Act 2010 introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In this regard, and in coming to the recommendation, Officers consider that there would be some positive impact on protected persons arising from the provision of affordable housing, and housing for older people.</p>
<b>Related Decisions</b>	<p>Cabinet (Special Meeting) - 4<sup>th</sup> December 2014 - Local Plan Reg.18 Consultation: Development Strategy and Site Allocations</p> <p>Cabinet - 15<sup>th</sup> October 2015 - Local Plan Reg.18 Consultation: Planning Policies</p> <p>Cabinet (Special Meeting) - 21<sup>st</sup> April 2016 - Cotswold District Local Plan Submission Draft Reg. 19</p>

	<p>Council - 17<sup>th</sup> May 2016 - Cotswold District Local Plan Submission Draft Reg. 19</p> <p>Cabinet - 20<sup>th</sup> October 2016 - Submission Draft Cotswold Local Plan - Focussed Changes</p> <p>Council - 13th June 2017 - Focussed Changes and Minor Modifications to the Submission Draft Cotswold District Local Plan</p> <p>Council - 13th June 2017 - Removal of Ward Member Voting Restriction</p>
<b>Background Documents</b>	The planning application (16/00054/OUT) files contain a range of background documents including comments from third parties, technical reports etc.
<b>Appendices</b>	Please see attached application report
<b>Performance Management Follow Up</b>	The delivery of housing and employment at this site will be monitored as part of the local plan implementation monitoring.
<b>Options for Joint Working</b>	Not applicable

### **Background Information**

All of the background information is provided in the attached application report. However, Members should also note the following:-

- The outline planning application has been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance. Relevant legislation that is of particular importance in the consideration and determination of the application has been referred to within the application report.
- The reference to Policy Background in the application report is intended only to highlight the policies most relevant to the outline planning application. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report has been printed will be reported either prior to or at the Meeting, either in the form of lists of Additional Representations, or orally. Late information might result in a change in the Officer recommendation.
- Members are encouraged to approach Officers with factual questions arising out of the papers as soon as possible. If questions are submitted within a week of the papers being circulated, it is hoped that responses can be made available in advance of the Council Meeting.
- Any representations received after the Council Meeting will be considered by Officers. If any raise new material considerations that have not been considered by the Council, Officers will assess what, if any, further action might be required

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