

# Chapter 1: Introduction

- 1.1 (a) The Officer Recommendation is the Council resolves to PERMIT the application for the reasons set out in the Report subject to:
- (i) 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;
  - (ii) 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 12th December 2017;
  - (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;
  - (iv) referring the application back to the Council if any new or altered material considerations arise before the grant of planning permission which, in the view of the Head of Planning and Strategic Housing (having consulted the Group Manager of Land, Legal and Property Services), may have the effect of altering the resolution ;**
  - (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.

## IN THE EVENT OF PERMISSION BEING GRANTED BY THE COUNCIL –

- (b) that if, by 12th 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.
- 1.2 The application is an outline planning application for a mixed use development on land at the southern edge of Cirencester, which would consist of the following:
- Up to 2,350 dwellings which would include 100 units of student accommodation and 60 homes for the elderly (all of which would have a C3 (dwellinghouse) use);
  - 9.1 hectares of employment land which would have B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) uses;

- A primary school;
  - A neighbourhood centre comprised of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) uses as well as community facilities (D1 use);
  - Public open space, play areas, allotments, playing fields and landscaping;
  - Vehicle access into the site from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road along with pedestrian and cycle links;
  - The demolition of buildings at The Steadings and modern agricultural buildings within the existing farmyard complex.
- 1.3 Access is a consideration of the outline application, hereafter referred to as the “OPA”, but the external appearance and scale of buildings, the layout of the site, and landscaping are all “Reserved Matters”, which would be the subject of subsequent applications for approval by the Council.
- 1.4 The OPA has been referred for determination by Full Council following a consultation with the Chair of the Council, the Chair of the Planning and Licensing Committee, the Ward Members and the Leader of the Council. It was considered appropriate for the OPA to be determined by Full Council due to the significance of it, not only to Cirencester but to the District as a whole, given that the application site is the only strategic site allocated within the Cotswold District Local Plan 2011-2031 hereafter referred to as the emerging Local Plan.
- 1.5 The Officer recommendation is to permit the OPA subject to the completion of Section 106 Legal Agreements. This recommendation therefore requires Members to determine the OPA prior to the examination and adoption of the emerging Local Plan. It is expected that negotiations, drafting and completion of the S106 Legal Agreements will take several months following a resolution from Full Council to approve the OPA and, should anything arise from the Local Plan examination process during that period which is considered to be “material” to the resolution, then the OPA would be referred back to Full Council.
- 1.6 If Members vote to approve the Officer Recommendation (i.e. the decision notice would be issued in advance of the adoption of the emerging Local Plan) the Council would have to refer the OPA to the Secretary of State (SoS) in accordance with the Town and Country Planning (Consultation) (England) Direction 2009. The referral is required under the regulations due to the size of the proposed retail/leisure/office development, which would be outside of Cirencester town centre and would not be in accordance with an adopted Local Plan policy.
- 1.7 Officers have recently been advised by the National Planning Casework Unit that the referral to the SoS can be undertaken shortly after the Full Council meeting and in advance of the completion of the S106 Legal Agreements. The SoS has a statutory period of 21 days to determine whether the OPA is to be “Called In” (i.e. determined by the SoS) under Section 77 of the Town and Country Planning Act 1990. This statutory period can be extended by a “Holding Direction” issued by the SoS under Article 25 of the Town & Country Planning (Development Management Procedure) Order 2010, while the SoS makes his consideration. The Holding Direction restricts the granting of planning permission, either indefinitely or during a time period specified by the SoS.
- 1.8 The SoS also has powers to call in an application regardless of the Council’s requirement to refer the application. For example, if the decision would be issued even after the adoption of

the emerging Local Plan, the Council would not be required to refer the OPA to the SoS, but the SoS could still call in it for consideration.

- 1.9 The Applicant has agreed a Planning Performance Agreement with the Council which has set out a timescale for the determination of the OPA. The date of 12<sup>th</sup> April 2018 is the agreed date for completing the Section 106 Legal Agreements and issuing of the decision notice.
- 1.10 Members attended Site Inspection Briefings held on 18<sup>th</sup> July 2017 and 5<sup>th</sup> September 2017 and questions received from Members after the July briefing, and the responses of Officers have been collated and included as **Appendix 1 [amended Appendix 1a]**. Any additional questions and responses will be circulated as Additional Pages.
- 1.11 Members are advised that the Applicant is Bathurst Development Ltd (BDL), and for the purposes of this report, reference to the “Applicant” encompasses the Applicant, their planning agent, highways consultant and any other consultant working on their behalf.

A glossary to assist Members has been attached as **Appendix 2**.

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## Chapter 2: Site Description and Site History

### Introduction

- 2.1 This chapter will provide an overview of the location of the application site and a brief description of the features and constraints within the site and in the immediate locality of it. Further details will be provided, where appropriate, within the specific topic chapters of this report.

### Site Location and Description

- 2.2 The application site is located on the southern edge of Cirencester, and the centre of the site (i.e. the existing farm buildings) is approximately 1.7km in a straight line from the historic town centre (i.e. the Market Place). The site is predominantly agricultural land totalling an area of approximately 120.4 hectares (297.5 acres). A map showing the location of the site is attached as **Appendix 3**.
- 2.3 The majority of the site is located between Spratsgate Lane to the east and Tetbury Road (A429) to the west. In addition, there are two parcels of land, which both measure approximately 3.2 hectares in area, located to the east of Somerford Road and Spratsgate Lane. The northern parcel is sited between the allotments and Wilkinson Road. The southern parcel is sited between Spratsgate Lane and the former Kemble – Cirencester railway line.
- 2.4 The majority of the application site straddles the wards of Councillor Ray Brassington (Four Acres) and Councillor Roly Hughes (Chesterton). A smaller section to the east of Somerford Road/Spratsgate Lane lies within the ward of Councillor Jenny Hincks (Watermoor).
- 2.5 Adjacent to the northern boundary of the main part of the application site is the residential area of “Chesterton” which is comprised predominately of housing erected in the 1970s, 1980s and 1990s. Towards the north-western side of the application site is Cirencester Business Park and Chesterton Cemetery.
- 2.6 The application site does not lie within a nationally or locally designated landscape (i.e. the Cotswolds Area of Outstanding Natural Beauty or in a Special Landscape Area), nor does it lie within a Greenbelt. Fields within the application site are bounded by hedgerows with some drystone walls and there are individual trees, groups of trees and woodland areas which are covered by a Tree Preservation Order.
- 2.7 There are a number of Public Rights of Way (PRoW) that cross the application site. The PRoWs consist of both bridleways and footpaths and they are popular and generally well used for recreation by local residents. A map showing the PRoWs has been included as **Appendix 4**.
- 2.8 A bridleway (which has the reference number 26) runs from the Tetbury Road along the southern boundary of the application site for approximately 1.1km. At the eastern end of this bridleway lies a footpath (no.29) which extends from The Maples to the north of the application site and runs along the western boundary of The Cranhams. A footpath (no.28) continues beyond the southern boundary of the application site.

- 2.9 A bridleway (no.24) leads from Chesterton Lane in the north, along the existing driveway, and past the farm buildings. It currently provides the main access to the farm buildings and it terminates at the southern boundary of the site. A footpath (no.27) continues in a southerly direction beyond this point. There is a third bridleway within the application site (no.30) that runs from Cranhams Lane in the north in a southerly direction across the site, past the front elevation of the farmhouse and terminates at the southern boundary. A fourth bridleway (no.25) runs from the southern boundary of the application site, approximately 300m to the Tetbury Road.
- 2.10 The Monarch's Way (no.31) is a designated long-distance footpath that extends from Worcester to Brighton. Part of it lies to the west of the application site within the grounds of the Royal Agricultural University.
- 2.11 Existing buildings within the site are located in two areas. The farmhouse and a barn (which are both individually listed buildings), three curtilage listed dwellings and 20<sup>th</sup> century agricultural buildings, form the farm complex at the centre of the site. The second group of buildings, known as "The Steadings" is located at the western boundary of the application site.
- 2.12 A Scheduled Ancient Monument (SAM) is partly located within the application site. The SAM is located at the southern edge of the boundary, it cover an area of approximately 21 hectares with approximately 4.4 hectares located within the application site.
- 2.13 The application site lies within Flood Zone 1, which is the zone defined by the Environment Agency as being the zone with the lowest risk of flooding (i.e. land assessed as having a less than 1 in 1000 year annual probability of river or sea flooding).
- 2.14 There are no main rivers within the application site, but there is a watercourse (unnamed) located 150m to the east of the farm buildings and three other ditches within the application site. The ditches and watercourse are located to the east of the farm buildings.
- 2.15 There are four ponds within the vicinity of the application site. At the northern boundary and to the south of Haygarth Close and west of Linacre Crescent, lies a balancing pond within the ownership of Thames Water. There is a pond within the grounds of The Cranhams, and one to the south of the bridleway. These three ponds are outside of the application site. Within the application site there is a small rectangular pond within the eastern section of the site.
- 2.16 There are no statutory biodiversity designations (e.g. Sites of Special Scientific Interest) within the application site or immediately adjacent to it. There are five Key Wildlife Sites (non-statutory local designations) present within 2km of the application site, the nearest being the River Churn, approximately 580 metres from the application site.
- 2.17 There are a number of man-made constraints within and adjacent to the application site. A high pressure gas pipe line runs through the site in an east-west direction. It joins a gas pressure reducer located within a compound outside of the application site on Spratsgate Lane. The high pressure gas pipeline then continues in a southerly direction. There is an intermediate gas main that runs in a north-east to south-east direction from Alexander Drive towards Spratsgate Lane.
- 2.18 A high voltage (400kV) overhead powerline crosses the south-eastern corner of the site and parallel to it is a 132kV powerline.

## Planning History

2.19 There have not been any applications within the site which are directly relevant to the consideration of the current OPA but, for background information and completeness, the following applications may be considered relevant:-

- Alexander Drive: CT.0288/B. Outline residential development on 6 acres. Permitted 29.06.1967.
- The Steadings: CT.0503/B. Use of Existing Buildings at Local Authority Depot. Permitted 23.12.1963.
- The Maples/College View: CT.1679/F. Outline application for residential development and playing field. Construction of new vehicular and pedestrian accesses and alteration of existing vehicular and pedestrian accesses. Permitted 23.08.1974.
- The Steadings: CT.0503/M. Change of use to veterinary centre and horse hospital. Permitted 28.09.1979.
- The Steadings: CT.0503/P. Determination Under Section 53 of the Town and County Planning Act 1971 for the use of land as depot for operation of no more than 9 lorries and 6 vans, storage, workshops and residential accommodation. Proposal confirmed as development 20.08.1980.
- Chesterton Estate: CT.6428. Outline Application for residential development to include drainage details, use of 2.2 acres of land as Public Open Space and location of landscape buffer. Construction of new vehicular & pedestrian accesses and layout of new estate roads. Permitted 18.03.1987.
- Chesterton Estate: CT.6428/B. Construction of surface water retention lagoon and off-site surface water sewer. Permitted 18.02.1988.
- Cirencester Office Park: CT.1679/4/H. Outline application for an office development within class B1 and 224 car parking spaces. Permitted 20.07.1999.
- Cirencester Office Park: CT.1679/5/B. Four individual suites of offices in one two storey block and two three storey blocks each with its own entrance, with ancillary parking and new access road. Refused 11.04.2003. Allowed on appeal 07.04.2004.
- Love Lane: CT.1445/J. Outline Erection of 10 Industrial/Warehouse Buildings for Use Class B2 and B8 and formation of access. Permitted 13.07.2006.
- Love Lane: CT.1445/K. Resubmission of outline application. Permitted 12.08.2009.
- Royal Agricultural University: 10/00964/OUT. Renewal of extant permission 01/01011/OUT for the development of a business park comprising educational, research, agricultural business uses/conference facility, access and ancillary works. Permitted 03.05.2013 (5 year time period for commencement).
- Chesterton Farm: 13/02373/SCOPE. Scoping Opinion for Mixed use development. Adopted 11.12.2013.
- Land To The South Of Love Lane (Severalls Field) 15/05165/OUT: Outline application for the erection of up to 88 dwellings, to include vehicular access off Park Way; new

pedestrian and cycle links to the wider area; improvements to Siddington School, including improved access facilities and the erection of a new purpose built school hall; a solar park; ecological enhancements; strategic landscaping; and associated infrastructure. An appeal was lodged on the grounds of non-determination and Members were minded to refuse the application 10.08.2016. Appeal allowed (Ref: APP/F1610/16/W/3151754)13.06.2017.



## **Chapter 3: The Content of the Application and Environmental Statement**

### **Plans and Reports**

- 3.1 The OPA was submitted in January 2016 and has been accompanied by the following reports/assessments:
- Affordable Housing Statement
  - Design and Access Statement
  - Draft Heads of Terms
  - Ecological Mitigation and Management Framework (submitted April 2017)
  - Energy Statement
  - Environmental Statement
  - Foul Water Drainage and Utilities Assessment
  - Green Infrastructure Strategy
  - Planning Statement
  - Retail Impact Assessment
  - Statement of Community Involvement
  - Sustainability Statement
  - Transport Assessment including Highways Access Plans
  - Travel Plan
  - Viability Assessment
- 3.2 The application has also been accompanied by three parameter plans relating to land use, maximum building heights and green infrastructure. These plans are to be approved as part of the OPA and will be discussed in more detail within Chapter 7: Site Layout and Design. An illustrative layout plan and an illustrative phasing plan have been submitted but, they are indicative only and would therefore not form part of the approved documentation.

### **Environmental Statement**

- 3.3 An Environmental Statement has been submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The size of the OPA development exceeds the threshold as set out within Schedule 2, paragraph 10 (b) "Urban Development Projects" of the regulations.
- 3.4 The purpose of an Environmental Statement (ES) is to assess the likely significant effects of a development on the environment and it enables a Local Planning Authority (LPA), or a Planning Inspector, to make a decision on a planning application in the full knowledge of any such identified effects.
- 3.5 A Scoping Opinion was submitted by the applicant to the Council in 2013 seeking agreement on the content (scope) of the ES (reference 13/02373/SCOPE). In accordance with this Scoping Opinion, the ES has covered the following topics:
- Soils and Agricultural Baseline
  - Ground Condition (Phase 1 Geo-environmental Assessment)
  - Drainage and Flood Risk (Flood Risk Assessment and Surface Water Drainage Strategy)
  - Biodiversity (Ecological Baseline)

- Landscape and Visual (Landscape and Visual Impact Assessment, Arboricultural Impact Assessment Schedule of Effects)
- Archaeology and Heritage (Archaeology Assessment Report, Geophysical Surveys, Heritage Evaluations and Assessments)
- Transport and Access
- Air Quality
- Noise and Vibration
- Socio-economics

- 3.6 It is explained within the ES that best practice has been followed for each subject chapter where it is available and in the absence of best practice, a structured approach has been followed. Each receptor (e.g. a place, landscape, feature, building etc.) has been attributed a value according to its scale or level of sensitivity. The predicted change that would arise from the development has been accorded a magnitude (major, moderate, minor or negligible) and change can be positive (i.e. beneficial), negative (e.g. adverse) or negligible.
- 3.7 The level of impact has been determined using a table which sets receptor sensitivity against the magnitude of the change. A level of impact which is “moderate” “moderate/major” or major is considered within the ES as being significant. The ES also takes into account whether impacts would be direct or indirect and their duration. The residual effects (i.e. the effects after mitigation measures have been implemented) and cumulative effects have also been considered where relevant.
- 3.8 Officers engaged a multi-disciplinary consultancy (Arup) to undertake an independent review of the ES. The purpose of the review was to ensure that the ES was prepared in accordance with the relevant EIA regulations; that it was completed to a standard to enable the Council to make a fully informed decision on the OPA; to ensure that the ES properly describes the measures proposed to avoid, reduce and remedy significant adverse impacts and to identify any further information required.
- 3.9 The Arup review was a qualitative assessment of the ES based on best practice in addition to statutory requirements. Officers considered the recommendations made by Arup and, in conjunction with advice from internal consultees, two letters were issued in July 2016 seeking additional information. One letter was issued in accordance with Regulation 22 of the EIA Regulations seeking information in relation to the likely significant impacts of the development. The other letter requested further clarification on a number of items. The additional information was submitted in October, November and December 2016. A further addendum to the ES was submitted in April 2017 following the inclusion of additional highway mitigation works and the Ecological Mitigation and Management Framework.
- 3.10 Officers are satisfied that the ES includes all the environmental information reasonably required to assess the environmental effects of the proposed development, including the information referred to in Part 2 of Schedule 4 of the aforementioned Regulations. The environmental information has been taken into consideration in drafting this report and recommendations. Where necessary this report describes the main measures to avoid, reduce and offset any major adverse effects identified within the ES.

## Chapter 4: Policy Background

### Introduction

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 states that, when dealing with a planning application, a LPA shall “Have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.
- 4.2 [Section 38\(3\) of the Planning and Compulsory Purchase Act 2004](#) defines the development plan as “The development plan documents (taken as a whole), which have been adopted or approved in relation to that area”.
- 4.3 For the purposes of the determination of the OPA, the development plan is the Cotswold District Local Plan 2001-2011, referred to in this report as the “adopted Local Plan”.
- 4.4 [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 4.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out the Government’s planning policies for England and how these are expected to be applied by LPAs in both the drafting of planning policies and the determination of planning applications. The NPPF does not form part of the development plan but, in the context of the aforementioned legislation, it is a material consideration in the determination of the OPA.

### National Planning Policy Framework (NPPF)

- 4.6 The NPPF has, at its core, a presumption in favour of sustainable development and this is described in paragraph 14 as the “Golden Thread” that runs through the document. There are three dimensions to sustainable development, set out within paragraph 7, these being economic, social and environmental. The NPPF states that development should, where possible, seek joint and simultaneous gains in all three dimensions of sustainability.
- 4.7 Paragraph 14 of the NPPF sets out that, unless material circumstances indicate otherwise, the presumption in favour of sustainable development means “Approving development proposals that accord with the development plan without delay; and;
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted”.
- 4.8 **This is what is known as the tilted balance test.**
- 4.9 The presumption in favour of sustainable development does not apply if “Restrictive Policies” within the NPPF indicate otherwise. The footnote to paragraph 14 states that examples of such policies are those related to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a

National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

- 4.10 The NPPF must be read as a whole. Paragraph 6 states that “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the government’s view of what sustainable development in England means in practice for the planning system”. There are a number of chapters within the NPPF that have particular relevance to the determination of the OPA. These have been set out below with a brief summary of each. References to specific paragraphs will be made within the topic chapters of the report.
- 4.11 Chapter 4 - ‘Promoting Sustainable Transport’: The NPPF advises within this chapter that development should be focused in locations where occupants have a real choice over how they travel. The opportunities for sustainable modes of transport should be maximised depending upon the nature and location of the site. To achieve this, developments should be designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Development that would result in severe impacts should be refused.
- 4.12 Chapter 6 - ‘Delivering a Wide Choice of High Quality Homes’: The NPPF seeks to “Significantly boost the supply of housing” and housing applications should be considered in the context of the presumption in favour of sustainable development. A mixture of housing for existing and future needs, demographic trends and market trends will contribute towards sustainable, inclusive and mixed communities. The NPPF advises that larger scale developments which follow the principles of Garden Cities can sometimes be the best method of delivering new homes.
- 4.13 Chapter 7 - ‘Requiring Good Design’: The NPPF stresses the importance of good design and the key role it plays in achieving sustainable development. Developments should be designed to be attractive and safe places for people to live; work and visit, with a mix of uses which function well and add to the quality of the area for the lifetime of the development. Good design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Design should reflect local character and history, but innovation should not be stifled.
- 4.14 Chapter 8 - ‘Promoting Healthy Communities’: Planning decisions should aim to achieve places which promote opportunities for members of the community to mix, which can be achieved through mixed use developments, strong neighbourhood centres and active street frontages that bring together those who work, live and play in the vicinity. Developments should be safe and accessible for all, with services and facilities to enhance the sustainability of communities.
- 4.15 Chapter 11 – ‘Conserving and enhancing the natural environment’: The NPPF recognises the role that planning can play on both contributing to and enhancing the natural and local environment through the protection and enhancement of valued landscapes and soils, minimising the impacts on biodiversity and providing net gains in biodiversity. New and existing development should be prevented from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution.
- 4.16 Chapter 12 – ‘Conserving and enhancing the historic environment’: The NPPF advises that when, making decisions on planning applications, Local Planning Authorities (LPA) should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that they can make to sustainable communities. In

addition, new development should make a positive contribution to local character and distinctiveness.

- 4.17 'Decision Making': The NPPF emphasises the positive approach that should be taken in decision making to foster the delivery of sustainable development. LPAs should look for solutions and are encouraged to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area. Pre-application consultation between developers, the local community and consultees is encouraged. Again, when assessing and determining applications, LPAs should apply the presumption in favour of sustainable development.

### **National Planning Practice Guidance (NPPG)**

- 4.18 The National Planning Policy Guidance (NPPG) provides context to the NPPF. It is an online Central Government resource which covers over 40 topics areas and provides further guidance to LPAs regarding plan making and decision making. It is a material consideration in the determination of planning applications. Reference will be made in this report to specific parts of the NPPG where relevant.

### **The Adopted Local Plan: Cotswold District Local Plan 2001-2011**

#### **Status**

- 4.19 The Cotswold District Local Plan 2001-2011 was adopted in April 2006. For the purpose of this report it will be referred to as the adopted Local Plan. In January 2009, a number of policies were saved by the Secretary of State until the emerging Local Plan is adopted. The weight that can be applied to these policies is dependent upon their degree of consistency with the NPPF, i.e. the closer the policy in question accords with the NPPF, the greater the weight that may be given to it (paragraph 215 of the NPPF).
- 4.20 It is also relevant at this stage to make reference to paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites".
- 4.21 Further interpretation of paragraph 49 has arisen from the Supreme Court Judgment released in May 2016 (*Suffolk Coastal District Council V Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council*). The judgement clarifies that if a policy which deals with housing supply is out of date; it does not render other policies within the local plan that serve a different purpose as being out of date. The Supreme Court ruled that the important question for a decision maker is not how individual policies should be defined but whether there is a five year housing land supply: "If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14."
- 4.22 The interpretation of paragraph 49 is of particular relevance to the consideration of Policy 19 (Development Outside Development Boundaries) of the adopted Local Plan. This "saved" policy is supportive of development that is appropriate to a rural area and seeks to resist open market housing that would not meet a social or economic need. The application site lies outside of the development boundary for Cirencester as defined by this policy.

- 4.23 However, the policy is out of date in factual terms, as it was intended only to meet the District's housing needs up to 2011 and was based upon "top down" housing targets. The policy carries very limited weight in the consideration of applications for housing and because it is time expired; paragraph 14 of the NPPF is triggered. This position has been confirmed by numerous Inspectors in respect of housing appeals in the District.

#### **Policies of the Adopted Local Plan**

- 4.24 The weight that can be given to other policies of the adopted Local Plan that do not relate to the delivery of housing is a matter of planning judgement for the Council. While many of the policies of the adopted Local Plan accord with the NPPF, they were adopted before the NPPF came into force and the evidence base behind some of the policies is out of date. For those reasons alone, Officers consider that they cannot be afforded significant weight.
- 4.25 For the purposes of determining the OPA, the following policies have been considered by Officers to be relevant to the consideration of the OPA and a judgement has been made as to the weight that can be afforded to them:
- 4.26 Policy 5 (Pollution and Safety Hazards): The policy states that development that would result in an unacceptable risk to public health or safety, the environment, general amenity or existing land use will not be permitted and conditions will be used to minimise pollution and levels of harm arising from a development. This policy is consistent with the NPPF and can be afforded moderate weight.
- 4.27 Policy 9 (Biodiversity, Geology and Geomorphology): Protection is given to internationally and nationally designated sites, and development that would be harmful would only be permitted if there is no alternative solution and if there are imperative reasons of overriding public interest for permitting the development. Development that would have an adverse impact upon locally designated sites will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the site. Where development is permitted, conditions and/or planning obligations will be used to secure appropriate mitigation and compensatory measures and they will be used to safeguard legally protected species and their habitats and habitats for priority species should be enhanced or created. The NPPF has more emphasis on enhancement, but overall this policy is consistent and can be afforded moderate weight.
- 4.28 Policy 10 (Trees, Woodlands and Hedgerows): Development that would destroy or adversely affect a protected tree will not be permitted unless it would be of benefit to the character or appearance of the area or would be in the interest of good forestry or arboricultural practice. Important or culturally moderate hedgerows will be retained unless there are overriding reasons for their removal. The general thrust of the policy accords with the NPPF, although there is no mention of Tree Preservation Orders and hedgerows within the NPPF. The policy can be afforded moderate weight.
- 4.29 Policy 11 (The Historic Landscape): Development that would affect the setting of an historic landscape (e.g. parks and gardens, ancient farming systems) will not be permitted. The policy is broadly consistent with the NPPF, although it does not make reference to balancing harm against public benefit which is set out within the NPPF. The policy can be afforded limited weight.
- 4.30 Policy 15 (Conservation Areas): This policy seeks to prevent development that would result in harm to the character and appearance of a conservation area. This policy is partially consistent with the NPPF, which encompasses Conservation Areas with designated heritage assets. The policy does not mention the balancing of harm against public benefit and, as such, can be afforded limited weight.

- 4.31 Policy 21 (Affordable Housing): The policy seeks a proportion of affordable housing, up to 50% subject to viability, on residential developments within the District. The policy advises that affordable housing should be integrated in terms of design and layout in a “tenure blind form”. The policy is supported by a Supplementary Planning Guide. This policy is broadly consistent with the NPPF, although it has a more restrictive approach to cross subsidy than the NPPF and can consequently be afforded limited weight.
- 4.32 Policy 24 (Employment Uses): This policy provides an allocation of 21.5 hectares of protected employment land over the Local Plan period 2001-2011. Employment proposals in settlements are supported subject to a number of criteria, including the proviso that the sites are not within open countryside and the proposed access and road network are adequate for use. The thrust of this policy is consistent with the NPPF, although the time period for the allocation of employment land has expired. Therefore, as with Policy 19, this policy can be afforded very limited weight.
- 4.33 Policy 25 (Vitality and Viability of Settlements): The policy seeks to protect the vitality and viability of commercial centres by requiring development outside of commercial centres to be subject to a sequential test in respect of potential alternative sites, and supported by evidence that the proposed development would not be harmful to the vitality and viability of settlements, along with evidence of need and accessibility. The NPPF seeks to protect town centres and this policy is consistent with the NPPF and can be afforded moderate weight.
- 4.34 Policy 32 (Community Facilities): This policy encourages new community facilities to have multi-purpose uses. This policy is consistent with the NPPF and can be afforded moderate weight.
- 4.35 Policy 34 (Landscaped Open Spaces and Play Areas in Residential Development): This policy requires the provision of appropriately located and landscaped areas as part of a new residential development and appropriately sized children’s play areas. This policy is consistent with the NPPF and can be afforded moderate weight.
- 4.36 Policy 38 (Accessibility to and within New Development): This policy requires the appropriate provision of improvements to access or enhanced transport infrastructure to be provided as part of a development. Sustainable and safe access should be provided with modes for alternative transport to be safe, well-considered and attractive. Traffic arising from the development shall not have an unacceptably detrimental effect on the highway network. This policy is consistent with the NPPF and can be afforded moderate weight.
- 4.37 Policy 42 (Cotswold District Design Code): This policy requires new development to be designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District. It is supported by the ‘Cotswold Design Code Supplementary Planning Guidance’ which confirms that the policy can also be applied to proposals for contemporary architecture’. This policy is consistent with the NPPF can be afforded moderate weight.
- 4.38 Policy 43 (Provision for the Community): This policy requires the provision of community facilities, or contributions towards existing facilities as part of any moderate residential development. This policy is consistent with the NPPF, although it is more strongly worded than the NPPF. It can be afforded moderate weight.
- 4.39 Policy 44 (Public Art): This policy requires the provision of physical pieces of public art from developments of 10 or more dwellings. The NPPF makes no reference to public art provision and, for this reason; the policy cannot be afforded any weight.

- 4.40 Policy 45 (Landscaping in New Development): This policy requires a high standard of landscaping in new developments, with the retention and integration of existing landscape features. New landscaping should not adversely affect views of the wider landscape from public vantage points. This policy is consistent with the NPPF and can be afforded moderate weight.
- 4.41 Policy 46 (Privacy and Gardens in Residential Development): This policy requires the design and layout of new residential development to provide adequate areas of open space around dwellings so as to ensure reasonable privacy, daylight and adequate outdoor living space. This policy is also used to assess such impacts between existing and proposed development. The NPPF is not specific on this matter, but overall the thrust of the policy is consistent with the NPPF and can be afforded moderate weight.
- 4.42 Policy 47 (Community Safety and Crime Prevention): This policy requires proposals for new development to be designed in a manner that reduces the opportunity for crime to occur and enhance community safety. This policy is consistent with the NPPF and has moderate weight.
- 4.43 Policy 49 (Planning Obligations and Conditions): This policy requires mitigation, or compensation, for the social, economic and environmental impacts of a development in order to achieve sustainable development. The Council will impose conditions or seek legal obligations to secure the provision or improvement of community infrastructure and services that would be made necessary by, and be directly related to, the development. This policy is consistent with the NPPF and can be afforded moderate weight.

### **The Emerging Local Plan: Cotswold District Local Plan 2011-2031**

#### **Site Allocation**

- 4.44 It is of overriding importance to bear in mind that the Council has approved for submission, what it believes to be, a sound Local Plan, including a development strategy to 2031, the strategic site allocation, and a suite of development management policies. The consideration of the OPA, therefore, does not provide an opportunity to revisit the decision of Full Council to allocate the application site for mixed use development. Nevertheless, for background information, a brief summary of the allocation is set out below.
- 4.45 A significant part of the application site, including land at Somerford Road/ Spratsgate Lane, had previously been promoted by the landowner for over 1,000 dwellings and 6.7 hectares of employment land during the preparation of the adopted Local Plan (2001-2011). The sites had not, at that time, been allocated by the Council as potential sites for development as part of the local plan process, preferring sites at Kingshill north and south.
- 4.46 The Local Plan Inquiry Inspector at that time supported the Council's position, explaining that the decision was due to "...Uncertainties as to the strategic housing requirements beyond 2011...it would be inappropriate for me to pre-empt or even influence future decisions on the need to follow such a strategically significant course". His report did, however, state in relation to the current site (para. 7.174) that "Having regard to these considerations and all other matters that have been raised in connection with this site I conclude that in principle it is suitable for allocation".
- 4.47 Turning to the emerging Local Plan, the application site has been identified as a sustainable location for a mixed use development following a comprehensive review of strategic options and sites, and supported by a substantial body of evidence. That evidence includes the various iterations of the Strategic Housing and Employment Land Availability Appraisal



(SHELAA), which assessed the site as being available, suitable and achievable within the plan period.

- 4.48 The Sustainability Appraisal (SA), which has been undertaken at various stages throughout the plan preparation process, has considered the likely significant effects of the planned strategy, including reasonable alternatives, in terms of key sustainability issues. The SA has been prepared in line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004 (the “SEA Regulations”).
- 4.49 The proposal to formally allocate the application site for a strategic scale of mixed use development was approved by the Council on 17th May 2016. The resulting proposal was published shortly afterwards in the Cotswold District Local Plan 2011-2031 Reg.19 Submission Draft. The submission document, incorporating Focussed Changes, was ratified by the Council on 13th June 2017 and submitted to the Planning Inspectorate for examination on 7th July 2017.

### **Status of the Emerging Local Plan**

- 4.50 The NPPF advises within paragraph 216 that “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
- 4.51 The emerging Local Plan, which clearly sets out the Council’s intended ‘direction of travel’ for development within the District up until 2031. The Council is confident that it has submitted a sound document and a robust evidence base, although the emerging Local Plan has yet to be tested at examination. Therefore, as with the policies of the adopted Local Plan, the amount of weight that can be afforded to any policy is a matter of planning judgement.
- 4.52 In these circumstances and given that most policies within the emerging Local Plan have attracted representations; it follows that significant weight cannot be applied to them. However, these policies have been drafted in broad accordance with the NPPF and therefore, even though they have yet to be examined, it is reasonable to assume that some weight can be attached to them.
- 4.53 The Council’s Forward Planning Team have summarised the main issues raised by ‘representors’ or contributors in respect of every policy in the emerging Local Plan. The level of weight that can be afforded to the policies has been considered in light of the nature and materiality of the issues raised. For the purposes of the consideration of the OPA, the policies have been afforded “Little” or “Some” weight; the former relating to policies that have objections which are considered to be material, and the latter relating to policies which have outstanding objections which are not considered by Officers to be material.

### **Relevant Emerging Local Plan Policies**

- 4.54 The policies within the emerging Local Plan have been drafted to accord with the NPPF. those that are of particular relevance to the determination of the OPA are as follows:-

- 4.55 Policy DS1 (Development Strategy): Seventeen settlements, including Cirencester, have been identified as “principal settlements” and these are the focus for the emerging Local Plan’s housing and employment allocations.
- 4.56 The Objectively Assessed Housing Needs Assessment (OAN) for the District has established a need for 8,400 dwellings over the period of the emerging Local Plan. The emerging Local Plan has identified a supply in excess of this figure in order to allow for flexibility and to help ensure that the Plan will deliver its housing requirement and will significantly boost the supply of housing as required by the NPPF (paragraph 47). The supply of identified sites includes:
- Chesterton - 2350 dwellings
  - Completions (01.04.2011 - 31.03.2016) - 2385
  - Extant permissions (01.04.2016) - 3367
  - Other allocations - 760
- 4.57 In addition the emerging Local Plan has included a “Windfall” figure of 960 dwellings which, based on evidence, is an estimate of the number of dwellings expected to come forward in unidentified locations up to 2031.
- 4.58 The development strategy for the District also sets out a requirement of at least 27 hectares of B-class employment land to be delivered over the plan period 2011-2031.
- 4.59 Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.60 Policy DS2 (Development within Development Boundaries): This policy supports the principle of development within development boundaries. Although few representors have raised material objections to the policy per se, there are numerous objections to the allocation of the strategic site and, thereby, the inclusion of that land within the development boundary. Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.61 Policy S2 (Strategic Site South of Chesterton, Cirencester): The policy requires the delivery of up to 2,350 dwellings at the application site, including up to 40% affordable housing and approximately 9.1 hectares of employment land and also sets out the infrastructure requirements for the site. Numerous representations have been made in respect of this policy, mostly from local residents, although some have been submitted by proposers of other development sites. Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.62 Policy H1 (Housing Mix and Tenure to Meet Local Needs): The policy requires all housing developments to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand for both affordable and market housing sectors subject to viability. Developers will be required to comply with the Nationally Described Space Standards. The policy requires developments include self-build and starter homes. Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.63 Policy H2 (Affordable Housing): This policy sets out a requirement of **up to** 40% affordable housing on all housing developments on previously undeveloped sites. Where this cannot be achieved for viability reasons, the Council will arrange for an independent assessment of viability. The policy advises that only in exceptional circumstances will contributions towards

off site affordable housing be acceptable. Due to the nature and materiality of the objections raised, this policy is considered to have little weight.

- 4.64 Policy H4 (Specialist Accommodation for Older People): The policy advises that specialist accommodation for older people needs will be permitted providing that there is a proven need, it is designed to meet specific needs and is accessible to services facilities and public transport. . Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.65 Policy EC1 (Employment Development): The policy is positive towards employment development that supports the creation of high quality jobs in professional, technical and knowledge-based sectors and enables opportunities for more sustainable working practices, including home working. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.66 Policy EC7 (Retail Hierarchy): This policy sets out the retail hierarchy within the District. The policy makes provision for 400sq m of convenience goods and 2,100 sq m of comparison goods floorspace over the plan period, which includes the neighbourhood centre at the application site. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.67 Policy EC9 (Retail Impact Assessments): The policy requires retail developments with a net increase of 100 sq m floorspace or above outside of the town centre to be accompanied by a Retail Impact Assessment. An updated evidence base recommend a lower threshold and due to the nature and materiality of the objections raised, the policy is considered to have little weight.
- 4.68 Policy EN1 (Built, Natural and Historic Environment): The policy requires development, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.69 Policy EN2 (The Built Environment): The policy requires development to accord with the Cotswold Design Code. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.70 Policy EN4 (The Wider Natural and Historic Landscape): The policy supports development where it would not have a significant detrimental impact on the natural and historic landscape. Proposals are expected to enhance, restore and better manage the natural and historic landscape. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.71 Policy EN5 (Cotswolds Area of Outstanding Natural Beauty): The policy refers to the setting of AONBs and the great weight that must be given to the natural beauty of the AONB, its character and special qualities. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.72 Policy EN7 (Trees, Hedgerows and Woodlands): The policy provides protection to trees, woodlands and hedgerows of high landscape, amenity, or ecological value and veteran trees. Where trees, woodlands or hedgerows are to be removed as part of a development, replacement planting will be required. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.73 Policy EN8 (Biodiversity and Geodiversity: Features, Habitats and Species): The policy advises that development that conserves and enhances biodiversity and geodiversity will be

permitted, and net gains should be provided where possible. Development will not be permitted if it would result in significant habitat fragmentation, loss of ecological connectivity, the loss or deterioration of irreplaceable habitats and resources, or would have an adverse effect on protected species. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.

- 4.74 Policy EN9 (Biodiversity and Geodiversity: Designated Sites): This policy provides protection for international, national and locally designated sites. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.75 Policy EN10 (Designated Heritage Assets): The policy provides protection to designated heritage assets and their setting. When it has been identified that harm would be caused to a designated heritage asset, development would not be permitted unless it can be demonstrated that the public benefit would outweigh the harm. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.76 Policy EN12 (Non Designated Heritage Assets): The policy sets out how a non-designated heritage asset is assessed. Development affecting a non-designated heritage assets is permitted provided that it would be designed sympathetically with regard to the asset. The loss of a non-designated heritage asset will be subject to a balanced assessment. The policy provides protection to non-designated heritage assets and their setting. There are no significant unresolved objections to this policy, although the Council has suggested a main modification to the Inspector regarding the wording of the policy. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.77 Policy EN14 (Managing Flood Risk): The policy advises that development must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes into account all sources of flooding. Developments must not increase the risk of on or off site flooding and provision should be made for sustainable urban drainage systems and for flood management/mitigation measures. Due to the nature and materiality of the objections raised, this policy is considered to have little weight.
- 4.78 Policy EN15 (Pollution, Contaminated Land and Hazardous Substances): The policy advises that development will be permitted provided that it will not result in unacceptable risk to public health or safety, the environment or unacceptable levels of pollution. Development will only be permitted on land that is contaminated or suspected of being contaminated if there would be no unacceptable risk to future occupants, and if the appropriate investigations and necessary remedial works have been undertaken. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.79 Policy INF1 (Infrastructure Delivery): In accordance with this policy, development will be permitted where it is identified that infrastructure requirements on or off site can be met. Priority for necessary infrastructure will be assessed both on a site by site basis and in respect of the mitigation of cumulative impact, having regard to implementation of the Cotswold Infrastructure Delivery Plan. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.80 Policy INF2 (Social and Community Infrastructure): Proposals for community facilities required as a consequence of a development will be delivered in synchronisation with the phasing of the development. Such facilities should meet a need and should be economically viable in terms of on-going maintenance. The facility should be well linked and accessible.

Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.

- 4.81 Policy INF3 (Sustainable Transport): The policy supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.82 Policy INF4 (Highway Safety): The policy supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted. The Council considers that no key issues have been raised regarding this policy and it is considered to have some weight.
- 4.83 Policy INF7 (Green Infrastructure): New developments should provide green infrastructure that links to the wider green infrastructure network and is designed to accord with the Cotswold Design Code. Officers consider that the outstanding objections do not raise material issues and as such this policy is considered to have some weight.
- 4.84 Policy INF8 (Water Management Infrastructure): This policy requires developments to take into account existing off-site water and wastewater infrastructure. Development should not result in deterioration in water quality or the pollution of groundwater. Water demand management measures should be incorporated in developments. A number of Focussed Changes have been made to this policy and although Council considers the policy to be sound, there are still outstanding objections. The policy is considered to have little weight.

### **The Vision**

- 4.85 Policy S2 of the emerging Local Plan is supported by a “Vision” for the OPA site, attached as **Appendix 5**, and will be referred to in more detail later in this report. The vision is a statement setting out how the Council expects the development to look and function. The vision has been used to inform the Master Plan Framework and will inform Reserved Matters applications and the site-specific design code.

### **The Master Plan Framework**

- 4.86 Prior to the submission of the OPA, the Master Plan Framework (MPF) for the site was submitted to the Council for approval.
- 4.87 The MPF was a requirement of the draft policy as set out within the Local Plan Regulation 18 Consultation Document “Development Strategy and Site Allocations”, dated January 2015. The policy stated that “The development will be master planned and implemented on a comprehensive basis. The first stage in the master planning process will involve the production of a MPF...The Council will then decide whether the MPF has been produced with an appropriate level of community participation as described in the Council’s Statement of Community Involvement”.
- 4.88 The Council’s Statement of Community Involvement (SCI) was originally adopted in January 2007 with amendments in 2010, 2012 and 2014. The latter amendments include specific criteria for community involvement in the Chesterton development.
- 4.89 The Council, by means of a Portfolio Holder decision, approved the process that was undertaken to produce that MPF in January 2016, i.e that it had been produced in

accordance with the requirements of the Council's SCI in terms of the level of community engagement and engagement with stakeholders.

## Chapter 5: Consultee Responses

- 5.1 All of the consultation responses received can be viewed in full online via the Council's Planning Register. For the purposes of this report, the consultee responses have been summarised and where relevant, will be expanded upon within the relevant topic chapter.

### Parish Councils

- 5.2 Cirencester Town Council: The full comments of Cirencester Town Council have been attached as **Appendix 6**. In response to the additional information that was submitted in April 2017 by the Applicant (clarifying queries raised by GCC in respect of highways and commenting on the highways impact to the south and east of the site), the Town Council made the following comments:- "Whilst the Planning Committee noted the report and conclusion, as prepared by i-Transport, the Committee did have some concerns and would urge the LPA to be satisfied beyond doubt that the impacts are not severe in its consideration of the application".
- 5.3 Coates Parish Council (neighbouring parish) objects to the application and considers that it would be "excessive" in size for Cirencester. The Parish Council raised concerns regarding the impact of the development on the water supply to the village. The Parish Council also raised concerns regarding the impact of additional traffic on the A433 and the possibility of additional cars using the road through the village as a "rat run" to avoid delays at the junction of the A433 and A419. The Parish Council questioned the feasibility of frequent bus services to serve the development.
- 5.4 Baunton Parish Council (neighbouring parish) objects to the application on the basis that the size of the development would be "Far too large for Cirencester". The Parish Council considers that housing should be spread across the District. If the development does go ahead, the Parish Council considers that it should include "As much affordable housing as possible", cycle paths, infrastructure, such as schools, doctors' surgery and other social amenities, should be included and consideration should be paid to parking.
- 5.5 Kemble and Ewen Parish Council (neighbouring parish) objects to the application due to the size of the proposed development and the impact on local facilities and parking. The other objection reason is the increased traffic levels and the impact this would have on the A429/A433 junction, Kemble and surrounding villages.
- 5.5a **Siddington Parish Council objects for the following reasons: "The Parish Council has read the Inspectors' reasoning behind their decisions to grant planning permission in both instances in the recent planning appeals by Great Gable in Siddington and Gladman in South Cerney. A consistent point that the applicants/appellants make (and one that is accepted by the Inspectors) is that because such a significant proportion of Cotswold District is designated as an Area of Outstanding Natural Beauty, the District's housing need has to be substantially accommodated in the relatively small areas outside the AONB, particularly the area to the south of Cirencester. Against this background, it is clear that the parishes of Siddington, South Cerney and Preston will remain especially vulnerable to opportunistic planning applications until such time as the District's objectively assessed need is demonstrably satisfied by the planned allocation of sufficient land.**
- 2. The Parish Council's objections are to the ill-thought through implications of the scheme for the surrounding area and the lack of proposed mitigating measures.**

3. Traffic generation is the major concern. The developers have procured a Transport Study which has been subjected to detailed examination by Gloucestershire Highways' engineers apparently with the input of external consultants on certain aspects. We do not believe that this reactive method of assessing transport impact is appropriate for a scheme of this magnitude.

4. The Highways' Authority in its section headed Impact South of Site - South Cerney, Siddington & Ewen is dismissive of the fears previously expressed by those parishes as to the impact of traffic on them: "the vehicle trip generation from the proposed development is relatively low" based on the detailed estimates contained in the Technical Note Land to the South of Chesterton, Cirencester. The note records 675 dwellings and about 19,500 sqm of employment space being located on the east side of the Chesterton Farm scheme. At say 30 sqm average per employee, the employment space is likely to attract some 700 staff as well as deliveries and service vehicles. To suggest that those staff plus the residents will only generate between them, for instance, an additional 15 peak hour trips at the Ashton Road/Park Way junction, defies credulity.

5. Even if the proposed traffic light mitigation measures were to be generally effective, the scheme depends on the continuing efficacy of narrow roads. When there are, for instance, road works or unloading car transporters blocking the carriageway, drivers will be faced with the binary choice of long queues or an alternative route south through those parishes. Each parish has had experience of this and junctions such as the Ashton Road/Park Way one will become intolerable for residents.

6. The conclusions of the developer's consultants and Gloucestershire Highways may be correct and the very modest mitigation measures proposed - introducing traffic lights - may be sufficient. However, the implications for the town and the surrounding communities if the conclusions of the study prove to be unduly optimistic will be a social, environmental and economic disaster. The developers should be required to fund and support (but not influence) an independent study before planning permission is granted for the 675 houses and the employment space on the east side of the proposed scheme."

- 5.6 South Cerney Parish Council (neighbouring parish) – No response received.

#### **Neighbouring Authorities**

- 5.7 Stratford upon Avon District Council - has no comments to make on the application.
- 5.8 Swindon Borough Council does not object to the application on policy grounds. The Council noted that the existing local plan is time expired and that the application site has been allocated. The Council considers that "In this context it is to the clear advantage of Cotswold District Council and adjacent authorities that schemes that are in accordance with the emerging strategy are approved in an expedient manner. An alternative course of action would risk development coming forward and being approved that was not in accordance with the emerging development strategy, particularly in the context of paragraph 49 of the NPPF".
- 5.9 Stroud District Council has not raised any site-specific objections to the application.
- 5.10 South Gloucestershire Council notes that the development would not result in any mitigation measures within South Gloucestershire and on that basis has not objected to the application.
- 5.11 Wiltshire Council has as not objected to the application.



## External Consultees

- 5.12 County Council Archaeology Officer does not object to the application subject to a condition requiring a programme of work to excavate and record any significant archaeological remains prior to the commencement of development to mitigate the ground impacts of this scheme.
- 5.13 Environment Agency does not object.
- 5.14 Gloucestershire Gardens and Landscape Trust does not object to the application on the basis of its detrimental impact on heritage assets. The Trust raised comments regarding the importance of place making, design, landscaping at the edge of the development, connectivity and severance.
- 5.15 Gloucestershire County Council (Highways Development) does not object to the application. Its comments have been attached in full as **Appendices 7a - 7d**.
- 5.16 Gloucestershire County Council (Strategic Infrastructure-Biodiversity) commented on ecological matters of a strategic and general nature. This included the long term management and maintenance of mitigation and enhancement features and the potential to include a Wetland Ecosystem Treatment to deal with surface water runoff.
- 5.17 Gloucestershire County Council (Strategic Infrastructure-Education) sought contributions sought towards pre-school, primary and secondary education and libraries.
- 5.18 Gloucestershire County Council (Strategic Infrastructure-Public Rights of Way) does not consider that Monarch's Way has any higher priority than other similar rights of way and giving it such an apparent significance may raise expectations as to its future maintenance. GCC is encouraged that all rights of way will be retained and even enhanced although requested clarity about the future maintenance and responsibility for new linkages and connections.
- 5.19 Gloucestershire County Council (Strategic Infrastructure-Minerals and Waste) considers that a Waste Minimisation Strategy is required and this can be covered by a condition.
- 5.20 Health and Safety Executive initially advised against the application on the grounds of safety. Following the submission of revised plans, the HSE advised that it would not advise on safety grounds against the granting of planning permission.
- 5.21 Highways England did not object to the application, subject to a condition requiring the Cherry Tree junction mitigation works to be have been completed in an agreed timescale.
- 5.22 Historic England raised concerns regarding the proposed housing to the north-west of the SAM, the impact of the proposed roundabouts on the significance of the Tetbury Road/Fosse Way as a Roman road and the pressure of increased car parking demand within the town centre. Further information was submitted that overcame Historic England's concerns regarding off-site junction improvements. Historic England recommends that the application should be determined in accordance with national and local policy guidance on the basis of the Council's specialist conservation advice. Historic England did not make any comments on the proposed highways mitigation works at Cherry Tree junction.
- 5.23 Lead Local Flood Authority (Gloucestershire County Council) does not object subject to conditions which include a requirement for a detailed drainage scheme.
- 5.24 National Grid has not objected to the application.

- 5.25 Natural England considers that, regarding statutory nature conservation sites, the proposal is unlikely to affect any statutorily protected sites and no objection has been raised. Natural England also considers that in terms of landscape impact, having assessed the application and consulted the AONB partnership, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the Cotswolds AONB and therefore concurs with the comments made by the Conservation Board. Natural England also advises that should the development proceed, in order to safeguard soil resources as part of the overall sustainability of the development, it should be able to retain as many of its many important functions and ecosystem services as possible through careful soil management. Natural England has not assessed the application in terms of the impacts on protected species, but did provide general advice regarding Green Infrastructure.
- 5.26 Police (Gloucestershire Constabulary) requests a financial contribution for start-up equipment, vehicles, Police database additions, additional call handling; Automatic Plate Number Recognition cameras and police point equipment.
- 5.27 Police (Gloucestershire Constabulary Crime Prevention and Design Advisor) has not made any comments on the application and has referred to the Safety and Security section within the Design and Access Statement that should be included within any conditions.
- 5.28 Thames Water has not objected to the application. It has made recommendations regarding surface water drainage and has advised that there have been discussions between the applicant and the organisation and that the high-level solution involves constructing a new pipeline direct to Cirencester Sewage Treatment Works.
- 5.29 Sport England is satisfied with the principle of development at this site. An initial objection to the provision of a Sports Hall based upon a lack of justification was withdrawn.
- 5.30 Wales and West Utilities has not objected to the application and advised that the developer should make contact with the organisation prior to construction.

### **External Groups and Organisations**

- 5.31 Campaign to Protect Rural England (CPRE) supports the site as the “Best option for a major housing extension to Cirencester”. However, the CPRE considers that there are matters of principle in the application which need improvement before outline planning permission should be granted. These include a green buffer zone along the Tetbury Road; the omission of the southerly area of employment on the eastern side of Spratsgate Lane; a reduction in the heights of the buildings across the site; additional green space with a higher density to retain numbers/higher proportion of affordable housing. The CPRE considers that on the grounds of prematurity, the Council should only approve a portion of the housing at this stage. East to west phasing is supported but the CPRE recommends phasing starts with the central sections around the community centre. Land value should be a reflection of the value of the development; the provision of student accommodation is inappropriate; design should be of a high standard; the Kingshill Meadow development should be used as a model.
- 5.32 Cotswold Conservation Board has not objected to the application in principle but has requested that the Council takes into account the following: that the maximum height parameter of the proposed housing area adjacent to the western edge of the AONB should be below 10m; details of lighting along the new road junctions and dual carriageway along the Fosse Way should be submitted at this stage to assess the overall impact of the development upon the AONB; lighting should be minimal in number and just on the road

junctions, be of a dark night sky compliant design, be located to face away from the AONB and if possible have timers to be turned off after 11 pm at night.

- 5.33 Network Rail has no comments to make on the application.

#### **Internal Consultees**

- 5.34 The views of the Heritage and Design Team (i.e Biodiversity, Conservation and Design, Landscape and Tree Officers) are incorporated within the Officer's Assessment. No objections were raised.
- 5.35 Forward Planning Team did not object to the application. The proposals of the outline planning application are considered to be compatible with the provisions of Policy S2 and the successful implementation of this policy will be critical to the delivery of the District's Development Strategy to 2031 (Policy DS1); make an essential contribution towards meeting future five year housing land supply requirements; and help to maintain Cirencester's future role as a key service centre. On the grounds that the application accords with the emerging Local Plan, Forward Planning supports, in principle, the granting of permission of the OPA.
- 5.36 Environmental Regulatory Service (Air Quality) has not objected to the application subject to conditions requiring a Construction Management Plan and charging points for electric vehicles.
- 5.37 Environmental Regulatory Service (Contaminated Land) has not objected to the application subject to conditions.
- 5.38 Environmental Regulatory Service (Noise) has not objected subject to conditions. Attention was drawn to predicted noise levels along the Tetbury Road and further consideration of this at the REM stage in terms of mitigation was recommended.
- 5.39 Waste Officer (Ubico) advised on the design requirements for the operation of waste and recycling collections.

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## Chapter 6: Third Party Representations

### Publicity

- 6.1 The OPA was advertised in accordance with the provisions set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Sections 67 and 73 of the Planning (Listed Building and Conservation Areas) Act 1990. The OPA was advertised as a departure from the adopted Local Plan.
- 6.2 The OPA was advertised by means of 34 pairs of site notices which were displayed at the application site, in the surrounding residential area and in the location of the proposed highways improvement works.
- 6.3 Approximately 700 letters were posted to residents/businesses located within 50 metres of the boundary of the application site and within 20 metres of the proposed highway works.
- 6.4 The OPA was advertised in the local newspaper (the Wilts and Glos Standard) on 21<sup>st</sup> and 28<sup>th</sup> January 2016.
- 6.5 The amended plans received in October were publicised by 10 pairs of site notices displayed in and around the application site. An advertisement was published in the local newspaper on 20<sup>th</sup> October 2016. Letters were sent to dwellings/business premises within 50 metres of the boundary of the application site.
- 6.6 In November, 16 pairs of site notices were displayed in and around the application site and around proposed highways improvements that were the subject of amendments. An advertisement was published in the local newspaper on 24<sup>th</sup> November 2016. Letters were sent to dwellings/business premises within 50 metres of the boundary of the application site and within 20 metres of the amended highways improvement works.
- 6.7 In April 2017 additional information was submitted in relation to an Ecological Management Mitigation Framework (EMMF) and the proposed mitigation works at Cherry Tree Lane Junction. A proportionate amount of re-consultation was undertaken and the new details were advertised by means of an advertisement in the local newspaper on 13<sup>th</sup> April 2017. Five further site notices were displayed, including one at Cherry Tree Lane Junction and letters were sent to the neighbouring properties in close proximity to this junction. The EMMF was amended and publicised by means of four pairs of site notices and an advertisement in the local newspaper on 1<sup>st</sup> June 2017.

### Objections

- 6.8 **As at the morning of 26<sup>th</sup> September 2017, 576 representations from Third Parties objecting to the OPA were** received and these include representations from the following:
  - Save our Cirencester (**42** representations). A group representing the town's residents;
  - Commercial Estate Groups representing Kemble Airfield/Cotswold Airport;
  - Park Community Group (**2** representations). A group representing 2000 people living and working in the centre of Cirencester;
  - AQIVA (Friends of the Amphitheatre, Querns Wood and Four Acre Field). AQIVA is a voluntary group of local people who are seeking to ensure that the amphitheatre is improved and made more accessible. The comments raised are specific to the Amphitheatre, Querns Wood and Four Acre Field.

- Cirencester Ramblers

6.9 A full summary is attached as **Appendix 8. This appendix has been updated as Appendix 8a to include representations that were summarised with the Additional Pages at the September meeting.**

6.10 The main objections submitted relate to the following topics:

*6.10.1 The Relationship of the Application to the Local Plan Process*

- Prematurity;
- Undermining of the local plan process;
- Undemocratic;
- Considerable risk associated with a development of this scale;
- Development fails to accord with existing Local Plan policies.

*6.10.2 The Scale of Development and Alternatives*

- Proposed number of dwellings should be distributed to other settlements within the District;
- Development should be reduced in scale;
- Disproportionate amount of development for Cirencester;
- Alternative sites (e.g. Kemble) have not been fully explored;
- Housing targets are based upon incorrect figures regarding projected total jobs growth over the Local Plan period;
- Scale of development will denude other areas of needed housing;
- Delivery rates are unrealistic;
- OAN target should be reduced for the District as the AONB covers 80% of the District - the Local Plan fails to account of, and places an unfair burden, on Cirencester

*6.10.3 The Parameter Plans/Indicative Layout*

- Safety issues regarding proximity of dwellings to the high pressure gas pipeline and overhead cables;
- Student accommodation at the application site is unnecessary;
- Overdevelopment;
- Densities are too high;
- Lack of facilities within the eastern section of the site;
- Maximum building heights are too high.

*6.10.4 Affordable Housing*

- No real provision for low cost housing;
- Provision on site would prevent affordable housing delivery in other settlements.

*6.10.5 Access and Movement*

- Road network is already congested;

- Distance from the application site to the centre of town is too far for the elderly, parents with children, etc to walk;
- Impact on surrounding villages and rural road network;
- Safety concerns for pedestrians and cyclists;
- Through road in site is required;
- Former Kemble to Cirencester rail branchline should be re-opened;
- Cycle link to Kemble Railway Station required;
- Mitigation will be short-lived;
- The routing of residential traffic through Love Lane will cause access problems for lorries serving Love Lane;
- Data used within the Transport Assessment is flawed;
- Unrealistic expectations regarding public transport;
- Bypass already causes severance effect;
- Modal transport shift is unrealistic;
- Decision makers will wrongly assume that extensive highways information proves objectivity and thoroughness;
- Lack of footway/cycleway provision across the Amphitheatre, Querns Wood and Four Acre Field;
- No improvements to the PROW network to the south of the development proposed.
- Disagree with consultation response of County Highways Officer;
- Safety concerns regarding at level pedestrian crossings.

#### *6.10.6 Economy*

- No jobs locally to support the proposed population;
- Overestimation of employment to be generated by the development;
- Cirencester will become a dormitory town to Swindon, Gloucester and Cheltenham;
- Harm to tourism;
- The regeneration of Cirencester is not based upon the delivery of the strategic site.

#### *6.10.7 Heritage*

- Potential for increased traffic and new building to impact upon the heritage of the town.

#### *6.10.8 Pollution*

- Increased noise from vehicles on dual carriageway;
- Traffic noise and pollution of dwellings built alongside Tetbury, Wilkinson and Somerford Roads;
- Dwellings should be set back from roads;
- Air Quality assessment is based upon outdated reports and guidelines;
- Modern scientific opinion regarding air quality should be taken into account;
- Brake dust can contribute significantly to non-exhaust vehicle emissions;
- Acceleration and deceleration increases nitrogen dioxide emissions;
- Vehicles waiting at traffic lights/toucan crossings will significantly increase pollution;

- Insufficient evidence regarding the impact of the development upon the health of the town's residents;
- Detailed assessment on the impact on air quality required.

#### *6.10.9 Landscape*

- Impact on the setting of the AONB;
- Loss of productive agricultural land;
- Green areas will be separate from buildings;
- Use of open space limited by presence of gas pipelines etc.

#### *6.10.10 Biodiversity*

- Loss of wildlife and habitats;
- Insufficient information/surveys

#### *6.10.11 Flooding and Drainage*

- Existing flooding on site;
- Effects on water supply and water pressure;
- Sewage infrastructure required early on;
- Uncertainty regarding the effectiveness of SUDS and on-going maintenance.

#### *6.10.12 Infrastructure*

- Need for a new primary school is questionable;
- Infrastructure is required before development commences;
- Limited capacity at GP surgeries and other emergency services;
- Town centre cannot be expanded any further due to physical restrictions;
- Infrastructure requirements must be funded by the developer;
- Inadequate consultation;
- Amenity in Cirencester will not be able to cope with additional homes.

#### *6.10.13 Car Parking*

- Adequate on-site parking required;
- Insufficient parking within the town centre.

#### *6.10.14 Other*

- Few gains for the local community.



## **Support**

6.11 Seven representations of support have been received, including one on behalf of the Royal Agricultural University and Cirencester Co-Housing. The summary of the issues is as follows:-

- More fairly priced homes needed for first time buyers.
- There is a requirement in Cirencester for the type of housing that the development would provide;
- Potential for co-housing within the development;
- RAU support for the employment and Social uses proposed within the development;
- Provision of student accommodation welcomed;
- Provision of affordable housing welcomed to support lower paid employees;
- Southern roundabout would not be within the setting of the RAU listed building;
- Landscape buffer will minimise the visual impact experienced by the RAU and help to preserve the setting of the RAU listed building.

## **General Observations**

6.12 Four representations from Third Parties and Cirencester Civic Society have been received that have been submitted as “General Observations”. They raised the following issues:-

- Committed developments do not include at least 4 applications at Cotswold Airports;
- Underestimation of vehicle movements to Kemble railway station;
- Traffic forecasts for the A429/A433 have been underestimated - review of junction required;
- Bus service to Kemble railway station will not be sustainable;
- Addition of two new roundabouts to A429 will increase danger for cyclists and cycle link to Kemble required;
- Review of traffic impacts on Ewen;
- High proportion of affordable housing required;
- Little attempt at an eco-friendly development;
- Sufficient parking on site required;
- Employment opportunities for local people.

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## Chapter 7: Site Layout and Design

### Introduction

#### The Master Planning Process

- 7.1 The achievement of high quality design standards within the OPA development is an objective of national and Local Plan policies. To ensure that the OPA does actually deliver this, the process of master planning the OPA development began at the pre-application stage with the Master Plan Framework (referred to within Chapter 4: Policy Background) and will continue through to the Reserved Matters (REM) stages and beyond.

#### Parameter Plan Framework

- 7.2 The OPA represents the next step in the master planning process, and seeks to establish a framework within which subsequent REM designs would be formulated. The proposed framework is articulated on three interrelated parameter plans, which address land use, green infrastructure and building heights. These plans are attached as **Appendices 9, 10 and 11** respectively. Together, these plans would establish an overall envelope for the proposed development which has been tested through the EIA process. All three plans would be approved as part of the OPA.

#### Supporting Documents

- 7.3 The design objectives behind the parameter plans are described and illustrated in a number of supporting documents to the OPA. Most significant among these is the site-wide Design and Access Statement (DAS) which establishes the design benchmark to inform future REM applications. The DAS is complemented by a Green Infrastructure Strategy, which describes and illustrates the design concept behind the proposed green infrastructure network. That network, which would incorporate retained vegetation, various types of open space and sustainable drainage (SuDS) infrastructure, would form an integral part of the overall framework.

#### Illustrative Masterplan

- 7.4 The detailed layout of the site, and the appearance of buildings and open spaces are not for approval as part of the OPA. They have been reserved by the Applicant for future consideration as part of the REM applications. Nevertheless, the OPA is supported by an Illustrative Master Plan (**Appendix 12**), which demonstrates how the proposed number of dwellings, the employment land and associated infrastructure could be accommodated within the application site whilst accounting for both natural and man-made constraints. Unlike the Parameter Plan, the Illustrative Master Plan is not part of the formal OPA. It does, however, provide a clear indication of how the Applicant sees the proposals evolving through the subsequent stages described below.

#### Master Planning Process Post Approval

- 7.5 The agreed master planning process includes a number of further stages, specifically intended to ensure that design quality is protected throughout. If Members approve the OPA it would be subject to a number of post-outline master planning conditions. These would require the preparation and approval of a site-wide design code prior to submission of REM applications for residential or employment development. Officers consider that design codes are beneficial for large scale developments which will be built out by a number of different

developers over a long period of time. A design code can assist in achieving a high standard of development across a site, ensuring consistency between various developers. There are no standard requirements for what a design code should contain and the contents will vary between developments.

- 7.6 The site-wide design code would progress the DAS and the Illustrative Master Plan into more detailed design guidance and instructions, within the framework fixed by the parameter plans. This in turn would be followed by more specific design guidance and instructions for each phase of the development. REMS designs would then be formulated in compliance with all the preceding design work (i.e. MPF, OPA and design codes). In effect, the consideration of design issues would continue through these subsequent steps in the master planning process, as the proposals evolve towards detailed designs for individual development parcels. The final design proposals for each parcel would then be subject to further consultation and scrutiny at the REM applications stage.

### **Policy Considerations**

- 7.7 Paragraph 56 of the NPPF states that “The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
- 7.8 Paragraph 58 states that planning decisions (and policies) should aim to ensure that developments:
- “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
  - are visually attractive as a result of good architecture and appropriate landscaping”.
- 7.9 Paragraph 59 of the NPPF explains that Local Planning Authorities should consider using design codes “Where they could help deliver high quality outcomes”.
- 7.10 Paragraph 61 states that “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.
- 7.11 Policy 42 (Cotswold Design Code) of the adopted Local Plan requires developments to be environmentally sustainable and for design to respect the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity materials and craftsmanship. The policy is supported by the Cotswold District Design Code Supplementary Planning Guidance (SPG) which sets out the principles for appropriate design for the District, both vernacular and contemporary.

- 7.12 Policy EN2 (The Built Environment) of the emerging Local Plan requires developments to accord with a revised Cotswold Design Code. This code builds upon the adopted SPG and covers green infrastructure and landscaping.
- 7.13 Policy S2 (Strategic Site South of Cirencester) requires (among other things) that the development be master planned and implemented on a comprehensive basis, and designed and phased to ensure maximum practicable integration between the different uses within and beyond the site. The vision that supports this policy sets out the expectations for the appearance of the site and how it would function. It refers to “Maximum practicable integration between the different uses within and beyond the site”.
- 7.14 Policy EN1 (Built, Natural and Historic Environment) of the emerging Local Plan is also a relevant policy consideration.

### **The Parameter Plans**

- 7.15 The three parameter plans which have accompanied the OPA which have been informed by the constraints and opportunities of the application site. They provide a framework for future REM applications and would form part of the approved documentation.

### **Land Use Parameter Plan (Appendix 9)**

- 7.16 The Land Use Parameter Plan identifies areas for various different uses within the site, including residential, employment, commercial and community uses. It also identifies the main access route through the site, the “Main Street”, which would be a 20m wide primary road corridor (which includes space other than the road itself) along with indicative routes for vehicles, pedestrians and cyclists.
- 7.17 The western part of the site would be accessed from the two roundabouts proposed at the Tetbury Road. The Applicant’s Transport Assessment states that these accesses would serve up to 1,675 dwellings along with the primary school and the neighbourhood centre. The majority of the proposed employment land (B1 uses), which would be sited adjacent to Cirencester Office Park, would also be accessed from the Tetbury Road.
- 7.18 There would be a further roundabout from Spratsgate Lane providing an access to the eastern part of the site for approximately 600 dwellings and the remainder of the employment land (B1, B2 and B8 uses) in close proximity to similar uses within Love Lane. Up to 80 dwellings, within the Somerford Road parcel of land, would be accessed from Wilkinson Road and Somerford Road.
- 7.19 There would be a ‘no through road’ route for vehicles, with the exception of public buses, from Tetbury Road to Spratsgate Lane. A controlled bus link is proposed to the north of the Scheduled Ancient Monument (SAM) and to the south of the boundary of The Cranhams.
- 7.20 The neighbourhood centre, comprising a mix of commercial and residential uses, would be located approximately 1.2km to the east of the Tetbury Road and 720m from the northern site boundary. The eastern extent of the neighbourhood centre would be located adjacent to the existing farm access.
- 7.21 There would be a mixed use community hub located in and around the existing farm buildings as part of the neighbourhood centre. The community hub would include a multi-purpose community building which would provide a meeting space and other facilities for residents. Between the hub and the neighbourhood centre would be a central square of approximately 0.3 ha in area. It would be a substantial space, and diagonally, it would measure approximately 75m.

- 7.22 The site for the primary school would be to the south of the neighbourhood centre and the main street and to the west of the community hub. This would help to achieve the objective of Policy S2 of the emerging Local Plan to achieve maximum practical integration of different uses.
- 7.23 The Land Use Parameter Plan identifies indicative locations for student accommodation and accommodation for older people. The former would be sited adjacent to the B1 employment use at the western boundary of the site, in close proximity to the RAU. The latter would be located to the north of the existing farm buildings, adjacent to the main street.
- 7.24 The Land Use Parameter Plan also identifies an area for the provision of a sports hall to the south of the farm buildings (beyond a small parcel of residential development) with an area adjacent to the sports hall totalling 1.0ha, identified as an area for sports provision. The sports pitches would comprise of three outdoor tennis courts and two mini football pitches (for five and seven aside games).
- 7.25 The amount of open space within the application site is identified within the Land Use Parameter Plan as totalling 39.9ha of the site. This includes public open space, equipped play areas, pedestrian and cycle links and landscaped areas provided in associated with surface water attenuation.
- 7.26 The distribution of land uses within the site is considered by Officers to be acceptable; the proposed locations for employment uses have responded to existing neighbouring uses and the constraints of the site and would provide maximum integration of land uses within a cohesive development. The location of the neighbourhood centre and community hub will be discussed in more detail within this chapter.

#### **Building Heights Parameter Plan (Appendix 10)**

- 7.27 The Building Heights Parameter Plan establishes a maximum three-dimensional envelope for the development as a whole. It enabled the overall framework to be tested through the EIA process, (e.g. for visual impact). It does not follow, however, that all of the buildings across the site would subsequently be constructed up to the maximum heights indicated on the plan. The three-dimensional form (height and massing) of all final design proposals for buildings would still be subject to consultation and scrutiny at the REM applications stage. At that stage in the master planning process, each detailed design would be assessed on its merits, before a decision is made on whether or not to grant permission. The approval of the Building Heights Parameter Plan would not prevent the Council from refusing subsequent applications if it was considered that the massing, scale and grouping of particular buildings would be harmful.
- 7.28 Establishing a maximum three-dimensional envelope for the development as a whole is helpful in terms of ensuring deliverability of the quantum of development, protecting design quality and facilitating good place-making. Scale (height and massing) is a fundamental aspect of development form. Facilitating variations in scale at appropriate locations within the overall development is essential to achieve some of the key objectives of good urban design. For example, variations in scale would assist in creating a place with character and identity, visual landmarks and a place that is easy for users to understand. This is also essential in ensuring the proposed development would make a positive contribution to the character of Cirencester. If the proposed development was completely uniform in scale it would, in the opinion of Officers, lack character and legibility.
- 7.29 During the course of the application, and following feedback from Officers regarding heritage and landscape considerations, the maximum building heights were reduced. The Building

Heights Parameter Plan now shows the majority of the buildings across the site with a maximum ridge height of 11m, although again this is a maximum and not all dwellings would be built to that height. This height equates to a two storey dwelling (or a two and a half storey dwelling that utilises the roofspace to provide a third floor of accommodation). Around the main entrance to the site, towards the centre of the site and along the main street, the maximum height proposed is 13.5m which equates to a full three storey building.

- 7.30 The neighbourhood centre is a particular example of where the Building Heights Parameter Plan would allow for flexibility to contribute towards place making. The plan shows a maximum height of 14.5m in and around the neighbourhood centre. This equates to a four storey building and it is envisaged that these buildings would have commercial uses at the ground floor with residential above. A range of building heights in this location would not only contribute towards the character and appearance of the neighbourhood centre, but also its vitality and viability by accommodating for different uses. **Appendix 10a** shows examples of building heights.
- 7.31 The employment buildings would generally be expected to be taller than the residential buildings. Adjacent to the existing office park, the maximum height of the buildings would be 16m. At the eastern part of the site, the maximum height of the employment buildings would be restricted by the overhead power cables to 12m. Within the parcel of employment land at the eastern boundary of the site, the buildings would have a maximum height of 16m towards Wilkinson Road and 14m to the south of this. It is expected that these buildings would be warehouse type buildings and the heights are typical for that type of use.
- 7.32 The impact of the heights of the proposed buildings will be discussed further within the heritage and landscape chapters of this report. On a site wide scale, Officers are satisfied that, in principle, the proposed heights would not be of a scale that would visually, or in terms of character, adversely impact or challenge the existing centre and would maintain the hierarchy of buildings within the existing town centre.

### **Green Infrastructure (GI) Parameter Plan (Appendix 11)**

- 7.33 The GI Parameter Plan would fix the site wide areas of open space, along with the provision of green space within blocks of development, new and retained areas of trees and hedges, indicative locations for surface water attenuation basins/swales and indicative locations for play areas.
- 7.34 The quantity and distribution of GI within the OPA development is considered by Officers to be acceptable and is discussed in more detail within Chapter 18: Green Infrastructure.

### **Density**

- 7.35 The Land Use Parameter Plan identifies 57.4 hectares for residential development. Using a basic calculation of dividing the maximum number of dwellings proposed within the OPA by this area, the average density of the OPA development would be 40.9 dwellings per hectare (dph). However, it must be remembered that this is an average figure and there are many factors which would influence the density of dwellings in the OPA development and they include housing mix, size of dwellings, the degree of formality of layout, street widths and landscaping. A plan showing the indicative densities at the site has been attached as **Appendix 13**.
- 7.36 When considering densities for large scale developments, such as the OPA, the average density is not a very informative indicator as densities can go up or down with little or no impact on three dimensional form, depending upon the mix of dwelling types. Examples of this are attached as **Appendix 14**.

- 7.37 Officers are satisfied that a range of dwelling types and sizes will be delivered as part of the OPA development and this would allow for a range of density types across the site, whilst meeting open market and affordable housing needs. A range of densities within the OPA development would contribute towards the sense of place and character of the OPA development, adding variety and interest to the built form and encouraging mixed communities. As set out within the DAS, in and around the neighbourhood centre, where the tallest residential buildings would be sited, there could be a density of 55 dph which would be accounted for by apartment buildings and apartments above ground floor commercial uses. There would be a similar density around the western entrance where the student accommodation (or general C3 use) would be located. This is not to say that all apartments would be located in those areas and it is feasible and desirable, that they are distributed across the site. Officers consider that the density range of the OPA is very modest in urban design terms, and that the highest densities envisaged (55dph) could comfortably be achieved without dramatic variations in building heights.
- 7.38 Higher densities do not necessarily mean taller buildings and they can successfully be achieved with the introduction of some short terraces (which are an established part of the Cotswold vernacular) within parcels of development. For the purposes of the OPA, the parameter plans have been informed by an indicative mix of dwellings, with the majority of dwelling types being 2 or 3 bed dwellings which would be suitable for terraces.
- 7.39 Areas of higher densities would therefore result in lower densities elsewhere within the site. The lowest density of 20-30 dph would occur towards the northern edge of the site, and at the north-eastern and south-western corner of the site, the latter of which is appropriate at the transitional rural edge of the site. While the average density figure may appear high, with the range of housing types and maximum building heights, it is estimated by the Applicant that approximately 80% of the residential areas of the OPA development would have an average density of 35 dph.
- 7.40 For comparative purposes, the DAS has undertaken a study of the range of densities of other residential areas in Cirencester which includes Dollar Street 62dph, Ashcroft Road 55ph, Kingshill South (Meadows) 40dph, Bowley Road 32-35dph and Alexander Drive 25 dph.
- 7.41 The NPPF and the NPPG do not provide any specific guidance on the issue of density and the NPPF does not set out a minimum density that must be achieved in new developments. However, the Housing White Paper, published by central Government in February 2017, has emphasised the efficient use of land to deliver housing and consulted on the potential for minimum density standards to assist with the delivery of housing on suitable development sites. Low density developments make it more difficult to sustain local services and to create sustainable walkable neighbourhoods. At the time of writing this report, the outcome of the White Paper consultation is not yet known, but Officers consider that a low density development at the application site would not represent an efficient use of the land, thereby impacting upon the deliverability of the housing and employment needs of the District.
- 7.42 It is important to stress, however, that the desire to maximise the efficient use of land has not been an unduly prioritised by Officers over and above other policy considerations.

#### **Review by the South West Design Review Panel**

- 7.43 The application was reviewed by the South West Design Review Panel (SWDRP) in August 2016. The panel members comprised professionals who were independent of the Applicant and the Council. The recommendations of SWDRP and the Applicant's response were



included with the first tranche of additional information submitted in October 2016 and can be found within the online planning documentation dated 14<sup>th</sup> October 2016.

- 7.44 Overall, SWDRP welcomed the approaches that had been taken regarding pedestrian and cycle linkages and density. The main recommendations of SWDRP were as follows: to incorporate an east-west vehicular route through the site; to investigate a north-south route into the town; to include more facilities in the eastern part of the site; to re-site the primary school and neighbourhood centre closer to the existing settlement edge and take a radial approach to cycle and pedestrian movements, include a linkage to Kemble railway station.
- 7.45 SWDRP were critical of the landscaped buffer zone between the existing dwellings in Chesterton and proposed dwellings within the application site. It was considered that it would be at odds with the evolution of the town, it would not form a safe boundary and it could compromise community cohesion.
- 7.46 While the Applicant noted the comments of the SWDRP, the only design change that resulted from the review was around the pedestrian/cycle entrance into the site to the north-east of The Cranhams. The illustrative layout was amended to demonstrate how the development could be laid out to create a sense of arrival when entering the site from this location.

#### **Officer Response to the SWDRP Recommendations**

- 7.47 The issue of connectivity through the site in an east-west direction, as raised by SWDRP, has also been raised by Third Parties. Following the recommendations of the SWDRP, Officers gave further consideration to the feasibility of an east-west vehicular route through the site, or alternatively whether the bus link could be relocated further to the west. However, for the reasons to be set out within Chapter 11: Access and Movement, the location of the bus link has remained to the south of The Cranhams.
- 7.48 Furthermore, Officers consider that the design of the main east-west street, and the location of the neighbourhood centre, reflect the objective of policy S2 for maximum practical integration. The main east-west street would allow for maximum connectivity for walking, cycling and public transport, but not for private car journeys. Officers consider that this is entirely consistent with the overall movement strategy of encouraging and facilitating local journeys by more sustainable modes of transport. The neighbourhood centre is located at the convergence of key walking, cycling and public transport routes. Not only key routes within the context of the scheme itself, but key routes in relation to land uses beyond the site.
- 7.49 In addition, the location of the neighbourhood centre has enabled the existing farm complex to be incorporated into the development as part of the overall design concept, thereby integrating the main feature of the historic built character of the site into the development.
- 7.50 Officers acknowledge that the OPA makes no specific provision for local shops and services towards the eastern end of the site. Officers also appreciate that the proposed bus link will restrict local journeys by car from the eastern end of the development to the proposed neighbourhood centre. It is important to note, however, that the proposed neighbourhood centre will be within 15 minutes (or less) walking time for the majority of residents and employees. It is also important to note that the proposed neighbourhood centre, at the convergence of key routes, offers the best and most viable opportunity to attract businesses and services that will cater for the day-to-day needs of residents and employees. In effect, it offers the best opportunity to deliver a vital and vibrant neighbourhood centre. Officers consider that subdividing the proposed neighbourhood centre at this stage in the master

planning process could reduce its ability to attract appropriate businesses; e.g. convenience shopping, primary health care, pharmacy etc.

- 7.51 It is also important to note that the OPA does not preclude opportunities for local service provision in the eastern part of the development, should demand for this arise in the future, and such opportunities could be pursued through subsequent planning applications as the development matures over time subject to normal residential amenity considerations.
- 7.52 At the pre-application stage, it had been suggested by the Applicant that the primary school would be located towards the northern boundary of the application site. However, it has been relocated further south to provide more activity within the neighbourhood centre. Officers consider this to be an appropriate location with wider associated benefits for the vitality and viability of the neighbourhood centre and again would meet the maximum practical integration objective of Policy S2.
- 7.53 The indicative location for the housing for the elderly has been located to the east of the neighbourhood centre and Officers consider that this location would be acceptable as it would allow occupants to easily access services and facilities and would help to facilitate social cohesion and demographic mix.
- 7.54 Another concern of the SWRDP, which has been shared by Officers, is the proposed landscaped “buffer area” located between the existing residential development of Chesterton to the northern edge of the site and the proposed residential areas of the OPA development. Despite the concerns raised, which Officers understand from an urban design perspective, the Applicant has chosen to retain the buffer area within the parameter plans on the basis that it was included as a response to public engagement with residents of Chesterton.
- 7.55 At its narrowest point, the buffer area between the application site and existing dwellings to the north of the boundary would be approximately 10-15m wide, extending to 20-30m for the majority of the boundary with some larger areas (up to 80m in width) around corners. The success of the buffer area would be dependent upon the final design at the REM stages including the build edge of the OPA development fronting on to it. There is an intention that these spaces will be “active”, incorporating connected walking and cycling routes and play areas and enhanced by additional planting. Regarding the concerns raised by SWRDP on crime, the Police Crime Prevention Design Officer did not make any comments regarding the buffer area.
- 7.56 Officers consider that although the buffer area is not necessarily the obvious first choice in urban design terms, it is not intrinsically flawed either. Officers fully appreciate the Applicant’s reasoning to retain it and recognise that to make such a significant amendment to the parameter plans at this stage would erode the public’s trust in the engagement process. As Officers consider that the buffer area, with careful design, could be successfully incorporated within the OPA development, there is merit in maintaining local confidence which will be important for future community integration and cohesion.
- 7.57 Many of the other suggestions made by the panel, e.g. legibility, character areas, can be addressed through design details at the REM stage and through the use of a design code, rather than affecting the conclusions regarding the principles and parameters of the proposed development

## **Environmental Sustainability**

- 7.58 The Code for Sustainable Homes, the Zero Carbon target for new buildings and the associated Allowable Solution for offsetting have all been withdrawn by central Government. Instead of these initiatives/policies, energy efficiency within new buildings is controlled by Part L of the Building Regulations (Part G for water consumption). Central Government have advised that it is these technical standards to which new build developments must adhere and it is not for LPAs to set standards or targets above the requirements of the Building Regulations. Therefore, the emerging Local Plan does not include a policy on the energy efficiency of new buildings.
- 7.59 However, the Design Code could provide an opportunity to promote design features such as passive solar gain, renewable energy and rain water harvesting, with details to be considered at the REM stage.

## **Conclusion**

- 7.60 Officers consider that the OPA has been accompanied by sufficient information regarding the distribution of land uses, maximum building heights, GI and density to be able to demonstrate that the development would be accommodated at the site in a manner that would be in keeping with the location of the site at the edge of the town beyond the lifespan of the emerging Local Plan.
- 7.61 The parameter plans demonstrate that the OPA development would intrinsically be of a high quality of design in layout and built form, with a strong sense of place that would function well and would enable for maximum practicable integration of land uses in and beyond the site. Additionally, the parameter plans indicate that the expected quantum of development of the site can be successfully be delivered.
- 7.62 The OPA is therefore considered to accord with the NPPF, in particular chapter 7, policy 42 of the adopted Local Plan and policies EN1, EN2, S2 and D1 of the emerging Local Plan.

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## **Chapter 8: Housing Provision**

### **Introduction**

- 8.1 The open market and affordable housing needs for the District over the period of the emerging Local Plan have been established through an extensive evidence base which includes the Objectively Assessed Need (OAN) conclusions and the Strategic Housing Market Assessment (SHMA). The requirement of the former has been discussed within Chapter 4: Policy Background.
- 8.2 The NPPF states within paragraph 47 that “To boost significantly the supply of housing, local planning authorities should...use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period” In this context, it can be considered that the application site is a “key site”.
- 8.3 The opportunity for the delivery of the OPA development has significant implications for the emerging Local Plan and the Council’s Five Year Housing Land Supply. Paragraph 47 of the NPPF states that Local Planning Authorities should “...Identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of 5% ... to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% ... to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

### **Policy Considerations**

- 8.4 Paragraph 50 of the NPPF advises that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
  - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time”.
- 8.5 The NPPF within Paragraph 52 advises that “The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities”.
- 8.6 Policy 21 (Affordable Housing) of the adopted Local Plan requires that a proportion of affordable housing will be sought as part of development of any significant site in Cirencester, whether or not the site is specifically allocated within the Local Plan. The

guidance notes for the policy sets out that the maximum proportion sought by the policy is 50%. This is subject to viability and evidence of local need.

- 8.7 Policy S2 (Strategic Site South of Cirencester) of the emerging Local Plan sets out the requirement of the allocation, including up to 40% affordable housing. The vision sets out that the mix of homes and tenure types will "...Reflect the needs and ambition of the local community".
- 8.8 Policy H1 (Housing Mix and Tenure to Meet Local Needs) of the emerging Local Plan requires all developments to provide a suitable mix and range of housing in terms of size, type, and tenure to reflect local housing need and demand in both the market and affordable housing sectors. The guidance notes to the policy states that developers will be expected to demonstrate how the proposed mix of market housing will meet local need and local demand with regard to household size and income. Developers will be required to comply with the Nationally Described Space Standard. The policy also sets out a requirement for self- and custom-build.
- 8.9 Policy H2 (Affordable Housing) of the emerging Local Plan requires developments of more than 5 dwellings/0.3 hectare to provide 40% affordable housing on greenfield sites, subject to viability. The affordable housing type, size, mix and tenure will be expected to address the identified and priorities housing needs of the District.
- 8.10 Policy H4 (Specialist Accommodation for Older People) recognises the ageing population of the District. It requires accommodation that meets the needs of older people and is easily accessible and close to services and facilities. Mixed tenures in freehold and leasehold schemes are supported.

## **Officer Assessment**

### **Five Year Housing Land Supply**

- 8.11 The allocation of the strategic site within the emerging Local Plan is discussed within Chapter 4: Policy Background. As set out within the discussion of policy DS1 (Development Strategy), the delivery of the strategic site would make a significant contribution to the District's housing requirement for 8,400 dwellings for the emerging Local Plan period 2011-31. Without the delivery of the strategic site, the Council would have great difficulty in delivering the District's housing requirement due to the absence of acceptable alternative sites, and there would be severe implications for the Council's 5 year housing land supply (5YHLS).
- 8.12 The failure to deliver the strategic site would require a significant number of alternative sites to be found elsewhere within the District, potentially in less appropriate and more sensitive locations, having regard to policy constraints. This alternative distribution strategy was discounted as part of the Sustainability Appraisals accompanying the emerging Local Plan.
- 8.13 At the time of writing this report, the Council's position on the 5YHLS for 2017 is still to be published. As of May 2016, the Council is able to demonstrate a 7.54 year supply of deliverable housing land **and the Council is proceeding on this basis**. This figure includes a 5% buffer as the Council does not have a record of persistent under delivery of housing. More recently, the availability of housing land was considered during the appeal in respect of a proposal for up to 88 dwellings on land south of Love Lane, Cirencester (Appeal Ref APP/F1610/16/W/3151754, CDC Ref 15/05165/OUT). The appeal decision confirmed that the Council could demonstrate the requisite 5YHLS.

- 8.14 The 5YHLS figure is a minimum quantity, not a maximum, and even with a robust figure, the Council should continually be seeking to approve appropriate, deliverable, development opportunities to ensure that housing land supply stays above the minimum level in the future and in accordance with the NPPFs requirement to significantly boost the supply of housing.
- 8.15 The 5YHLS figure is not fixed and will change as a result of completions, the granting of new planning permissions and planning permissions lapsing. The OAN requirement is used within the calculation of the 5YHLS and to achieve that figure, the Council needs to grant planning permission equivalent to 420 dwellings each year. The Residential Land Monitoring Statistics report (April 2017) has identified that there has been a high number of completions in 2016/17 (754). Very few large sites were approved in that period and a large proportion of sites allocated within the emerging Local Plan have already been granted planning permission. As of 1<sup>st</sup> April 2017, there were 2,931 dwelling with extant planning permission. These factors may result in a lower 5YHLS figure for 2017 and 2018.
- 8.16 The OPA has not been included within the calculations for the 5YHLS figure as planning permission has not yet been granted. However, once planning permission has been granted, the OPA would be the main source of deliverable housing land within the 5YHLS, giving the Council a robust position when defending against the development of more sensitive sites elsewhere. Without the delivery of the strategic site and without a 5YHLS, Local Plan policies relating to the delivery of housing would be considered to be out of date and the presumption in favour of sustainable development, in accordance with paragraph 14 of the NPPF would apply.

### **Affordable Housing**

- 8.17 The NPPF defines affordable housing as “Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market”. Affordable housing is subject to eligibility determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
- 8.18 The Housing White Paper consultation proposed that Starter Homes, affordable private rent and discounted market sales should be included within the definition of affordable housing. However, at the time of writing this report, these recommendations have not been taken forward by central Government.
- 8.19 Intermediate housing, are homes for sale and rent provided at a cost above social rent, but below market levels. They can include shared ownership, shared equity (also known as low cost homes ownership) and intermediate rent.
- 8.20 It is envisaged that social and affordable rented housing at the application site would be provided by private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008). Social rents are determined through the national rent regime and affordable rents are capped at no more than 80% of the local market rent.
- 8.21 The proportion, tenure mix and occupancy of affordable housing would be secured through the Section 106 Legal Agreement (S106) between the Applicant and the Council. The Heads of Terms (HoT) sets out the agreed items which will be incorporated within this agreement (and with the agreement with GCC) is attached as **Appendix 15 [Appendix 15a]**.

## **Affordable Housing Need within the District and Cirencester**

- 8.22 There is a recognised disparity between property values/rents and earnings within the District that contributes significantly towards the need for affordable housing. Data from the Land Registry shows that the average price of a dwelling in the District at April 2017 was £354,647. This compares with £220,094 as an average for the UK. The emerging Local Plan identifies that the median earned income for all employees (full and part-time) in the District is £19,131, for full time employees it is £26,933. Furthermore, private sector rents are rising higher than earnings.
- 8.23 In the consideration of the OPA, the Council's Strategic Housing Manager has considered different sources of information regarding housing need. A recent search of the Housing Register has shown that 393 households with a connection to the District are registered for rented affordable housing, with a preference for Cirencester (i.e. within their top three choices). These figures will slightly underestimate the number of people with connections because some households will have family and work connections which will not have been identified by this search. It is, however, important to remember that the Housing Register only provides a snapshot view of the current need for *rented* affordable housing. The affordable housing provision at the application site is also required to meet future, newly arising need, over the whole of the site's development timeframe (to 2031).
- 8.24 When considering the mix of sizes of affordable dwellings that would be appropriate within the OPA development, the Strategic Housing Manager has taken consideration of the 2009 Housing Needs Assessment and the April 2016 SHMA Update. The 2009 Housing Needs Assessment recommended that within new developments, the mix of sizes for affordable dwellings should be 25% 1 bed, 45% 2 bed, 20% 3 bed and 10% 4 or more bed homes. The April 2016 SHMA Update advised figures of 20% 1 bed, 29% 2 bed, 30% 3 bed and 21% 4 bed or more.
- 8.25 An analysis of the housing register shows that the number of households on the housing register increased by 16% (237 new households) between June 2014 and May 2017. During this period, 1 bed need increased by 21%, 2 bed need increased by 13%, 4 bed need increased by 30%. However, 3 bed need has actually decreased by 6%. Furthermore, the need for 4 bed homes represents only 5% of the overall increase in affordable housing need, as the proportion of 4 bed housing need is small in relation to the overall affordable housing need.
- 8.26 The April 2016 SHMA Update advised that "...Some Registered Providers have indicated that they cannot let some of their three bedroom stock currently". In light of the evidence of decreasing demand for 3 bedroom affordable homes and the significantly larger proportional need for 1 bed and 2 bed affordable homes, the Council has continued its use of the housing mix as recommended by the 2009 Housing Needs Assessment for the viability assessment of the OPA. The Housing Register will continue to be monitored to assess whether any significant changes occur to the size distribution needs for affordable homes on the Chesterton site which can be addressed under future REM applications.
- 8.27 The April 2016 SHMA Update also recommends that, within new developments, an approximate split of 70% rented and 30% low cost home ownership.
- 8.28 Officers consider that there are major benefits of providing a significant amount of affordable housing at the application site, relative to elsewhere within the District, due to the accessibility, by public transport, for residents to the high level of services and facilities available within the town. However, the provision of a relatively large proportion of the District's need would not prevent the dispersal of affordable housing within the smaller sustainable settlements in the District, which would also have Local Plan support (Policy 21



of the adopted Local Plan and Policy H2 of the emerging Local Plan). There is also, however, policy support within the adopted and emerging Local Plans for affordable housing to be delivered as rural exception sites to meet the identified need within a parish or community.

### **Affordable Housing and Viability**

- 8.29 The application has been the subject of a detailed viability assessment, which has been set out within the confidential report reproduced on pink pages for Members. The assessment will be discussed in more detail within Chapter 21: Viability, but it has been demonstrated that the OPA development would not be viable with 50% or 40% affordable housing and it has been established that 30% affordable housing can be delivered.
- 8.30 The provision of 30% affordable housing equates to 705 dwellings and it has been agreed that the provision is on the basis of a split of 65% rented dwellings and 35% low cost home ownership, equating to 458 and 247 dwelling respectively. This departure from the advice contained within the SHMA has been agreed to improve viability and to achieve the overall figure of 30%. Officers advise Members not to increase the proportion of low cost home ownership any further as there is a risk that additional low cost home ownership units would exceed local and District need.
- 8.31 Officers will be seeking the following mix of affordable units to be secured within the S106:
- 25% x 1 bedroom 2 person flats, houses or bungalows
  - 45% x 2 bedroom 4 person houses or bungalows
  - **20%** x 3 bedroom 5 and 6 person houses
  - 10% x 4 bedroom 7 person, 5 bedroom 9 person houses or such other larger bedroom/person sizes as may be required to meet local need.
- 8.32 The rented dwellings would be affordable rent, with the exception of dwellings of 4 or more bedrooms, which would only be social rent properties to ensure their affordability. Policy H1 of the emerging Local Plan requires 2 bedroom affordable units to be houses or bungalows rather than flats, unless there is a demonstrated need. These two requirements, along with the requirement for a cascade approach to occupancy, will be secured within the S106.
- 8.33 The low cost home ownership units (e.g. shared ownership, shared equity) would be expected to be predominantly 2 and 3 bedroom units. It would be expected that any proposals for 1 bedroom or 4 or more bedroom low cost homeownership units would be evidenced through primary needs/sales data at the time of the submission of the relevant REM application. The low cost homeownership dwellings could include shared ownership and the Council's Discount Sale Home Ownership model (DSHO). The percentage discount on open market value for DSHO units would be no less than those set out in the April 2016 SHMA update, according to unit size.
- 8.34 There is an expectation that the OPA development would be "tenure blind" and this would be a consideration of future REM applications. The distribution of affordable housing will be agreed by a site-wide 'parcelisation' plan and delivery schedule to be secured by condition. It has been agreed with the Applicant that for viability reasons, the first phase of the development (which is likely to be the separate parcel at Somerford Road) would include low cost home ownership but would not include rented affordable units. This has been agreed to improve the viability at the early stages of the development, although it must be stressed that it would not reduce the overall number of rented affordable units which can be accommodated elsewhere within the application site.

### **Self- and Custom-Build**

- 8.35 The Council is required by the Self Build and Custom Housebuilding Act 2015 to keep a register of individuals who are looking for a serviced self-build plot within the District and it is a statutory requirement for the Council to provide serviced plots to meet the demand identified by the register. At the time of writing this report, there are currently 96 households on the register, 16 of which have Cirencester listed in their preferences. A further 51 households have selected anywhere in the District as their preference.
- 8.36 Policy H1 (Housing Mix and Tenure to Meet Local Needs) of the emerging Local Plan requires developments of more than 20 dwellings, subject to demand identified on the Council's Self and Custom Build Register, to provide at least 5% of dwelling plots for sale to be serviced self- or custom-build plots. The guidance notes to the policy require a 12 month marketing period and if a plot is not sold after this time, it may remain as custom- or self-build, or be offered to the Council or Registered Provider before it can be built out by the developer. The policy does not specify if the plots should be spread across a development or clustered and the guidance notes acknowledge that a flexible approach to the delivery of the plots will be required to ensure delivery and viability.
- 8.37 Officers consider that for practical reasons and to provide certainty for future developers (and thereby not impacting upon viability), it would be preferable for the plots to be clustered within two or more areas within the application site. This will be set out within the S106 along with the overall provision of the plots and a clause regarding the 12 month marketing requirement.

### **Housing for Older People**

- 8.38 The District has an ageing population and the need to provide suitable housing is recognised. The OPA provides provision for 60 units of accommodation for older people which would have a C3 use (i.e dwellings) rather than a C2 use (e.g care home). The Land Use Parameter Plan identifies an indicative location for these units to be provided within a block in close proximity to the neighbourhood centre.
- 8.39 This is an indicative location only and Officers have expressed a preference for the accommodation to be spread through the site, although it is recognised that there are significant benefits to the suggested location in terms of accessing services and facilities and social cohesion. Officers have recommended that some housing for older people is accommodated within a mixed tenure block and other accommodation distributed throughout the site subject to a distribution plan to be secured through the S106.
- 8.40 The approval of the OPA would not preclude future applications for specialist accommodation for older people, subject to a proven need and such applications would be supported by policy H4 (Specialist Accommodation for Older People) of the emerging Local Plan.

### **Delivery Rates**

- 8.41 The viability work has been undertaken based on the first dwellings being delivered at the site in 2019 with the final completions in 2031. The assumed delivery rates for the purposes of the viability work are as follows:
- 2019: 33 dwellings
  - 2020: 90 dwellings

- 2021: 183 dwellings
- 2022-30: 219 dwellings per year
- 2031: 73 dwellings

- 8.42 Due to the size and scale of the proposed development, from 2020 onwards there could conceivably be 3-4 housebuilders. Each housebuilder could deliver between 40 and 50 open market dwellings per annum in addition to the affordable housing. This equates to an average of 196 dwellings per annum for the period 2019-31. This data is based upon national and local research of volume housebuilders and sales figures.
- 8.43 In support of the emerging Local Plan examination, the Council has provided evidence to the Inspector regarding the delivery rates achieved at other development sites in Cirencester and in the District. Over the period 2011/16, the average delivery rate for Cirencester was 142 dwellings per annum. Although this is lower than the suggested delivery rate for Chesterton, the completion rate was limited by the number of sites delivering housing over that period.
- 8.44 The on-going demand for housing within the District has meant that 97% of dwellings of large sites that were granted planning permission between April 2006 and March 2016 were completed within five years of gaining planning permission. Within Cirencester there is unlikely to be market saturation that would impact upon completions at the application site as the housing trajectory for Cirencester shows that other allocated sites would deliver only 31 dwellings between 2021-31 when the strategic site would have its highest annual delivery rate.
- 8.45 A comparison of delivery rates across the Gloucestershire Housing Market Area has also identified that high annual delivery rates can be achieved and sustained at other sites in Gloucestershire.
- 8.46 In light of the above evidence, Officers consider that the suggested delivery rates for the OPA are reasonable, realistic and deliverable.

### **Conclusion**

- 8.47 The emerging Local Plan has been underpinned by a substantial evidence base which has established the requirement for affordable and open market housing within the District, and Cirencester, over the period of the emerging Local Plan 2011-2031. The delivery of the OPA would make a significant and fundamental contribution to the housing requirement and the granting of planning permission would strengthen the Council's 5YHLS position moving forward within the emerging Local Plan period.
- 8.48 The OPA would deliver affordable housing with a range of dwelling types, sizes and tenures which would meet the needs of the town and District's residents over the aforementioned period. Officers recognise that the proportion of affordable housing is lower than the maximum as set out within the adopted and emerging Local Plan policies, but detailed viability work has demonstrated that 50% or 40% affordable housing would not be viable or, therefore, deliverable. Officers consider that the delivery of 30% affordable housing, in the context of the significant infrastructure costs associated with the OPA, is a positive outcome that would make a significant contribution towards the delivery of a mixed and balanced community.
- 8.49 The OPA is consequently considered to accord with the NPPF, in particular paragraph 50 and Policy 21 of the adopted Local Plan and Policies DS1, S2, H1, H2 and H4 of the emerging Local Plan.

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## **Chapter 9: Employment Uses and Economy**

### **Introduction**

- 9.1 There is an economic dimension to sustainable development and the delivery of employment land and a viable commercial centre is integral to the success of delivering the OPA development.
- 9.2 The emerging Local Plan identifies that the economy of the District is healthy with generally affluent communities, low employment rates and high activity rates. However there are pockets of deprivation where earnings are below regional and national averages. The emerging Local Plan seeks to support strong and sustainable economic growth in the District and the Economic Strategy seeks to focus economic development at Cirencester with policy support for employment opportunities at some of the other sustainable settlements in the District.
- 9.3 In accordance with the emerging Local Plan, the OPA proposes 9.1 hectares of employment land. This would comprise 3.2 hectares of Use Class B2 uses (general industry) and/or B8 (storage or distribution) uses and 5.9 hectares of B1 (business) use. The distribution of the employment land has been set out within Chapter 7: Site Layout and Design.
- 9.4 The Land Use Parameter Plan identifies an area of 2.1 hectares for a mixed use neighbourhood centre. Proposed uses within the neighbourhood centre would include retail (Use Class A1), financial and professional services (A2), restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5).

### **Policy Context**

- 9.5 The NPPF advises within paragraph 19 that "...Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system". Paragraph 20 goes on to state that "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century".
- 9.6 As discussed within Chapter 4: Policy Background, Policy 24 (Employment Uses) of the adopted Local Plan is considered to be time-expired and as such has very limited weight in the consideration of the OPA.
- 9.7 The evidence base for the emerging Local Plan identifies a need for over 24 hectares of employment land (B classes) over the period 2011-2031. This includes a 5 year buffer. However, to align with the Local Enterprise Partnership's Strategic Economic Plan and economic forecasts, policy DS1 (Development Strategy) makes an allocation for up to 27 hectares. Economic forecasts indicate that over the same period, total job growth will be between 10,500 and 11,900.
- 9.8 Policy EC1 (Employment Development) of the emerging Local Plan supports employment development subject to a number of criteria including the "...The creation of high quality jobs in professional, technical and knowledge-based sectors and seeks to support economic opportunities which capitalise on the strength of existing academic and training institutions and research organisations".

- 9.9 With regard to the vitality and viability of town centres, the NPPF within paragraph 24 advises that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan”.
- 9.10 The NPPF (paragraph 26) advises that the threshold for the submission of a retail impact assessment should be 2,500 square metres in the absence of a locally set floorspace threshold. Policy 25 (Vitality and Viability of Settlements) of the adopted Local Plan seeks to protect the commercial centres of settlements within the District by requiring retail proposals outside of a commercial centre to be subject to a sequential test, but the policy does not set a threshold.
- 9.11 Policy EC9 (Retail Impact Assessments) of the emerging Local Plan requires planning applications that relate to floorspace of 100 sqm net or above, which lie outside an identified Town / Key / District or Local Centre, to be assessed against their impact on the health of, and investment within, defined Centres, and those applications must be accompanied by a Retail Impact Assessment.
- 9.12 Finally, Policy S2 (Strategic Site South of Chesterton) of the emerging Local Plan sets out that the allocation includes approximately 9.1 hectares of B1, B2 and B8 employment land and a neighbourhood centre. The vision refers to the provision of sufficient employment land and buildings to ensure a wide range of job opportunities.

### **Officer Assessment**

#### **Employment Land**

- 9.13 The importance of Cirencester to the economy of the District can be demonstrated through employment figures for 2015 (ONS Business Register and Employment Survey). These figures identified that 36% of all employee jobs (excluding self-employed, HM Forces and government supported trainees) and 35% of all employment jobs in the District were located in Cirencester. Of all finance and insurance employment in the District, 75% were located within Cirencester. Similarly, 51% of all information and communication employment, 47% of retail employment and 29% of all public administration were located in Cirencester. The 2011 census identified that there were 2,690 more people working in the town than employed residents living in the town (i.e. people commuting to Cirencester for work, rather than living and working in the town).
- 9.14 The quantum of employment land proposed at the application site would make a significant contribution towards the existing and future employment needs of not only the town, but the wider District. The proposed employment land within the OPA would equate to approximately 30,000 square metres of B1 use and 13,000 square metres of B2/B8 use and it is expected that this would generate in the region of 1,600 jobs. Given the rural nature of the District and the smaller size of other settlements, there are few available alternatives in the District for the delivery of the proposed quantum of employment land.
- 9.15 While there is an aspiration that the delivery of employment land would reduce commuting out of the town by residents, there is an acceptance that this cannot be controlled through the planning system, and this has been taken into account within the Transport Assessment.
- 9.16 The specific uses, design, layout and appearance of individual employment buildings would be covered at the REM stage and such applications would be expected to provide buildings which support the vision for the site, i.e. space for start-ups, incubation, and expansion of existing business, technical hubs and company headquarters.

- 9.17 To ensure the delivery of the employment land and to support the wider delivery of the Council's Economic Development Strategy, the Council has engaged with the wider business community, including commercial land agents and meetings with the Gloucestershire Local Enterprise Partnership, GFirst and representative members of its Construction and Infrastructure Group. All of which has informed the Council's preparation of a Business Delivery Plan that sets out the key priorities and interventions for the Council, with the Chesterton site being at the heart of meeting future identified need.
- 9.18 Furthermore the delivery of the employment land will be secured through the S106 and the details are set out within the HoT (**Appendix 15a**) The Applicant will be required to market the employment land for an minimum agreed period of time, with a marketing strategy that will be agreed by the Council prior to its implementation. The delivery of the employment land will be phased and the S106 will also set out the triggers for the delivery timetable.

### **Retail Centre**

- 9.19 The mixed neighbourhood centre within the application site would have a gross floor area of 2,000 square metres and a net floor area of 1,700 square metres. In the absence of an adopted Local Plan policy for this site, the retail uses are considered to be an "out of centre" development. The proposed retail element of the development would be below the threshold set by the NPPF, but a retail impact assessment has nevertheless been submitted with the application.
- 9.20 The retail impact assessment has reviewed the expenditure growth associated with the proposed dwellings and has assessed the potential impacts of the proposed retail uses on the existing town centre. The assessment has also looked at the availability and suitability of other sites within the town centre.
- 9.21 The NPPF and adopted and emerging Local Plan policies seek to protect the vitality and viability of the existing town centre from the potentially harmful impact of out of town retail sites, in particular retail parks or large retail units. However, the proposed retail uses at the application site are distinctly different to these examples. Instead, retail uses would form an integral part of the neighbourhood centre; they would not only meet the day to day needs of occupants within the development, but would also contribute towards community cohesion. The retail impact assessment identifies that the occupants of the development would provide the necessary viability for the proposed quantity of retail floorspace.
- 9.22 In terms of the sequential approach required by Policy 25 of the adopted Local Plan in respect of out of town centre uses, Officers consider that, for the OPA, it is not applicable in this instance as it would be unrealistic and impractical to expect that the provision of the neighbourhood centre and the associated retail uses could be provided at other potential development sites within the town centre, which of course would fail to achieve the desired objective of creating a sense of place and community within the development. The retail spaces with the neighbourhood centre would be modest in size, to meet the day to day needs of those living within the OPA development, and conditions are proposed to control the size of these units.
- 9.23 The timing of the delivery of the neighbourhood centre will be secured within the S106.

### **Economic Benefits During Construction**

- 9.24 In addition to the jobs that would be generated by the employment land and the commercial uses within the neighbourhood centre, jobs would be created during the construction phase. The ES estimates that, based upon figures from the House Building Federation and Construction Industry Training Board, the equivalent of 352 permanent jobs would be generated over the construction period. There would also be increased expenditure within the town and wider area from the construction workforce and increased revenue within the associated local supply chain.

### **Conclusion**

- 9.25 The proposed employment land is an integral part of the OPA, and forms a key part of the Council's Economic Development Strategy over the period of the emerging Local Plan. The proposed employment land and neighbourhood centre are considered to accord with the social and economic dimensions of sustainable development as set out within the NPPF and are considered to accord with policies DS1, S2, EC1 and EC9 of the emerging Local Plan.



# Chapter 10: Social Infrastructure

## Introduction

- 10.1 To deliver a successful sustainable mixed community, in accordance with the objectives of the NPPF, the OPA must deliver more than just dwellings and employment land. It must deliver provision for the education, health and wellbeing needs of the new residents and must provide opportunities for recreation, social interaction and promote community cohesion. Such provision is referred to as “Social Infrastructure” for the purposes of this report and includes provision both on- and off-site to be secured through the S106s between the Applicant and CDC, and the Applicant and Gloucestershire County Council.
- 10.2 This chapter should be read in conjunction with Chapter 21: Viability as in order to reach an agreed position with the Applicant on affordable housing and the Heads of Terms for the S106 (HoT), Officers have had to make balanced judgements on the prioritisation of potential obligations. If Members are minded to come to a different conclusion, it should be noted that any additional obligations over and above those set out within the HoT would have implications for site viability and the proportion of affordable housing to be delivered by the OPA and its deliverability. This chapter should be read in conjunction with the HoT are attached as **Appendix 15a**.

## Policy Considerations

- 10.3 The NPPF, within paragraph 70, advises that “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.
- 10.4 Paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.
- 10.5 Paragraph 73 states that “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.
- 10.6 Policy 32 (Community Facilities) of the adopted Local Plan states that proposals for community facilities (which includes indoor and outdoor sports facilities) will be permitted on sites that are well related and accessible particularly by foot, bicycle and public transport to the local community.
- 10.7 Policy S2 (Strategic Site South of Chesterton) of the emerging Local Plan includes a requirement for community facilities and culture, education and health care. Policy INF2 (Social and Community Infrastructure) requires that when the provision of community facilities is part of another development, such provision is synchronised with scale, timing/phasing and needs of the associated development. The policy also includes a requirement that community facilities are economically viable in terms of their ongoing maintenance and the demand for the facilities. The policy requires community facilities to be well linked and easily accessible by sustainable modes of transport. Facilities should be multi-purpose and provision should be made for their on-going management/maintenance.

- 10.8 Policy INF2 of the emerging Local Plan also advises that sports facilities (and other community facilities) will be permitted where it is demonstrated that a) the provision of the facility is synchronised with the scale/phasing of the development; b) account has been taken of existing facilities; c) the facility would be viable in terms of ongoing maintenance and d) the facility is well linked and accessible to the community by sustainable modes of transport. The policy also requires that the feasibility of multi-purpose use is explored and provision is made for ongoing maintenance/management.
- 10.9 There are no existing or emerging Local Plan policies regarding the quantum of play areas that are required from a development. Policy 34 of the adopted Local Plan (Landscaped Open Spaces and Play Areas in Residential Development) advises that provision may be required for children's play areas in new residential developments. The guidance notes to this policy refer to the need for appropriate siting of play areas and arrangements for long term maintenance.
- 10.10 In the absence of such specific policy background, Officers have referred to the guidance provided by the Fields in Trust (FiT) organisation (formally known as the National Playing Fields Association). The FiT standards provide a nationally well-established benchmark for the amount of play areas that should be provided per head of population within a development and acceptable walking distances to them. The benchmark figures are, however, guidance only and are not statutory maximum or minimum standards.

## **Officer Assessment**

### **Community Development**

- 10.11 The creation of a community within the OPA development can be initiated to a large extent through the planning process by securing obligations for the creation of a Community Management Organisation (CMO).
- 10.12 It is envisaged that the CMO would be in place within the early days of the OPA development, prior to the occupation of the first building on the site. The exact nature and legal format of the CMO would be determined by a Working Group which would be established following the approval of the OPA. The Working Group would comprise representatives of CDC and the Applicant, with involvement from Cirencester Town Council (CTC) and other interested parties. There is an expectation from Officers that the CMO would be accountable to the residents of the OPA development.
- 10.13 Officers are seeking to ensure that supporting facilities within the community hub, and the wider neighbourhood centre, are provided in phase with development, in accordance with Policy S2. Rather than simply setting a single trigger for delivery of the neighbourhood centre, Officers are working towards a solution based on staged delivery. The intention is to ensure that proportionate community facilities are provided to serve the first phases of development, culminating in delivery of the complete neighbourhood centre as early as practicable. Officers will update Members at the Council meeting on this matter.
- 10.14 The CMO would initially be communicated to new residents through Welcome Packs, which would be produced and distributed on occupation, informing residents (and other occupiers) about the CMO, including service charges and their entitlement to becoming members of it (and thus hold it to account). The CMO would have a physical presence within the development with permanent office space secured within the within community building. Because Officers want the CMO to be on site for the first residents, the S106 would require the Applicant to provide temporary office accommodation prior to the completion of the community building, the details of which would be agreed with the Council.

- 10.15 The CMO would be funded by service charges, and the S106 would secure a sum of money to pay for start-up costs and annual maintenance costs for community facilities. Other financial obligations to the CMO would include £100,000 for seed funding of community development initiatives, and £100,000 for art and cultural initiatives. These initiatives would include activities and events to promote social integration not only between new residents, but with the wider community. The Council would receive the money and it would be transferred to the CMO once established.
- 10.16 To secure the long term future of the CMO, the Council envisages the transfer of assets to the CMO, which could include the community building and sports hall, both of which would generate revenue to support the CMO. This will be discussed in more detail with the Applicant during the S106 discussions.

### **Cirencester Town Council Contributions**

- 10.17 In addition to making representation on infrastructure requirements, transport, affordable housing, health and education obligations, which are included within the OPA and obligations, Cirencester Town Council (CTC) has sought the following CIL compliant contributions:
- Amphitheatre Outdoor Learning Centre - £25,000
  - CTC/AQIVA projects at the Amphitheatre - £10,000
  - Community Fund Contribution: £3000 per annum towards community projects.
  - Obelisk Conservation and Stone Masonry apprenticeship - £100,000
  - Town Centre public realm - Cricklade Street improvements - £75,000
  - Town Centre public realm - taxi rank upgrade - £10,000
  - Town Centre public realm - West Market Street improvements - £100,000
  - Access improvements at City Bank - £25,000
- 10.18 Working with CTC and following the work undertaken on viability, CDC and the Applicant have agreed on a number of items to be incorporated within the S106. For example, the obligations proposed for the outdoor learning centre and projects at the Amphitheatre will not be specifically referred to within the S106 as they are projects which could draw money from the fund for community development initiatives. Such projects would have the potential to draw together both the existing and the new communities.
- 10.19 The contribution towards the obelisk apprenticeship has been incorporated within an obligation for apprenticeships linked to construction and stone masonry activities. Officers were able to agree this with the Applicant as GCC initially sought a contribution towards sixth form education, but neither of the secondary schools in Cirencester has a sixth form and the contribution was not necessary. Furthermore, it was established that Cirencester College has capacity and is funded directly from central Government for pupil places. As such, the contribution was not therefore considered to be necessary or reasonable, having regard to the requirements of the CIL Regulation tests.
- 10.20 An obligation for £100,000 for town centre improvements has been included within the HoT. Members may note that this figure is less than the total figure proposed by CTC and this has resulted from discussion between both Councils. CTC agree with CDC that a contribution towards increased town centre parking is a high priority. Furthermore, CTC was mindful that some of their originally proposed improvements may benefit from S106 contributions from other planning permissions. On balance, CTC therefore considered that £100k for town centre improvements (not already benefitting from other S106 contributions) and a contribution towards town centre parking was acceptable. The fund would be held by CDC, and CTC would draw from it for CIL compliant projects according to priority.

### **Cotswold District Council Contributions**

- 10.21 There has been considerable concern from Third Parties of the impact of the OPA upon car parking within the town centre, with particular reference to the current capacity issues within the town centre car parks.
- 10.22 The Council established a Member led Car Park Demand Project Board in 2015 as a result of the growing concerns around parking capacity in Cirencester. Work has been completed to establish current and future demand for car parking in the town and an independent report commissioned from Atkins was published in February 2017. The report concluded that 347 additional public parking spaces would be needed by 2031 to meet demands created by residential and commercial growth identified in the emerging Local Plan. The Council has progressed with schemes to deliver this capacity and following a feasibility study completed in June 2016, is preparing a planning application for a decked car park at the Waterloo car park site. It is unlikely the Waterloo development would be the only parking solution in the town and additional sites are being considered, including sites to the west of town.
- 10.23 The OPA would deliver a comprehensive package of improvements to pedestrian and cycle links to the town centre and improved bus services and the County Highways Officer has not requested a contribution towards town centre car parking. There is therefore a friction between promoting sustainable modes of transport and requesting a contribution towards town centre parking. However, it has been demonstrated that there would be a demand for spaces and following discussions within the Applicant, it has been agreed that the S106 will include a contribution of £500,000 towards town centre parking.
- 10.24 The Council's Leisure Services Manager sought a contribution towards increasing capacity at Cirencester Leisure Centre. An obligation of £529,549 was proposed based upon the capital costs of improvements multiplied by the number of new residents at the site.
- 10.25 Officers have not pursued this obligation. The method of calculation is not considered to be CIL compliant, the OPA proposes sport facilities on site and the existing leisure centre generates an income. However, Officers are mindful of the report "Strategic Assessment of Need of Pool Provision in Cotswold District" produced as part of the evidence base for the emerging Local Plan. The study identified that the swimming pool at the leisure centre would not be over capacity by 2031 but may require investment towards refurbishment/upgrades. Officers have secured a contribution towards the capital costs of off-site sports facilities and this will include the potential for some money to be spent on appropriate projects at the leisure centre.
- 10.26 The Council's Leisure Services Manager also sought a contribution of £476,885 towards storage for the Corinium Museum and Resource Centre at Northleach. Officers have not pursued this contribution as it was considered not to accord with the test set out in the CIL regulations. Members who sit on Planning Committee will be aware that a storage unit has recently been approved at the Resource Centre (ref: 16/05366/FUL).
- 10.27 The Council's Shared Healthy Communities Manager sought a contribution of £52,083 for a part-time community development officer to be employed over a period of 36 months. In addition a contribution of £9,000 was sought for a community fund to seed fund resident-led initiatives and a further £5,400 as a budget for events and materials for the community builder. A contribution of £105,000 towards artist-led interpretation and focal point features on site to aid orientation, promote walking, cycling and the use of public open spaces was

also sought. Officers did not pursue these specific contributions as they overlap with the contributions sought for the CMO.

### **Education**

- 10.28 Gloucestershire County Council (GCC) is the responsible authority for the provision of school places within the county. In response to the OPA, GCC have requested contributions towards pre-school, primary and secondary education. As a result of the work undertaken on viability, the contributions towards education set out in the HoT have been modified from the original contributions requested by GCC.
- 10.29 It has been established that the development would generate a demand for 142 nursery places by 2031/32. Based upon the size of the new primary school, GCC have established that a nursery attached or associated with the primary school would provide up to 78 places. The balance of places would be provided elsewhere across the site or serving the site, and secured through a financial contribution which would increase the capacity of existing nursery and pre-school child care facilities serving the development.
- 10.30 The development would generate a need for a new primary school on site. It would be a three form entry school (i.e. three classes in each year) accommodating up to 630 pupils. The Applicant intends to construct the school to a specification agreed with GCC, but should it not be delivered by the Applicant, an equivalent financial contribution would have to be paid for by the Applicant for it to be delivered by GCC.
- 10.31 GCC is currently working with the Applicant regarding the phasing and programme of delivery. It has been agreed with GCC that for the first two occupied years of the OPA development, children from the development could be accommodated at Chesterton Primary School. After that, the new primary school would be established at a temporary host site, at a cost to the Applicant. At the time of writing this report, the host site for the temporary primary school has not yet been established, and options are being explored to be secured within the S106.
- 10.32 The new primary school would be required for the occupation of the 500<sup>th</sup> dwelling, i.e around 2022/23 on current build out rates. It would be delivered on a phased basis, initially as a one form entry school with the second phased delivered before the first occupation of the 1000<sup>th</sup> dwelling and the school completed before the first occupation of the 2000<sup>th</sup> dwelling (final phase delivered in 2029/30 academic year based upon current build out rates).
- 10.33 Further work on secondary school places as part of the viability work has established a requirement for 264 places. This would not necessitate the requirement for a secondary school on site but would require an increase in the capacity of one of both of the two secondary schools within Cirencester: Deer Park and Kingshill.
- 10.34 Kingshill has recently increased its capacity to accommodate increased demand from local residential developments. Deer Park is the closer of the two secondary schools to the application site and is the school most likely to serve the development. GCC has established that Deer Park school has some surplus capacity which could accommodate pupils from the development and a contribution will also be sought to accommodate the balance of places.

### **Library Facilities**

- 10.35 GCC has a statutory duty to provide library provision under the Public Libraries and Museums Act 1964. GCC initially identified the need for a financial contribution towards

library provision, or an in-kind provision on-site, totalling 246 sq metres. However, GCC considers that the multi-purpose community building would provide an opportunity for the provision of library facilities, e.g. self-service facilities and IT equipment as “satellite” library space, linked to Cirencester Library. Subject to the facilities being fitted out to GCC’s specifications, a reduced contribution is considered to be acceptable in these circumstances. In the event that the community building is not provided, or does not provide library facilities, a larger financial contribution would be required to deliver the facilities separately.

### **Healthcare Provision**

- 10.36 The population of the proposed development would generate a requirement for three General Practitioners (GPs). Officers have been advised by the Gloucestershire Care Commission Group that a GP surgery of that size (approx. 600 sq m) would not be viable and therefore, would not be supported by them. The options for provision include an existing GP surgery taking on the new residents, either within a new practice building or with a satellite office. The S106 agreement will secure the allocation and marketing of land for the GP provision within the application site. In accordance with the regulatory tests for planning obligations, the Applicant only has to provide for the requirements of the new population and any provision over and above this would be a commercial decision and would therefore be outside of the planning process.
- 10.37 The Gloucestershire Care Commission Group did not make any requests in relation to healthcare provision at Cirencester Hospital.

### **Police Contribution**

- 10.38 The Police sought a contribution of £144,165 towards equipment and staffing costs associated with the development.
- 10.39 Officers have undertaken an analysis of this cost and have raised concerns that it does not meet the tests as set out within the CIL Regulations. On the basis of CDC’s own evidence base, Officers do not agree with the assessment of population growth that the Police have undertaken and have taken into account funding that the Police service would receive from Council Tax precepts and central Government funding.
- 10.40 Officers have offered a compromise proposition based on the following: £10,000 towards ANPR (Automatic Number Plate Recognition) camera upgrades; an on-site policing point (i.e. a room for the Police service within the new community building); and £4,350 towards equipment for the same. Officers believe this could be justified, given the potential time lag between the need for additional policing and the receipt of the Council Tax precept and/or additional funds from central Government. **Prior to the September meeting, the Gloucestershire Police Service advised Officers that they would accept the compromise offer if Members did not accept their original request.**

### **Play Area and Sports Provision**

- 10.41 Play is described by Play England, the national advisory body regarding sports provision, as being “...An essential part of every child’s life. It is vital for the engagement of childhood as well as for social, emotional, intellectual and physical development”. Play areas therefore have an important role to play within a development for these reasons and for the contribution that they make towards social cohesion.
- 10.42 When assessing the provision of play areas within the development, Officers have applied the previously explained FiT standards and have also had regard to the suitability/practicality of the locations of play areas and existing facilities.

- 10.43 The proposed development proposes a variety of play areas, which would be distributed across the site within formal parks, natural and semi-natural open space, and within amenity green spaces (e.g. buffer areas and informal recreation spaces). The quantum of play areas was increased, following discussions with Officers, and the GI Parameter Plan was amended accordingly in October 2016.
- 10.44 Officers will require the S106 to require the provision of play areas to be provided prior to the first occupation of 50% of the phase/sub-phase in which the play area is to be sited. There would also be a requirement for an initial 12 month period of maintenance by the provider, with adoption after that period to the Town Council, the Master Developer or the CMO for long-term management and maintenance.
- 10.45 The types of play area that are now proposed as part of the proposal are as follows:-

**Neighbourhood Equipped Area for Play (NEAP):**

- 10.46 This is the largest type of play area, aimed towards older children who have some independence and would therefore contain more physically challenging equipment. Because of this, a NEAP can be sited within a walking distance of 1000m from a dwelling (this equates to a straight line distance of 600m). A NEAP can include play equipment, seating, and space for informal games and requires a 30m landscaped buffer area between it and residential properties to avoid unreasonable disturbance.
- 10.47 It is proposed that the proposed development would deliver one NEAP, which would be located towards the southern edge of the site, in close proximity to the sports hall and playing pitches. The 600m radius from the proposed NEAP would cover a large proportion of the site, although it would not cover dwellings within the eastern half of the site. Nevertheless, Officers consider that this would be acceptable as there is a NEAP (Thistle Patch) within the existing Chesterton neighbourhood which would be within walking distance for many children within the eastern section of the site.
- 10.48 The final design of the NEAP and of all of the play areas would be agreed through the REM stages.

**Local Equipped Area of Play (LEAP)**

- 10.49 A LEAP is a play area aimed towards children who are beginning to go out and play independently, but still in relatively close proximity to their home. The FiT standards recommend that a LEAP is within a 5 minute walk of a dwelling which equates to a walking distance of 400m (or a straight line distance of 240m). A LEAP requires a landscape buffer zone of approximately 20m between the activity zone and the habitable room of a dwelling.
- 10.50 The proposed development has identified five LEAPs evenly spread across the development. Officers consider that this is an acceptable level of provision.

**Local Area for Play (LAP) or Doorstep Play**

- 10.51 A LAP is a small area of open space designed for young children up to the age of 6. It is recommended that a LAP is located within one minute walking distance of a dwelling. This equates to walking distance of 100m (or a straight line distance of 60m). A LAP primarily consists of playable landscape features and can include some low key play equipment. Due to its nature, a LAP will only require a landscape buffer zone of a minimum of 5 metres between the activity zone and the nearest dwelling.

- 10.52 The proposed development has allocated sufficient land for 16 LAPs across the site, which includes one within the parcel of development at Somerford Road.

#### **Local Landscape Area for Play (LLAP)**

- 10.53 A LLAP is local landscaped area to be used for play and recreation. They are intended to be within a 5 minute walk of a dwelling (the same distance as a LEAP) and have “playable landscape features” such as logs or boulders. They require a similar buffer zone to a LAP.
- 10.54 The proposed development has allocated sufficient land to provide 5 LLAPs across the site. The parameter plans show the indicative locations for the LLAPS including two within the “buffer zone” at the northern edge of the site. Officers consider that the proposed level of provision and distribution of LLAPs would be acceptable.

#### **Other**

- 10.55 The PRoWs within the application site are currently well used for recreational purposes and the GI strategy identifies that there is the potential within the development for short circular routes for informal/recreational walking. These routes could make up a wider trail route which makes a legible connection within the site and out to the adjoining countryside. This level of detail can be agreed at the REM stage.

#### **Sports Provision**

- 10.56 The Land Use Parameter Plan identifies 1.3 hectares to be set aside for a sports hall, health and fitness suite, play pitches and associated parking. They would be sited to the south of the farm complex/community hub.
- 10.57 The sports pitches would comprise three outdoor tennis courts and two mini football pitches (for five and seven aside games). The HoT sets out a contribution towards the capital costs for projects at sport facilities which, as previously discussed, would include the leisure centre and off-site pitches. Such projects would include those identified within the Council’s Play and Pitch Strategy.

#### **Conclusion**

- 10.58 The proposed social infrastructure to be secured by S106 legal agreements, and in particular the CMO, would play an essential role in meeting the social, cultural and wellbeing needs of the residents of the new development and in creating a cohesive and sustainable community.
- 10.59 Officers consider that the OPA would provide a range of play and exercise opportunities for all residents within the development, contributing towards a healthy and vibrant community. The new facilities would also be expected to be used by residents from outside of the development and would therefore assist in its social integration. Officers are also satisfied that the contributions towards off site sport facilities would mitigate the increase in population arising from the development and any resultant pressure on existing facilities.
- 10.60 The proposed development, in this respect, is considered to accord with the NPPF including paragraphs 57, 69 and 70 and Policies 32 and 34 of the adopted Local Plan and policies S2 and INF2 of the emerging Local Plan.



# Chapter 11: Access and Movement

## Introduction

- 11.1 The impact of the OPA development upon the local highway network has been a particular cause for concern for many Third Parties as has connectivity to the town centre from the site.
- 11.2 Gloucestershire County Council is the Local Highways Authority and Members are advised that this chapter must be read in conjunction with their comments which were reproduced within the SIB briefing papers and have been reproduced again in full as **Appendices 7a – 7d**.
- 11.3 Given the contentious and technical nature of highways matters, Officers engaged the services of a consultancy, Atkins, to work for the Council with GCC. The resulting report by Atkins has already been circulated to Members and is reproduced in full within this chapter.
- 11.4 The associated issue of the environmental impact of the development and increased vehicular movements will be discussed within Chapter 12: Pollution. Likewise, other impacts of the proposed mitigation works will be discussed within Chapters 13; Heritage, 15: Landscape, 16: Trees and 17: Biodiversity.

## Policy Background

- 11.5 The National Planning Policy Framework (NPPF) advises within paragraph 32 that “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 11.6 The National Planning Policy Guidance (NPPG) advises that “Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. They are required for all developments which generate significant amounts of movements” (Paragraph: 002Reference ID: 42-002-20140306).
- 11.7 Travel Plans are described by the NPPG as “.. long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking and cycling)”. (Paragraph: 003Reference ID: 42-003-20140306).
- 11.8 Transport Assessments are described by the NPPG as a way of “...assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by

management measures, the mitigation may inform the preparation of Travel Plans). Transport Assessments are thorough assessments of the transport implications of development". (Paragraph: 004 Reference ID: 42-004-20140306).

- 11.9 Policy 38 (Accessibility to and Within New Development) of the adopted Local Plan supports developments that incorporate appropriate measures to increase accessibility and movement by alternative modes of transport to the car. Developments should satisfy a number of criteria which include requiring that traffic generated from the development should not have an unacceptably detrimental effect on the movement of traffic, road safety or on the living conditions of residents. Highways mitigation works should not cause significant damage to trees, hedgerows etc unless it is outweighed by the benefits of the development.
- 11.10 Policy S2 (Strategic Site South of Chesterton) of the emerging Local Plan requires the OPA development to deliver highways infrastructure.
- 11.11 As the Local Highways Authority, GCC have prepared a Local Transport Plan which has a central objective to deliver a "resilient transport network that enables sustainable economic growth providing door to door travel choices". Policy INF3 (Sustainable Transport) of the emerging Local Plan supports developments that assist in delivery of the Local Transport Plan and, amongst other criteria, actively support sustainable travel choices.
- 11.12 Policy INF4 (Highway Safety) supports developments that would be well integrated within the existing highways network and would avoid the severance of communities. The policy supports developments that, amongst other criteria, would avoid locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation.

### **Report of Atkins**

- 11.13 The following italicised text is the previously mentioned report produced by the Council's Highways Consultant, Atkins:

#### ***Introduction***

- 11.14 *Atkins has independently reviewed the Transport evidence provided in support of the proposed development to ensure that the work has been carried out to the required standard and to determine if the proposed transport mitigation measures are sufficient to mitigate the transport impact of the proposed development.*
- 11.15 *Atkins has attended monthly progress meetings with Gloucestershire County Council (GCC) and i-Transport (the Transport Consultants acting on behalf of the applicant) and has been providing feedback to CDC.*

#### **Scope**

- 11.16 *This report considers the technical work submitted by i-Transport and comments on any issues identified, the appropriateness of the work undertaken and considers the transport impact of the proposed development when taking into account the proposed mitigation measures.*
- 11.17 *Table 1-1 identifies the reports submitted by i-Transport that have been considered as part of this review.*

**Table 1-1: Documents Reviewed**

| <b>Title</b>  | <b>Reference</b>               | <b>Date</b>             |
|---|--------------------------------|-------------------------|
| <i>Transport Assessment</i>   | <i>MG/BT/RH/ITB6173-101B R</i> | <i>5 January 2016</i>   |
| <i>Framework Travel Plan</i>  | <i>MG/BT/RH/ITB6173-017B R</i> | <i>5 January 2016</i>   |
| <i>Updated Transport Assessment</i>   | <i>MG/BT/RH/ITB6173-102 R</i>  | <i>11 November 2016</i> |
| <i>Updated Framework Travel Plan</i>  | <i>MG/BT/RH/ITB6173-103A R</i> | <i>11 November 2016</i> |
| <i>Technical Assessment of A429 Stow Road/Burford Road/B4425/Cherrytree Lane Signal Controlled Junction</i> | <i>MG/BT/ITB6173-108 R</i>     | <i>30 March 2017</i>    |
| <i>Development Traffic Impacts on Siddington, South Cerney and Ewen</i>                                     | <i>MG/ITB6173-109ATN</i>       | <i>10 April 2017</i>    |
| <i>Further Clarification on S-Paramics Modelling</i>  | <i>MG/SH/ITB6173-110 TN</i>    | <i>12 April 2017</i>    |

- 11.18 *The Updated Transport Assessment (UTA) and Updated Framework Travel Plan (UFTP) largely supersede the original documents and this review therefore considers the Updated versions unless otherwise specified.*

**Severity of Residual Cumulative Impact**

**Relevant Guidance and Policy**

- 11.19 *In order to determine if the proposed development and accompanying mitigation measures are acceptable, it is necessary to consider the relevant guidance and policy. When considering the Chesterton application, Planning Policy Guidance, ‘Travel plans, transport assessments and statements in decision taking’ and the National Planning Policy Framework (NPPF) are the most relevant documents for consideration.*

**National Planning Policy Framework**

- 11.20 *Transport Assessments are used to establish whether the residual transport impacts of a proposed development are likely to be “severe” which may be a reason for refusal, in accordance with the NPPF.*
- 11.21 *Severe is not defined in NPPF or Planning Policy Guidance. Highways England consider severe impact to be an unacceptable increase in queues or delays but unacceptable is also not defined. Unacceptable increases could be when delays are significant or queues become dangerous.*
- 11.22 *The severity of impact therefore needs to be considered in the context of this applications impact on transport networks within Cirencester and the surrounding highway network.*
- 11.23 *NPPF Section 4, Promoting sustainable transport, Paragraph 32 states ‘All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

11.24 *In order to determine if the residual cumulative impacts of the development are severe, it is important to establish the following:*

- *Has the UTA accurately assessed the transport conditions;*
- *What the effect of the proposed development would be without the proposed mitigation;*
- *Whether the proposed mitigation has been properly assessed;*
- *Whether the proposed improvements limit the significant impacts of the development;*
- *If opportunities for sustainable transport been taken up; and*
- *If safe and suitable access to the site can be achieved for all people.*

11.25 *This review will therefore comment on the appropriateness of the UTA, the impact with and without the proposed mitigation measures, if sustainable transport has been adequately promoted and if the access points are safe.*

### **Traffic Impact**

#### **Introduction**

11.26 *This section considers how the traffic impact has been assessed, including an overview of the traffic modelling software used, the trip generation and distribution.*

#### **Traffic Modelling**

11.27 *The traffic impact associated with the proposed development has been assessed using the computer software programme S-Paramics. S-Paramics is a microsimulation model which assesses individual vehicle movements in real time through the highway network. The model assesses day to day variability in traffic conditions and therefore the model is run 10 times to obtain an average result.*

11.28 *The traffic impact has been assessed for the AM and PM peak hours of 08:00 to 09:00 and 17:00 to 18:00.*

11.29 *The model is 'dynamic' in that vehicles will choose the best route from their origin to their destination and therefore vehicles currently using a particular route may use an alternative route within the model in the future.*

11.30 *The model extent includes central Cirencester and Chesterton, and extends out to include the following junctions:*

- *A417/A429 Burford Road junction in the north;*
- *A419/Cirencester Road/B4696 Spine Road East access to Cotswold Water Park;*
- *Spine Road West/Spratsgate Lane to the south;*
- *A429 Tetbury Road/A429/A433 Tetbury Road to the west; and*

- A417 Gloucester Road/A435 Cheltenham Road to the north west.

11.31 The model takes account of existing trips on the network, committed trips (developments that are consented but weren't constructed) and background growth (general increase in traffic growth) and the proposed development. The existing trips were surveyed in 2013 and committed trips that were consented but not operational in 2013 are identified in Table 2-1.

**Table 2-1 Committed Development Traffic**

| <b>Planning Application Reference</b> | <b>Site</b>                  | <b>Description</b>  |
|---------------------------------------|------------------------------|---|
| 07/01703/FUL                          | Metric House, Love Lane      | Three new units comprising two storage or distribution units, with ancillary trade counters and / or showrooms, and a non-food retail warehouse |
| 11/01441/FUL                          | Vygon (UK) Ltd., Bridge Road | Construction of retail warehouse park (5131sqm) and two units of restaurant and café use (278sqm)   |
| 06/02991/OUT                          | Kingshill South              | 77 dwelling (outstanding completions at the time of the traffic surveys)  |
| 10/00964/OUT                          | RAU Triangle Site            | Business Park comprising educational, research, agricultural business uses/ conference facility (25,083sqm)                                     |
| 11/05716/OUT                          | Siddington Park              | Care home (160 beds) and office development (10,000 B1(a))  |
| 11/01774/OUT                          | Siddington Road              | 60 residential units  |
| 13/05366/FUL                          | Cirencester Town Centre      | Market Place Improvement Scheme   |
| 13/02942/OUT                          | Kingshill North              | Mixed use development comprising employment floorspace up to 5,000 sqm for B1 Use and residential development (up to 100 dwellings)             |
| 13/01304/FUL                          | Brewery Court                | Mixed use development comprising a four-screen cinema, student accommodation, restaurants and cafes, shops and arts facility                    |
| 14/02602/FUL                          | Cirencester Hospital         | Change of use from land ancillary to Cirencester Hospital to independent car park comprising 116 spaces   |
| 14/02658/FUL                          | St James's Place             | 4,860sqm B1 office floorspace   |

11.32 Background traffic growth has been taken account of by using factors obtained from the National Trip End Model.

11.33 Since the UTA was completed, an additional site has been consented at Planning Appeal. The site is Land South of Love Lane, Cirencester, GL7 6HL, planning reference 15/05165/OUT for up to 88 dwellings. Given the scale of the consented development relative to the proposed development, the traffic impact from the 88 dwellings is unlikely to have a material impact on the findings of the UTA and the background traffic growth assumed will have made some allowance for the recently consented development.

11.34 Committed highway schemes have also been incorporated into the traffic model and include the schemes identified in Table 2-2. The schemes are not included in the Base 2013 scenario as this represents the network that existed in 2013 but have been included in the

future 2021 scenarios. For example, the Market Place Improvement Scheme is not included in the 2013 base but is assessed in all the 2021 scenarios.

**Table 2.2: Committed Highway Schemes**

| <b>Scheme</b>   | <b>Status</b>  |
|---|--|
| New roundabout on the A419 to provide access to Siddington Park   | Siddington Park (now constructed)  |
| Preston Toll Bar remediation works (right-turn facilities removed)  | Siddington Park (now constructed)  |
| Improvement scheme at the A417 London Road / A429 Burford Road  | Kingshill North (now constructed)  |
| Segregated left-turn lane from A429 Burford Road to A419 / A429 Ring North (S) and provision of pedestrian crossing on Grove Lane at A419 / A429 Ring Road / A429 Burford Road / A435 Grove Lane / London Road Roundabout |  |
| Improvement Scheme at Midland Road / Bridge Mini-Roundabout   | Vygon (UK) Ltd., Bridge Road / Completed   |
| Proposed new roundabout on A429 Tetbury Road  | RAU Triangle site  |
| Improvements to A419 Stroud Road / A429 Tetbury Road Roundabout   | RAU Triangle site<br>Improvements to A419 Stroud Road / A429 Tetbury Road Roundabout |
| Signals to be removed from Castle Street / Market Place junction  | Market Place Improvement Scheme  |
| Castle Street to be one-way eastbound between Silver Street and Market Place  |  |
| Sheep Street / Querns Lane junction to be upgraded to mini-roundabout   |  |

### **Assessment Scenarios**

11.35 The following scenarios have been assessed in the UTA to determine the severity of the proposed development impact and the adequacy of the proposed mitigation schemes:

- 2013 Base (the network as existing in 2013);
- Future year (including Committed Development + Background Growth);
- Future year with Development; and
- Future year with Development and Mitigation.

11.36 Two future year scenarios have been considered for 2021 and 2031. The future year assessment of 2021 is a theoretical scenario and assumes all of the proposed development has been constructed and is occupied. The assessment scenario in 2031 is to coincide with the end of the Local Plan period and is for information only. The applicant is not required to mitigate their impact for this scenario and it is not therefore considered further in this review.

- 11.37 *An assessment has also been undertaken for the scenario where there is a mode shift from vehicles to sustainable modes of transport. The proposed mitigation measures do not take into account this mode shift and therefore this scenario is also not considered further in this review for simplicity. This approach is robust as the proposed highway mitigation measures do not rely on a shift to sustainable transport.*

### ***Trip Generation***

- 11.38 *The trip generation for the proposed development has been derived using surveys and the industry recognised trip rate database known as TRICs.*
- 11.39 *Trip rates have been determined for each proposed land use. Residential trip rates have been determined by surveying the existing trip generation of houses on neighbouring Alexander Drive and The Maples.*
- 11.40 *Employment trip rates have been derived from the TRICs database for similar sites.*
- 11.41 *Issues were identified in the Initial TA with the way trip rates had been derived and these have been rectified in the UTA. It was identified that there weren't as many houses as i-Transport had assumed in Alexander Drive and this resulted in a lower trip rate being derived. This has been corrected and is now appropriate. The UTA was also amended to ensure that the minimum potential level of affordable housing was taken into account (20%) and the student housing was assessed as normal housing to consider a robust scenario if there is no market for student housing. Affordable and student housing typically has a lower trip rate than market housing, i.e. they generate less car trips per house and therefore by assuming the worst case ensures a robust assessment.*
- 11.42 *Highways England requested higher trip rates were used for the employment land and this has been reflected in the UTA.*
- 11.43 *The trip rates for the various land uses are considered to be appropriate and provides the most accurate forecast for the proposed development. The rates have been agreed as being appropriate by GCC, Highways England and Atkins on behalf of CDC.*
- 11.44 *The trip rates have been applied to the quantity of various land uses to determine the trip numbers for the proposed development. Certain reductions have been applied for trips that would be made within the site and not impact on the external highway network. These reductions take account of various factors such as trips from dwellings to the on-site school and dwellings to the on-site employment uses. The reductions that have been applied are considered to be appropriate and reasonable.*

### ***Trip Distribution***

- 11.45 *The trips generated by the proposed development have been distributed to various destinations based upon the journey purposes. Trips to employment uses have been distributed to destinations as per the existing Census Journey to Work data for nearby wards.*
- 11.46 *Trips not relating to employment such as trips to education, leisure and retail have been assigned using a gravity model based upon the location of various trip destinations.*
- 11.47 *The overall trip distribution has determined that 34% of car trips remain in Cirencester, 19% are to Swindon and the remainder are split between a range of largely local destinations.*

- 11.48 The methodology used to distribute the development traffic is considered to be very detailed, appropriate to the site and suitable to provide an accurate estimate of the development traffic distribution.

### **Proposed Highway Mitigation**

#### **Highway Improvements**

- 11.49 The applicant has determined the highway improvements required by considering the Future 2021 year Do Minimum scenario (with committed development traffic and background traffic growth) and comparing it to the with the 2021 future year development scenario. Various mitigation measures have been considered and assessed to determine the level of mitigation required to mitigate the proposed development impact.
- 11.50 Independent Road Safety Audits have been undertaken for the proposed mitigation schemes to ensure there are no specific safety concerns with the proposals.
- 11.51 Technical checks have also been undertaken to ensure the proposed mitigation schemes comply with the relevant guidance and design standards. Proposed traffic signal schemes have also been checked by an independent specialist to determine if they are feasible, assessed correctly and provide the required mitigation.
- 11.52 The proposed highway improvement schemes are summarised in the following text. [An overview has been attached as **Appendix 16**]. A brief description of the location, proposals and reference to the scheme drawings is provided.

#### **Proposed Vehicular Site Access Arrangements**

- 11.53 A brief description of the site access junction arrangements is provided below with references to the Drawing Numbers. Full details of the proposed site access arrangements are available in the UTA Section 8 with scheme drawings contained in Volume 3 of the UTA.
- 11.54 A429 Tetbury Road/North Western Access Roundabout (Drawing Nos ITB6173-GA-1003 and ITB6173-GA-1004) [**Appendices 17a – 17c**]:
- The A429 Tetbury Road/North Western access roundabout is the main access to the site.
  - The site access roundabout has 3.0m wide shared footways and cycleways on all approaches to the junction with the exception of western side of A439 Tetbury Road to the south. A Toucan Crossing (signal controlled crossing for pedestrians and cyclists) is provided across the northern A429 Tetbury Road approach with dropped kerbs and tactile paving on all other approaches to the junction.
- 11.55 A429 Tetbury Road/South Western Access Roundabout (Drawing Nos ITB6173-GA-1001 and ITB6173-GA-1002) [**Appendix 18**]:
- A secondary access is provided from the west of the site, to the south of the main access on A429 Tetbury Road.
  - A 3.0m shared footway cycleway is provided on the eastern side of the A429 Tetbury Road and northern side of the site access, connecting to the facilities and the main site access.
  - Footway and cycleway connections are also provided to the existing facilities on the other approaches to the junction with dropped kerbs and tactile paving



*provided on all approaches with the exception of the access to College Farm Workshops.*

**11.56 Spratsgate Lane/Wilkinson Road/Somerford Road Access Junctions (Drawing No ITB6173-GA-035) [Appendix 19]:**

- *A four-arm roundabout is proposed on Spratsgate Lane to provide access to the eastern part of the site and the employment site to the east of Spratsgate Lane.*
- *Footway provision is provided on all approaches to the roundabout with a 3.0m shared footway cycleway on the northern side of the residential access to the western side of Spratsgate Lane. Dropped kerbs and tactile paving is provided on all approaches to the roundabout to aid pedestrians crossing the road.*
- *Additional priority junctions are provided to the north of the roundabout on Wilkinson Road, one to the north to provide access to the residential area and one to the south for the employment land. Additional minor accesses are provided from Somerford Road to provide direct frontage access to properties fronting Somerford Road.*
- *Footway provision is provided at all junctions with the footway provided behind the hedge on Somerford Road east. Dropped kerbs and tactile paving are provided at all junctions.*

***Scheduled Ancient Monument (Bus Link)***

- 11.57** *A Scheduled Ancient Monument (SAM) is located between the western and eastern parts of the proposed development. Historic England has identified that a road between the two parts of the site would cause harm to the SAM and therefore it was not possible to have a through road connecting both parts of the site.*
- 11.58** *Whilst there would be a benefit in being able to drive between the eastern and western parts of the site, facilitating this would allow traffic to rat-run between the A429 Tetbury Road and Spratsgate Lane which would not be desirable in a residential area. Spratsgate Lane would be sensitive to additional through traffic and therefore it is beneficial not to provide a link through the site which could facilitate increased traffic flows in this area [Appendix 20].*
- 11.59** *On balance, the benefits in not having rat-running traffic through the site is considered to outweigh the disbenefit of not having an internal vehicular route between the eastern and western parts of the site.*
- 11.60** *A link between the two parts of the site facilitates walking, cycling, buses and emergency vehicles between the two parts of the site and this is considered to be appropriate and will encourage trips by sustainable transport modes.*
- 11.61** *In conclusion, the proposed vehicle access arrangements are appropriate and adequately facilitate trips by all modes of transport.*

***Proposed Off Site Highway Improvements***

- 11.62** *Full details of the proposed off site highway improvements are available in the UTA Section 11 with scheme drawings contained in Volume 3 of the UTA.*
- 11.63** *A419 Stroud Road/A429 Tetbury Road junction including Chesterton Lane junction on the ring road and the Cirencester College/Deer Park School/Stroud Road junction (Drawing Nos*

ITB6173-GA-1005, ITB6173-GA-1006, ITB6173-GA-1009 and ITB6173-GA-1010) [Appendices 21a – 21d and Appendix 27]:

- It is proposed to provide an additional lane and signalise all approaches to the A419 Stroud Road/A429 Tetbury Road junction with the exception of the Office Park Access. A dual carriageway is proposed between the main site access and this roundabout. A Toucan Crossing is proposed on the A429 Tetbury Road to the south of the junction. A 3.0m footway cycleway is proposed on the east and west of the roundabout, and on the cut through to the subway.
- A Toucan Crossing is also proposed on A419 Stroud Road towards the access to Cirencester College/Deer Park School.
- The junction of Chesterton Lane with the A429 is proposed to be signalised and a right turn out for vehicles from Chesterton Lane will be provided. Toucan Crossings are proposed across Chesterton Lane and the A429.
- It is current best practice to avoid pedestrian subways where possible due to personal security issues and difficulties for disabled access. It was therefore proposed to close the existing subway given that at grade Toucan Crossings were proposed. Due to the high use the subway currently experiences from pupils at the school and college, it was decided to retain the subway in this location and it has been incorporated into the junction improvement proposals.

11.64 A419/A429 Ring Road/Hammond Way/Hospital Junction including the Waitrose/Hammond Way junction (Drawing Nos ITB6173-GA-1007 and ITB6173-GA-1008) [Appendices 22a and b]:

- It is proposed to partially signal control this roundabout with all approaches signalised with the exception of the hospital access. Additional lanes are proposed on the A429 and Hammond Way approaches.
- A Toucan Crossing is proposed on the A429 approach with a proposed 3.0m shared footway cycleway to the north and south of the A429. The junction will also incorporate infrastructure to facilitate a Toucan Crossing to the Amphitheatre to allow future aspirations of Cirencester Town Council to provide better connectivity between the Amphitheatre and Town Centre.
- It is also proposed to provide a signal controlled junction at the Waitrose access with pedestrian crossing facilities on all approaches except Hammond Way north.

11.65 A419/A429 Ring Road/Midland Road/Watermoor Way junction (Fire Station roundabout) including Midland Road (Drawing Nos ITB6173-GA-044) [Appendix 23]:

- It is proposed to widen all approaches except Bristol Road east and signalise all approaches except Watermoor Way. A pedestrian crossing is proposed across the Bristol Road west and a Toucan Crossing is proposed across Bristol Road east. This will allow the pedestrian subway to be closed. Subways are no longer seen as desirable and current best practice is to avoid providing them as there are personal safety issues and difficulties for disabled users with subways.
- At the mini roundabout junction of Midland Road and Love Lane, it is proposed to widen the Midland Road approach to two lanes. A range of pedestrian enhancements are proposed at the junction as well as at the Midland Road and Bridge Road mini roundabout junction.

11.66 A419/A429 Ring Road/Cricklade Road/Middlemead junction (Kingsmeadow roundabout) (Drawing Nos ITB6173-GA-055) [Appendix 24]:

- *It is proposed to signalise all approaches to this roundabout except Middle Mead and Cricklade Road.*
- *An additional approach lane is proposed on A419 Swindon Road and the circulatory carriageway.*

11.67 *Somerford Road / Chesterton Lane junction (Drawing No ITB6173-GA-097) [**Appendix 25**]:*

- *It was initially proposed to signalise this junction but on review by GCC it was determined this would not be feasible for technical reasons including the provision of private driveways within the junction and the need to remove on street parking.*
- *The proposals now include pedestrian improvements by widening the footway to the west of Somerford Road and the provision of a zebra crossing on Chesterton Lane.*

### **Highway Improvement Phasing**

11.68 *The Highway Authority and the Applicant have identified a phasing strategy that allows phased improvements to the highway network as the scheme is built out. The mitigation is phased to ensure improvements are provided where they are required to accommodate the phased development of the site. The phasing is linked to the number of trips generated rather than the number of dwellings or employment uses. Phasing of the mitigation schemes will ensure too much capacity isn't provided in advance of it being required. This will result in less impact on the local highway network while it is being constructed.*

### **Additional Safety, Speed and Capacity Issues**

11.69 *Personal Injury Accident Analysis was undertaken for the study area in the Initial TA and the analysis is contained in **Appendix F**. The analysis did not identify any particular areas of concern over and above what would be expected for the types of road considered. The analysis includes the A433 Tetbury Road/A429 Tetbury Road and A429 to Kemble which did not experience any serious or fatal accidents in study period. No additional highway mitigation is therefore required or justified on safety grounds.*

11.70 *As part of the junction mitigation schemes it is proposed to reduce the speed limit on the Ring Road to 50mph and on Spratsgate Lane to 30mph on the approach to the site access junction from the south. These speed limit reductions are considered to be appropriate for the future proposed highway conditions.*

11.71 *Highways England has identified that the existing capacity issues at the Cherrytree Lane/Burford Road/B4425 signal controlled junction would be exacerbated by the proposed development. This could cause queues to form back to the A417 strategic highway network causing a safety issue. The applicant has therefore proposed a mitigation scheme which includes an additional lane on the approach to the junction and improved operation of the junction phasing and staging [**Appendix 26**].*

### **Sustainable Transport Mitigation**

#### **Introduction**

11.72 *A comprehensive range of measures are proposed to integrate the site with existing infrastructure to maximise the connectivity with the Town Centre and the amenities it provides. The measures include improvements to walking, cycling and public transport facilities. A comprehensive Travel Plan has been produced which sets out measures, targets and responsibilities for promoting sustainable travel.*

11.73 [An overview has been attached as **Appendix 27**]:

### ***Walking and Cycling***

- 11.74 *i-Transport have identified the key walking and cycle routes from the site to local amenities and facilities, to include the Town Centre, Cirencester College and Deer Park School, employment and leisure facilities.*
- 11.75 *Audits of the routes have been undertaken and comprehensive upgrades are proposed where existing infrastructure is lacking. This will benefit existing residents of Cirencester as well as the proposed development.*
- 11.76 *The measures proposed typically involve provision of crossing facilities such as the Toucan and signalised pedestrian crossings as identified in the Proposed Highway Mitigation section. Provision of dropped kerbs and tactile paving and widening of footways and cycleways is also proposed.*
- 11.77 *The two main pedestrian and cycle routes from the site, towards the Town Centre are Bridleway 24, the existing Farm Access, and an existing footpath to the east of The Cranhams which connects the site to Cranhams Lane. These accesses will be a minimum of 3.0m wide and will be subject to improved surfacing and drainage. Bridleway 24 will be lit using 5.0m high LED street lights. There was concern about glare from 5.0m lighting columns and also issues with vandalism of low level lighting. It has been demonstrated by GCC that the use of LED lights will avoid glare issues.*
- 11.78 *Bridleway 30 and Public Footpath 29, located between Bridleway 24 and The Cranhams, will also be upgraded with improved surfacing and drainage.*
- 11.79 *A footway/cycleway to Kemble Railway Station, along the alignment of the former railway line is not considered necessary to make the site sustainable. This is because the demand would be low, there is an existing alternative route along National Cycle Network Route 45, and it could not be delivered within land fully controlled by the applicant. The proposed development does not prejudice the provision of a footway/cycleway along the former railway line in the future.*

### ***Public Transport***

- 11.80 *Improvements to the existing bus service provision are proposed so the site is adequately served by public transport. The improvements are designed to provide a good level of service that will be financially viable once the initial subsidies end. The improvements consist of the following weekday and Saturday services:*
- A service between the Town Centre, the site and Kemble Railway Station between 06:00 and 21:00. The service would be hourly with additional services between 06:00 to 10:00 and 16:00 to 20:00 to provide services every half an hour at peak times;*
  - Cirencester Town Bus Service to be extended into the site with services from 10:00 to 16:00;*
  - Bus stops to be within 800m of occupied properties.*
- 11.81 *The improved services would be phased to increase as the development is built out to ensure the appropriate level of service is provided whilst being cost effective. Existing residents in Cirencester and Kemble will also benefit from the improved services.*

## **Travel Plan**

- 11.82 *A comprehensive Travel Plan has been submitted which will promote sustainable transport. The Travel Plan will oblige future occupiers of the site to develop their own Travel Plans with measures and targets to promote a mode shift to sustainable transport.*
- 11.83 *A Transport Management Association will employ a Travel Plan Co-ordinator to promote sustainable transport to the occupiers.*
- 11.84 *Personalised Travel Planning will be offered to existing residents in Cirencester to highlight the improved sustainable transport options and encourage more sustainable transport, reducing existing traffic levels on the highway network. This approach to Travel Planning has been demonstrated to achieve significant mode shifts.*

## **Overall Sustainable Transport Mitigation**

- 11.85 *The proposed strategy consists of a comprehensive package of measures which facilitate and promote all modes of sustainable transport connecting the proposed development with the town centre and local facilities and amenities. As well as benefiting the proposed development, existing pedestrian, cycle and bus facilities and services would be enhanced for the benefit of existing residents of Cirencester and the surrounding area.*

## **Impact on Highway Network**

### **Introduction**

- 11.86 *The results of the S-Paramics traffic modelling have been reported in two separate ways. Queue lengths in metres at the junctions are compared for the Base scenario with the future year scenarios with and without the development impact and mitigation.*

- 11.87 *The scenarios explained in further detail below:*

*2013 Base; this is the how the highway network operated in 2013 when the traffic surveys were undertaken.*

*2021 Do Minimum; this scenario adds background traffic growth, committed development traffic and committed mitigation measures to 2013 Base.*

*2021 + Development; adds the proposed development traffic to the 2021 Do Minimum scenario.*

*2021 + Development + Mitigation; includes the proposed development mitigation to the 2021 Development scenario.*

- 11.88 *Vehicle journey times are also compared for the various scenarios along the Ring Road and along Love Lane. The full results are available in the UTA in Section 11 but have been summarised in this review for simplicity.*

### **Queue Length Comparison**

- 11.89 *The queues at each junction have been summarised in Table 5-1. Due to the significant amount of data presented in the UTA, this summary considers the total queues on all approaches to the junction rather than queues on individual arms of the junction.*

**Table 5-1 Queue Comparison (Total queue in metres per junction)**

| <b>Junction</b>  | <b>Peak Hour</b> | <b>2013 Base</b> | <b>2021 Do Minimum</b> | <b>2021 + Development</b> | <b>2021 + Development + Mitigation</b> |
|--|------------------|------------------|------------------------|---------------------------|--|
| North Western Access   | AM               | 0                | 0                      | 216                       | 148                                    |
|  | PM               | 0                | 0                      | 422                       | 146                                    |
| South Western Access   | AM               | 0                | 0                      | 77                        | 62                                     |
|  | PM               | 0                | 0                      | 383                       | 53                                     |
| Spratsgate Lane Access                                       | AM               | 0                | 0                      | 44                        | 30                                     |
|  | PM               | 0                | 0                      | 34                        | 25                                     |
| Wilkinson Road North Access                                  | AM               | 0                | 0                      | 5                         | 1                                      |
|  | PM               | 0                | 0                      | 1                         | 0                                      |
| Wilkinson Road South Access                                  | AM               | 0                | 0                      | 6                         | 7                                      |
|  | PM               | 0                | 0                      | 5                         | 6                                      |
| A429/A433 to Kemble  | AM               | 31               | 45                     | 59                        | 45                                     |
|  | PM               | 27               | 61                     | 304                       | 29                                     |
| A419/A429 Stroud Road  | AM               | 249              | 226                    | 394                       | 293                                    |
|  | PM               | 134              | 399                    | 550                       | 201                                    |
| A419/Dear Park School Access                                 | AM               | 298              | 255                    | 375                       | 245                                    |
|  | PM               | 17               | 18                     | 86                        | 17                                     |
| A419/A429 Ring Road/Hammond Way/Cirencester Hospital         | AM               | 147              | 341                    | 428                       | 241                                    |
|  | PM               | 137              | 180                    | 528                       | 277                                    |
| A419/A429 Ring Road/Chesterton Lane                          | AM               | 9                | 60                     | 170                       | 242                                    |
|  | PM               | 1                | 9                      | 146                       | 255                                    |
| Hammond Way/Waitrose Access                                  | AM               | 117              | 136                    | 191                       | 216                                    |
|  | PM               | 147              | 146                    | 213                       | 247                                    |
| A419/A429 Ring Road/Midland Road/Watermoor Way               | AM               | 295              | 335                    | 488                       | 402                                    |
|  | PM               | 226              | 300                    | 384                       | 506                                    |
| A419/A429 Ring Road/Middle Mead/Cricklade Road (Kingsmeadow) | AM               | 314              | 431                    | 601                       | 462                                    |
|  | PM               | 256              | 378                    | 617                       | 380                                    |
| Somerford Road/Chesterton Lane                               | AM               | 49               | 64                     | 220                       | 58                                     |
|  | PM               | 59               | 80                     | 288                       | 122                                    |
| Love Lane/Midland Road                                       | AM               | 171              | 129                    | 315                       | 126                                    |
|  | PM               | 108              | 89                     | 381                       | 142                                    |
| A417 /A429 Burford Road                                      | AM               | 98               | 122                    | 186                       | 163                                    |
|  | PM               | 82               | 96                     | 136                       | 129                                    |
| A429 Burford Road/Stow Road/B4425/Cherrytree Lane            | AM               | 400              | 433                    | 433                       | 447                                    |
|  | PM               | 363              | 388                    | 406                       | 421                                    |
| A417 / A419 Cirencester Road (Driffield)                     | AM               | 74               | 67                     | 75                        | 69                                     |
|  | PM               | 57               | 61                     | 90                        | 98                                     |
| A419 / B4696 Spine Road East                                 | AM               | 54               | 73                     | 90                        | 66                                     |
|  | PM               | 42               | 40                     | 47                        | 40                                     |
| <b>Total AM + PM (Excluding site access junctions)</b>       |                  | <b>3,962</b>     | <b>4,962</b>           | <b>8,201</b>              | <b>5,939</b>                           |

- 11.90 The table shows that queue lengths vary significantly between junctions and scenarios. In order to take an overall view of the impact on queueing at junctions, the total queue for all junctions have been combined for the AM and PM peak hours to identify the overall change in queue lengths.
- 11.91 The 2021 Do Minimum scenario has a total queue length of 4,962m. When the proposed development is added, the queue increases to 8,201m which in turn reduces to 5,939m with the proposed mitigation.
- 11.92 The additional queue length of 977m equates on average to 13m per junction, per peak hour. When this queue is split between all the arms (assuming typically 3 or 4 arms per junction), the additional queue would be in the region of 3m to 4m which equates to less than one additional car per approach on each junction. On average, this level of impact can't be considered severe.

### **Journey Time**

- 11.93 The journey times along the Ring Road and Love Lane have been summarised in Table 5-2 and 5-3. For simplicity, this summary considers the total journey time and does not split up the various sections.

**Table 5-2 Journey Time Summary – Ring Road, Stroud Road to Burford Road (Seconds)**

| <b>Route</b>  | <b>2013 Base</b> | <b>2021 Do Minimum</b> | <b>2021 With Development</b> | <b>2021 With Development and Mitigation</b> |
|---|------------------|------------------------|------------------------------|---|
| Ring Road (Stroud Road to Burford Road) Eastbound AM Peak | 205              | 397                    | 579                          | 300   |
| Ring Road (Stroud Road to Burford Road) Eastbound PM Peak | 273              | 407                    | 622                          | 285   |
| Ring Road (Stroud Road to Burford Road) Westbound AM Peak | 200              | 267                    | 1039                         | 426   |
| Ring Road (Stroud Road to Burford Road) Westbound PM Peak | 225              | 273                    | 579                          | 302   |
| <b>Total</b>  | <b>903</b>       | <b>1344</b>            | <b>2819</b>                  | <b>1313</b>                                 |

**Table 5-3 Journey Time Summary - Love Lane, Wilkinson Road to Ring Road (Seconds)**

| <b>Route</b>   | <b>2013 Base</b> | <b>2021 Do Minimum</b> | <b>2021 With Development</b> | <b>2021 With Development and Mitigation</b> |
|--|------------------|------------------------|------------------------------|---|
| Love Lane (Wilkinson Road to Ring Road) Northbound AM Peak | 109              | 126                    | 256                          | 138   |
| Love Lane (Wilkinson Road to Ring Road) Southbound AM Peak | 40               | 163                    | 216                          | 58  |
| Love Lane (Wilkinson Road to Ring Road) Northbound PM Peak | 112              | 136                    | 331                          | 126   |
| Love Lane (Wilkinson Road to Ring Road) Southbound PM Peak | 33               | 47                     | 271                          | 61  |
| <b>Total</b>   | <b>294</b>       | <b>472</b>             | <b>1074</b>                  | <b>383</b>                                  |

- 11.94 Tables 5-2 and 5-3 demonstrate that journey times vary between the 2021 Do Minimum and with Development and Mitigation scenarios, sometimes increasing and sometimes decreasing. For the Ring Road, the journey times decrease for both Eastbound and Westbound traffic in the AM peak hour but increase in the PM peak hour.
- 11.95 For example, Stroud Road to Burford Road, eastbound in the PM peak would take 407 seconds in the 2021 Do Minimum scenario (6 minutes 47 seconds) and reduce to 285 seconds (4 minutes 45 seconds) in the 2021 with Development and Mitigation scenario.
- 11.96 Tables 5-2 and 5-3 demonstrate that journey times vary between the 2021 Do Minimum and with Development and Mitigation scenarios, sometimes increasing and sometimes decreasing. For the Ring Road, the journey times decrease for both Eastbound and Westbound traffic in the AM peak hour but increase in the PM peak hour.
- 11.97 Love Lane from Wilkinson Road to Ring Road, northbound in the AM peak would take 126 seconds in the 2021 Do Minimum scenario (2 minutes 6 seconds) and increase to 138 seconds (2 minutes 18 seconds) in the 2021 with Development and Mitigation scenario.
- 11.98 When combining all journey times along the Ring Road, there is an overall journey time saving of 31 seconds.
- 11.99 The journey times vary between all scenarios along Love Lane as well but in total, provide a reduction in journey time of 89 seconds.

#### **Overall Highway Impact**

- 11.100 The analysis of the proposed highway mitigation measures demonstrates that the development impact is suitably mitigated. The location, type and scale of measures proposed are therefore appropriate and achieve the required level of improvement to accommodate the proposed development.
- 11.101 The mitigated impact of the development reduces journey times overall so the development impact cannot be considered significant or severe.



### **Summary**

- 11.102 *Atkins has independently reviewed the Transport evidence provided in support of the proposed development at Chesterton on behalf of CDC.*
- 11.103 *The traffic modelling undertaken in S-Paramics microsimulation software is considered to accurately assess the existing and proposed traffic conditions.*
- 11.104 *The trip generation and traffic distribution for the proposed development is considered to be accurate and reasonable.*
- 11.105 *The proposed access arrangements are considered to be appropriate and safe for all people.*
- 11.106 *The proposed off site highway improvements are considered to be safe, deliverable and appropriate.*
- 11.107 *Opportunities for sustainable transport have been taken up with a range of improvements for pedestrians, cyclists and public transport proposed.*
- 11.108 *A comprehensive Travel Plan will promote mode shift towards sustainable transport.*
- 11.109 *The traffic modelling has determined that overall increases in queues at junctions is not significant and that overall journey times through the network reduce with the development and proposed mitigation.*

### **Conclusion**

- 11.110 *Based upon the findings above, it can be concluded that:*
- The UTA has accurately assessed the transport conditions;*
  - The proposed development would have a significant impact without the proposed mitigation measures;*
  - The proposed mitigation measures have been properly assessed;*
  - The significant impacts of the development have been appropriately limited;*
  - Opportunities for sustainable transport have been taken up; and*
  - Safe and suitable access is provided to the site for all people.*
- 11.111 *On this basis, it is concluded that the residual cumulative impacts of the proposed development are not severe.*

### **Officers Conclusion**

- 11.112 *As with any large scale development, it is inevitable that there would be an impact upon the local highway network and Officers accept that this will include an increase to some journey times within the network. However, Officers concur with the advice provided by both GCC, as the Local Highways Authority, and the Council's Highways Consultant, that the proposed development would not have a severe impact upon the local highways network in terms of congestion or highway safety, having regard to the requirements of paragraph 32 of the NPPF.*
- 11.113 *A comprehensive package of measures has been proposed to promote the use of sustainable modes of transport (public transport, walking and cycling) through the proposed development from the site and into the town centre. These proposed improvements would also benefit the wider existing community.*

11.114 Consequently, the application is considered to accord with the NPPF and policy 38 of the adopted Local Plan and policies S2, and INF3 of the emerging Local Plan.

## Chapter 12: Pollution

### Introduction

- 12.1 The sources of pollution relevant to the consideration of the OPA are vehicle emissions, construction dust, noise and contaminated land. These have been assessed by Officers of the Council's Environmental Regulatory Service (ERS).
- 12.2 Emissions of nitrogen dioxide and particulate matter from vehicle exhausts can cause air pollution and where emissions are high, or cannot disperse adequately, they can lead to the designation of an Air Quality Management Area (AQMA). An AQMA is an area where a Local Authority has identified that national air quality objectives, set to protect the health of residents, are not being met or are at risk of not being met. There are two AQMAs in the District: one at the Air Balloon roundabout at Birdlip, where vehicles queue on the A419; the other is at Lechlade, where vehicles queue in a relatively narrow street with dwellings either side creating a 'canyon' which prevents vehicle exhaust emissions from dispersing easily. During the construction period of the OPA, dust from operations and from the site roads could also potentially cause a local nuisance if not sufficiently well managed.
- 12.3 Vehicular movements are a potential source of noise for new residents at the fringes of the development along the Tetbury Road, Wilkinson Road and Somerford Road. Noise would also be generated during the site clearance/construction works and potentially from future employment or business usage.
- 12.4 Contaminated land is associated with former land uses, such as fuel storage tanks and areas of infilling which can be a source of gases. If not identified and adequately mitigated for, contaminated land can cause harm to public health and safety, the natural environment and groundwater sources. Within and adjacent to the application site, the potential sources of contaminated land are:
- The Steadings;
  - The farmyard
  - A small former quarry in the field to the north of the farm buildings;
  - An area of landfill immediately to the eastern boundary of the application site (a former railway cutting) and another area of infill to the north;
  - Infilling of the canal to the south of the application site.

### Policy Considerations

- 12.5 The NPPG advises in paragraph: 005 (Reference ID: 32-005-20140306) that "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)".
- 12.6 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by "...Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability".

- 12.7 Neither the NPPF, nor the NPPG, defines contaminated land. The legal framework for dealing with contaminated land is the Environmental Protection Act 1990 ("the 1990 Act"). Section 78A(2) of the Act describes contaminated land as:-

"...Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that—

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) pollution of controlled waters is being, or is likely to be, caused".

- 12.8 Local Plan Policy 5 (Pollution and Safety Hazards) states that permission will not be given for a development that would result in unacceptable levels of pollution to the public or the environment. Conditions or obligations will be sought where appropriate to minimise levels of pollution.
- 12.9 Policy EN15 (Pollution and Contaminated Land) of the emerging Local Plan states that development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land use. Development will not be permitted if it would result in unacceptable pollution of the air, land, surface water or ground water sources and/or generate unacceptable levels of disturbance (e.g. noise or light levels). The policy also advises that development will not be permitted that would be located on or in the vicinity of land that is contaminated or suspected of being contaminated unless the proposal would result in no unacceptable risk to future occupiers of the development and/or the surrounding land.

### **Officer Assessment**

#### **Air Pollution (Air Quality)**

- 12.10 Members may be aware of the increased media attention that the issue of air quality has attracted recently, in particular following the High Court judgement in 2016 (Client Earth v Secretary of State for the Environment Food and Rural Affairs). Air quality has also been the subject of several Third Party objections to the OPA, including those received from SOC.
- 12.11 The review of the ES undertaken by Arup identified that further information was required regarding air quality. This information was submitted, and given the level of public interest and the complexity of the issue, Arup were commissioned to review it. Officers also received confirmation from the Council's Highways consultant that the vehicular movements referred to in the air quality assessment were in accordance with the Applicant's transport assessment.
- 12.12 There has been a difference in professional opinion between Arup and the Applicant regarding the appropriate approach that can be taken to assessing air quality. One method is a screening assessment (the DMRB Air Quality Screening Assessment), the other is a more detailed assessment following the EPUK/IAQM 2017 guidance. Officers, and including the ERS Officer (Air Quality), consider that either approach is acceptable in the context of the OPA and are satisfied, with confirmation from Arup, that the approach taken by the Applicant to assessing the impact of the development upon air quality is proportionate and appropriate in this instance, neither is it incorrect or flawed.
- 12.13 The air quality assessment undertaken by the Applicant concluded that the development would not result in levels of air pollution that would exceed national objectives. As a result of the findings of that assessment, more detailed modelling was not required. Both consultants

concur that a more detailed method of modelling in accordance with the different methodology would make no difference to the overall findings, i.e. that the OPA development would not exceed air quality objectives.

- 12.14 The High Court judgement referred to above, and the Government's Air Quality Plan published in July 2017 relate to those areas where the evidence shows that air quality objectives are persistently being exceeded (i.e. AQMAs) and therefore, as this is not the case in this instance, do not have any direct bearing upon the assessment of the OPA. Members should also be aware that despite the recent studies and publications relating to air quality and health that have been referred to by Third Parties; the findings of these studies have not been translated into requirements for the production of air quality assessments, or into the requirements of the EIA legislation. The Council is required to use the framework of extant national guidance linked with current Government policy to assess planning applications. This is designed to ensure a consistent approach, as well as certainty, for all developers across the country. It is the Government's role to investigate and assess the validity of assertions, publications from research bodies, etc and, where appropriate, to incorporate the evidence into their policy making and associated national guidance for local planning authorities.
- 12.15 Third Parties raised concerns regarding the modelling work that was undertaken as part of the Applicant's air quality assessment. In response to this, in July 2017, the Applicant provided clarification on the modelling work and corrected two mistakes in the model which did not affect the overall conclusion in relation to the impact of the OPA development on air quality in Cirencester.
- 12.16 The Applicant, in August 2017, provided further information in respect of the cumulative impact of the OPA development and the proposed development of 88 dwellings at land to the south of Love Lane (Planning app ref 15/05165/OUT & APP/F1610/16/W/3151754). The Applicant screened for air quality (based on increased traffic count) and the screening tool, used to identify potential health impacts, identified a "Substantial impact" in the designated AQMA at the Air Balloon roundabout at Birdlip. This was due to an increase in nitrogen dioxide caused by vehicular emissions in a "worst case scenario".
- 12.17 The substantial impact categorisation identified is due to the fact that the change would occur in an area that has already been designated as an AQMA due to nitrogen dioxide levels, which currently exceed the national objective levels. The "effect" of any specific "impact" depends upon the location at which the impact arises and how much effect this has on residents in that location. The potential change identified by the screening exercise for the "worst case scenario", would not, in the opinion of Officers, significantly alter the situation at the AQMA. Because nitrogen dioxide concentration levels drop substantially with distance away from the roadside, the increase identified at the roadside in the "worst case scenario" would not be categorised as causing a significant effect on health. The Council will continue to monitor air quality at the Air Balloon AQMA and there are discussions about a longer term strategic solution to the problem of queuing traffic in the vicinity.
- 12.18 Another potential source of air pollution would be dust generated during the construction period. This can be managed by means of a dust management plan (in accordance with national guidance) which will be conditioned as part of the Construction Management Plan.

### **Noise Pollution**

- 12.19 The Council's ERS Officer (Noise) are satisfied that the noise assessment contained within the ES (and including clarification information) contains sufficient information for a full assessment of the noise impacts of the development to be assessed.

- 12.20 It is considered that the noise baseline conditions are suitable for a residential development at the site, although it is noted that the Tetbury and the Wilkinson/Somerford roads would be the predominant source of noise for occupants within the OPA development. This can be mitigated for through REM applications, and the ERS team would be consulted at those stages. Mitigation would include layout of the buildings and features such as acoustic fences and appropriate glazing.
- 12.21 Noise would also be generated during the site preparation/construction works and the occupants of the existing dwellings adjacent to the northern boundary of the site would be most affected. This would be a temporary impact which can be controlled by suitably enforceable conditions and, as such, is not considered to be a significant impact.

### **Contaminated Land**

- 12.22 The investigatory work undertaken to date by the Applicant comprises a Phase 1 (desk top) study and Phase 2 study (intrusive site investigations). This work has highlighted the presence of several contaminants which will need to be delineated, risk assessed and remediated prior to the commencement of development. However, the ERS Officer (Contaminated Land) considers that these potential sources of pollution would not pose an unacceptable risk to future occupants of the development.
- 12.23 The ERS Officer (Contaminated Land) noted that there have been some inconsistencies between the Phase 1 and Phase 2 studies, but this has not affected the assessment of the application and updated studies will be required by condition.

### **Conclusion**

- 12.24 Officers, as advised by the technical expertise of the Council's ERS team and Arup, consider that the proposed development would not result in unacceptable levels of noise or air pollution, nor would future residents of the OPA development be harmed by contaminated land. Within Cirencester, air quality objectives would not be exceeded. Officers recognise that the OPA development, along with many other developments within the District and neighbouring areas could contribute further to the emission levels at the Air Balloon AQMA, but the contribution that the OPA development would make to this is not in itself considered to be significant. Adequate mitigation can be secured through the OPA and REM applications. The application is considered to accord with the NPPF, in particular paragraphs 109 and 194, policy 5 of the adopted Local Plan and policy EN15 of the emerging Local Plan.

## Chapter 13: Heritage

### Introduction

- 13.1 This chapter will describe and assess the impact of the proposed development on heritage assets both on- and off-site.
- 13.2 Heritage assets are defined by the NPPF as “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing)”. The latter locally defined assets are described as “non-designated heritage assets”.
- 13.3 A designated heritage asset is described in the NPPF as being “A World Heritage Site, Scheduled Ancient Monument (SAM), Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation”.
- 13.4 The setting of a Heritage Asset is defined within the NPPF as being “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

A plan showing the Heritage Assets which are of particular relevance to this application is attached as **Appendix 28**.

### Policy Considerations

- 13.5 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering a planning application, the LPA should “...Have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 13.6 Section 72 (1) of the Act states that in relation to conservation areas “...Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 13.7 Section 12 (Conserving and Enhancing the Historic Environment) is the most relevant chapter of the NPPF when considering the impact of the development upon heritage assets. Paragraph 129 of the NPPF requires LPAs to avoid or minimise the conflict between the conservation of a heritage asset and any aspect of a development proposal by identifying and assessing the particular significance of the affected heritage asset, taking account of the available evidence and any necessary expertise.
- 13.8 Paragraph 131 of the NPPF states that in determining planning applications, LPAs should, amongst other criteria, take account of: the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities.
- 13.9 Paragraph 132 states that, when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's

conservation. It also states that significance can be harmed through alteration or development within the setting.

- 13.10 Paragraph 134 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, any such harm is to be weighed against the public benefits of those works. The degree of harm (i.e. whether or not it is 'substantial' for the purposes of applying paragraph 134) is a matter of judgement for officers and decision-takers, having regard to significance of the asset.
- 13.11 Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 13.12 Section 7 (Requiring Good Design) of the NPPF is also relevant. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 61 states that connections between people and places in new development should be integrated into the built and historic environment.
- 13.13 Policy 15 (Conservation Areas) of the adopted Local Plan states that new buildings within or affecting a conservation area must preserve or enhance the character and appearance of the area as a whole or any part of the designated area. The policy states that uses which would create additional traffic noise or other nuisance that would adversely affect the character of the Conservation Area will not be permitted.
- 13.14 Policies EN10 (Designated Heritage Assets) and EN12 (Non-Designated Heritage Assets) of the emerging Local Plan reiterate the advice contained within the NPPF. Policy EN1 (Built, Natural and Historic Environment) is also a relevant policy consideration as it advises that new development will protect, conserve and enhance the historic and natural environment by ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion to their significance.

### **Officer Assessment**

#### **Above Ground Heritage Assets on or Adjacent to the Site**

##### **Chesterton Farmhouse and Farm Buildings**

- 13.15 Chesterton Farmhouse is a Grade II listed building, dating from the early/mid-18<sup>th</sup> century with mid-19<sup>th</sup> century additions and alterations. The listing covers the farmhouse, an attached outbuilding and a garden wall, the latter of which encloses a kitchen garden. The barn and attached cattle stalls to the north of the farmhouse are also Grade II listed in their own right, dating from the 18<sup>th</sup> century with early/mid-19<sup>th</sup> century additions. Chesterton Farm Cottages and other structures, such as attached walls, are considered to be curtilage listed due to their age and historic relationship with the farmhouse. There are large, unlisted, 20<sup>th</sup> Century agricultural buildings to the north and west of the farmhouse of no particular architectural or historic merit, but which are characteristic of the existing agricultural land use. A plan showing the farm buildings is attached as **Appendix 29**.
- 13.16 The farm complex is sited within the central part of the site, approximately 300m from the existing built edge of the town and surrounded by open agricultural fields. The farmhouse faces out towards the south-east with views across open fields and, due to the gently



undulating topography of the site, there are important views of the farmhouse from PRowS within the application site.

- 13.17 Officers consider that the significance of the listed buildings within the farm complex mainly derives from the evolution of the estate farm in the 18<sup>th</sup> and 19<sup>th</sup> century and the functional relationship between the buildings. They still represent a coherent and historically legible estate farm complex. Officers consider that an important part of the significance of the listed buildings as an historic farm complex derives from their relationship to the surrounding agricultural landscape. This is both a visual relationship and an historic functional relationship. In the opinion of Officers, with regard to paragraph 134 of the NPPF, the loss of the majority of the agricultural land surrounding the farmhouse would have an impact upon the setting of these Designated Heritage Assets, which could never be fully mitigated, and this is considered to result in harm **to the significance of those assets**, although the harm would be less than substantial.
- 13.18 As set out within the ES, inherent mitigation (i.e. mitigation designed into the scheme) would include retaining significant elements of the setting of the buildings by incorporating an open space to the south-east of the farmhouse and including garden and orchard uses within the kitchen garden area to the south and west of the farm. This would be secured by the parameter plans, and Officers consider that this mitigation would, to some extent, offset the harm and would help to preserve the immediate and nearby setting of the listed farm buildings.
- 13.19 During discussions, Officers had expressed concerns regarding the siting of two blocks of dwellings proposed to the north-west of the Scheduled Ancient Monument (SAM). It was considered that these blocks of dwellings would erode the rural setting of the farmhouse, encroaching into an important open space to the front of the farmhouse, which would result in less than substantial harm. But it was also recognised by Officers that the omission of these blocks of dwellings would result in a one-sided street which, from an urban design perspective, would be undesirable. Officers concluded that, on balance, the inclusion of these blocks of dwellings would outweigh the harm that would be caused, and that the open space to be retained to the front of the farmhouse would still leave a sizeable buffer, which would retain key views to and from the farmhouse.
- 13.20 The re-use of the farm complex and its inclusion within the heart of the development is welcomed by Officers although, to achieve this, Officers have accepted that new buildings would be erected in close proximity to the farm complex. The massing and detailed design of the new buildings around the farm complex would need to be sensitively addressed at the REM stage and would be informed by the site-specific design code and the relevant design and heritage policies.
- 13.21 As a result of the assessment of the impact on the farm complex and to minimise harm to their setting, the Building Heights Parameter Plan was amended to set the maximum heights of buildings proposed to the south of the farm buildings to be 11m. The buildings to be used for community/education/sports would have a maximum height of 12m. Other new buildings in and around the farm complex would be restricted to the same ridge and eaves heights as the existing buildings. Additionally, the Land Use Parameter Plan was amended to re-site the indicative location for the older persons' accommodation away from the farm complex in order to further limit the need for higher buildings in that part of the development. The maximum heights for buildings proposed to the north of the farm complex were reduced from 16m to a mixture of 11m and 15m. As a result of these revisions, Officers consider that the maximum building heights for buildings around the farm complex would not compete with the listed buildings in terms of their height and prominence, and the new buildings would not dominate the historic farm complex.

### **The Cranhams**

- 13.22 The Cranhams is a Grade II listed building and is a small country house/gentleman's residence dating from the 19<sup>th</sup> century. The property is situated beyond the northern boundary of the application site, and the boundary of the application site abuts the majority of the boundaries that form the historic domestic curtilage of the house.
- 13.23 The immediate historic setting of the listed building consists of its fairly generous grounds, still contained within its land ownership, with hedged boundaries. The building was designed with its front elevation facing out towards the south with far-reaching views of open countryside. Officers consider that the remaining agricultural land surrounding **The Cranhams** on the application site, particularly to the principal south elevation, forms an important part of the **significance of the listed building**.
- 13.24 The ES has come to a different conclusion to that of the Council's Officers, as it considers that the surrounding agricultural land does not contribute to the significance of The Cranhams. However, the ES does recognise that there would be a widespread change to the setting of The Cranhams due to the scale and extent of the proposed development. The ES concludes that, while views towards the south would, to some extent, be preserved due to the constraining presence of the SAM, the views would be much altered, including with intermittent disturbances from buses travelling along the bus link. The general experience of the rural setting would be considerably changed and Officers consider that **there would be harm to the significance of the Designated Heritage Assets, albeit less than substantial harm**.
- 13.25 In consideration of the harm described, Officers feel that there would be some mitigation which would be secured through the Green Infrastructure Parameter Plan. This would comprise the retention, and enhanced planting, of native trees and hedgerows along the northwest, west and south-east boundaries of The Cranhams. This would provide some strengthening and screening of the existing curtilage thereby minimising harm to the setting of this designated heritage asset.

### **Milestone**

- 13.26 An historic milestone lies at the western boundary of the site and is a Grade II listed structure dating from the 18<sup>th</sup> century. It is a small stone column with the distances to Cirencester, Tetbury and Bath listed on a cast iron plate. It is set in a grassed verge behind the highway footpath.
- 13.27 The setting of the milestone is derived from its roadside location and its historical function as a roadside marker, although there is no evidence to confirm whether the milestone is still in its original position, given that the road has been widened and upgraded in the years that have passed since its installation.
- 13.28 The milestone is located outside of the extent of the proposed highways works associated with the application but, as identified in the ES, it would need to be protected to prevent damage during construction. To ensure this, the mitigation proposed is for the milestone to be removed during the highways construction works. The ES states that its position will be accurately plotted and the milestone would be replaced in the same location, or as close to it as possible, if for any reason that is not possible. Officers consider the proposed mitigation to be acceptable and the removal and repositioning would be controlled by a separate application for Listed Building Consent.

- 13.29 Officers consider that the highways improvements required to facilitate the development would impact upon the setting of the milestone due to the proposed increased width of the road, but that this harm would be less than substantial as the functionality of its historic setting would remain.

### **The Steadings**

- 13.30 The proposed widening of the Tetbury Road would require the demolition of the buildings at The Steadings. These unlisted buildings are considered by Officers to be of some local historic interest, due to their historic use as a veterinary hospital associated with the Royal Agricultural University (RAU), and are therefore considered to be non-designated heritage assets. However, they have been heavily altered over the years, and **Officers consider that the loss of these buildings would result in harm to the heritage assets. However these assets are considered to be of lower significance.**
- 13.31 The permanent loss of the buildings cannot, of course, be mitigated ~~for~~ but, as set out within the ES, the recording of the buildings prior to demolition would be conditioned.

### **Other Heritage Assets on Site**

- 13.32 Other features present on the application site that are considered to be non-designated heritage assets include field boundaries, dry stone walls, historic ditches and hedgerows, and also some ridge-and-furrow field markings and the historic former railway line. Many of these features would be lost as part of the development, although the GI Parameter Plan does show the retention of some historic field boundaries, which is considered by Officers to be a positive approach. The individual and cumulative loss of these features would, by definition, be harmful. However, their historic significance and the scale of harm is considered to be such that they would not warrant refusal of the overall scheme, having regard to paragraph 135 of the NPPF.

### **Royal Agricultural University**

- 13.33 The Royal Agricultural University (RAU) is located approximately 470 metres from the western boundary of the application site. It is a Grade II listed building with a formal drive accessed from the Tetbury Road, opposite the south-western edge of the site. Adjacent to the entrance lies a former dairy building, now a dwelling ("Dairy Cottage"), which is curtilage listed. The University chapel building is a Grade II listed building and lies approximately 500 metres to the north-west of the application site boundary.
- 13.34 The ES identifies that the application site itself is considered not to be an integral part of the conception or design of the RAU and therefore does not contribute to the significance of the listed building. In that respect, there would be no direct or indirect effect of the development upon the RAU and Dairy Cottage.
- 13.35 Officers do not entirely agree with this conclusion and consider that the RAU buildings were purposely built in rural surroundings in an 'out of town', detached, location. The principal elevation of the main range faces the Tetbury Road and maintains a rural outlook with far-reaching views over open fields to the countryside beyond. From these vantage points, Cirencester town edge is not readily perceptible. This open rural setting contributes to the significance of these listed buildings giving them, not only an attractive outlook and backdrop, but also enabling an appreciation and understanding of their original function and purpose.
- 13.36 Officers consider that the development of the site and the construction of buildings on much of the open land to the south east of the RAU buildings, together with the proposed

highways works, would result in some harm to the wider setting. The aspects of the setting identified above, which currently contribute to the significance of the listed buildings, would be eroded as a result of the development. However, Officers consider that this harm would be less than substantial.

### **Cemetery**

- 13.37 The two chapels within the cemetery, the lodge building, the cemetery wall, railings and gates are all Grade II listed buildings or structures. They are sited approximately 215m-270m to the north of the boundary of the application site.
- 13.38 Officers consider that, given the current context of the site, the impact of the OPA on the setting of these listed buildings and structures would be limited. Nevertheless, the landscaping to this edge and the scale of the employment buildings closest to the cemetery requires sensitive handling, which can be appropriately dealt with at the REM stage.
- 13.39 The ES has identified that the Anglican Chapel would receive a change to its setting due to the introduction of the built form. However, the application site and views from it are considered not to contribute towards the historic significance of the building and as such there would be a neutral effect. Officers agree and have concluded that the development would not result in harm to the setting of this listed building or other listed buildings and structures on the cemetery site.

### **Upper Siddington**

- 13.40 There are a number of Grade II Listed dwellings in Siddington: The Old Rectory, 300m to the east of the application site; Barton Farmhouse, 490m to the south east; School House, 490m to the south east; and Upper Siddington House, 570m to the south east.
- 13.41 Officers consider that the only impact on the setting of these listed buildings could arise from long distance views of the taller buildings towards the western boundary of the site over the existing established trees. However, in the opinion of officers, this in itself would not harm the setting of the listed buildings in Siddington, particularly when assessed against the impact of the recent appeal decision to permit the residential development of the land to the south of Love Lane (Planning app ref 15/05165/OUT & APP/F1610/16/W/3151754).
- 13.42 The ES has, therefore, not assessed the impact of the development upon these buildings given that the application site does not contribute to their significance nor forms part of any of their setting.

### **Cirencester Park**

- 13.43 Cirencester Park is a Grade I Registered Park and Garden and there are a number of Grade II\* and Grade II listed buildings and structures within the park. At its closest point, the park would be approximately 200 metres from the boundary of the site. There are no key views to and from the park to the application site. As the application site does not, therefore, form part of the historic setting of the park, Officers are content that the impact upon the setting of this heritage asset would be unarmful.
- 13.44 The proposed development could result in more people using the park, but Officers consider that the park has sufficient capacity to accommodate an increased usage. Furthermore, as a private property, if capacity did become an issue, it could be controlled through the management of the park.

### **Historic Town Centre Conservation Areas**

- 13.45 The Conservation Areas of Cirencester are not located within close proximity of the application site and Officers have no concerns regarding any direct visual impact of the development from or to them. It is recognised that due to the scale of the development, there is the potential for the character of Cirencester as an historic market town to be affected due to increased vehicle movements within the town centre. However, the transport assessment has shown that increased vehicle usage within the town centre would not be significant due to the planned improvements to the ring road and the measures proposed to increase sustainable modes of transport. In addition, the recently completed Market Place semi-pedestrianisation scheme is also, in part, intended to limit the ability of traffic to access the historic town centre.
- 13.46 It can also be argued that the addition to the town's population would be likely to add to the vitality and viability of the Town Centre and, in turn, maintaining the character of the Conservation Area.

### **Stow Lodge**

- 13.47 Stow Lodge is a Grade 2 listed building located between the Stow Road and the Burford Road at Cherry Tree Lane junction. The building dates from the early 19<sup>th</sup> century and stands at a former entrance to the Abbey Park via Harebushes. Its relatively compact form and close roadside setting are typical of such lodges adjacent to historic major road junctions.
- 13.48 The proposed highways mitigation works will involve the construction of an additional feeder lane for traffic turning left (north) up the Fosse Way, with a new traffic island. This would increase the width of the carriageway by incorporating part of the existing grass verge space between the lodge and the road. The proposed works would still leave a good separation between the carriageway and the walled enclosure surrounding the lodge. The building is currently situated at a busy road junction and, in character terms, its context will not be materially altered.
- 13.49 Officers consider that the proposed highways works would change the setting of the lodge to some degree, but not in any way that would detract from its appreciation or harm its significance.
- 13.50 There are also more minor works associated with these improvements, including new lighting and signage, and the re-location of a traffic flow controller box. Again, such infrastructure is in place already, and Officers consider that minor changes such as this would not materially alter the setting or harm the significance of the listed building in any way.

### **Below Ground Heritage Assets**

#### **Scheduled Ancient Monument**

- 13.51 There is a Scheduled Ancient Monument (SAM) partly located within the application site. The SAM is located at the southern edge of the boundary, and approximately 4.7 hectares of it lies within the application site with the majority of it extending beyond the site boundary. The SAM is recorded by Historic England (HE) as "Chesterton Farm Scheduled Monument". It comprises the remains of a late pre-historic/Roman settlement and there are no above

ground features. The SAM is listed on HE's "At Risk Register" due to on-going agricultural activities.

- 13.52 HE did not raise an overall objection to this development, but did request that the two blocks of dwellings to the north-west of the SAM were omitted. HE considers that the setting of the SAM is related to the topography of the site and the agricultural use of the land, and that the aforementioned dwellings would result in harm to the setting of the SAM. Their siting within the head of the shallow valley in which the SAM is located, would remove some of the rural and topographical context which relates to its significance. HE considers that this harm would be less than substantial.
- 13.53 An addendum to the ES was submitted by the Applicant, which included an amended assessment of the setting of the SAM. The dwellings to the north-west of the SAM were not removed from the parameter plans. HE did not agree with the findings of the amended assessment, but the acceptability of the proposed dwellings to the north-west of the SAM ultimately lies with the Council. For the reasons previously set out, i.e. in the interest of urban design, Officers consider that the retention of the dwellings is, on balance, acceptable. The public benefit of doing so will be covered later on within this chapter.
- 13.54 The Applicant has also made a commitment to remove the SAM within the application site from ploughing activities, which should ultimately remove it from the Heritage "At Risk Register". Discussions are now underway between the Applicant and HE with regards to the management plan for the SAM. This is also discussed within Chapter 17: Biodiversity in relation to compensation for the loss of skylark habitats.
- 13.55 The ES addendum also considered further information regarding the impact of proposed works to off-site road junctions on archaeology with particular reference to the A419/Hammond Way (Waitrose) roundabout and the impact upon the Long Barrow, Roman amphitheatre and cemetery SAM. HE considers that there is now sufficient information with the application to assess the impact of the development upon the off-site road junctions. The report regarding the Waitrose roundabout clearly shows that the proposals will not impact on the buried archaeology and that there would be a very limited change to the setting of various assets, but this would not harm their significance.
- 13.56 Scheduled Ancient Monument Consent has been granted by Historic England for the bus link.

### **Other Archaeological Remains**

- 13.57 The responsibility for the assessment of the impact of the development upon archaeological remains outside of the SAM lies with the County Council Archaeological Officer.
- 13.58 The Archaeology Officer has advised that the locality is known to contain widespread archaeological remains relating to prehistoric and Roman settlement activity. A field evaluation has been undertaken comprising geophysical surveys and trial-trenching. The Archaeological Officer considers that sufficient information has been made available regarding archaeological impact to allow for an informed planning decision to be made on that issue.
- 13.59 Areas of potential early prehistoric archaeology were found during the evaluation, along with extensive archaeological remains dating to the later prehistoric period. Roman settlement was especially well-represented in the central and eastern part of the application site. The Archaeological Officer considers that the archaeology on this site is not of the highest quality and significance, which would have then merited preservation *in situ*. Nevertheless, while not of the highest significance, due the proximity to the Roman town of Cirencester, the

archaeological deposits on this site will make an important contribution to the understanding of the archaeology of the County and the wider region. Therefore, a condition has been recommended requiring a programme of work to excavate and record any significant archaeological remains prior to the commencement of development in order to mitigate the ground impacts of this scheme.

- 13.60 This condition will also be applicable to the proposed mitigation works at Cherry Tree Lane junction, where the works would be in the locality of two Roman roads, the Fosse Way and Akeman Street. The Archaeological Officer has advised that there is a high potential for Roman archaeology, but it is likely that any such remains would be poorly preserved and buried under later road material.

### **Other Comments Raised by Historic England.**

- 13.61 In addition to the comments relating to the on- and off-site SAMs, HE raised concerns regarding the loss of the straightness of the Tetbury Road on the approach into Cirencester from the south. HE consider that Tetbury Road to the western boundary of the application site follows the line of the Roman road (the Fosse Way) and part of its significance is the straightness associated with Roman roads.
- 13.62 The roundabouts are required to provide safe access into the site and they have been retained as part of the application. Officers consider that the significance of any harm would be minimised by the fact that the overall route of this section of the Tetbury Road would remain straight and sympathetic design could provide some mitigation. Furthermore, a roundabout has previously been permitted in association with the RAU Triangle Site development. Officers consider that the concerns of HE are not, in this instance, a reason to require amendments to the proposed access or to refuse the application.
- 13.63 HE also raised a concern regarding the impact of the development on the town centre car parks, which are located on SAMs. HE are concerned that the increase in population would result in additional demand on car parking, which in turn would place pressure on the redevelopment of the existing car parks.
- 13.64 As discussed within Chapter 10: Social Infrastructure, the Council is currently undertaking work on existing and future demand for car parking within the town centre including any additional demand resulting from the Chesterton development. Any planning applications to redevelop the town centre car parks would be undertaken in consultation with HE, and physical works to the car parks would still require SAM Consent. It is also material that existing and emerging Local Plan policies propose redevelopment of some of the existing public car parks.

### **Justification/Public Benefits**

#### **Designated Heritage Assets**

- 13.65 Paragraph 132 of the NPPF advises that where harm would be caused to a Designated Heritage Asset, whatever the level of harm, it requires a "Clear and convincing justification" and that great weight should be given to the Asset's conservation. Paragraph 134 advises that less than substantial harm to the significance of a Designated Heritage Asset should be weighed against the public benefits of the proposal.
- 13.66 It is the opinion of Officers that the public benefits arising from the OPA provide a clear and convincing justification for the less than substantial harm to the Designated Heritage Assets that has been identified within this chapter. The NPPG states in paragraph 020 (Reference

ID: 18a-020-20140306) that these benefits "...Could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework... They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits".

- 13.67 The NPPG also advises that public benefits include heritage benefits such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long term conservation.
- 13.68 Historic England (HE) has advised that the proposed dwellings to the north-west of the SAM would cause less than substantial harm to its setting and it is for the Council to weigh this harm against the public benefits that would arise from the OPA.
- 13.69 Officers consider that the public benefits of the OPA are the provision of housing (open market and affordable) and employment land as the central and essential element of the Council's emerging development strategy. These are considered to be significant public benefits for the wider community and they would fulfil the social and economic objectives of sustainable development. The scale and therefore importance of the proposals on the housing land supply strategy for the District adds to the significance of the public benefits. Having had regard to the paragraph 134 of the NPPF and the relative importance of the Designated Heritage Assets, Officers consider that these are demonstrable benefits that outweigh the harm identified, even in the context of placing great weight on the Assets' conservation.
- 13.70 The OPA, through the S106, would also secure the removal of the entire SAM area from arable and ploughing activities and a management plan to be agreed with HE would secure its future and remove it from the HE 'at risk' register. This is considered to be a significant benefit of the development to the Heritage Asset and a major contributor to its long-term conservation.
- 13.71 The Applicant has proposed that interpretation boards would be installed at the SAM site to provide the public with a better understanding of the monument and this is welcomed, but is considered to be a modest and therefore limited public benefit.
- 13.72 The heritage benefits of the OPA are considered by Officers to fulfil the environmental objectives of sustainable development and, while the objection of HE is recognised in relation to the SAM, Officers consider that securing the future of the SAM, in addition to the other public benefits, outweigh the less than substantial harm. As such, Officers are content that they have properly applied the tests for weighing harm against public benefits and have therefore appropriately responded to HE's comments.
- 13.73 Additionally, the incorporation of the listed and curtilage listed farm buildings within the neighbourhood centre would secure their long term use, and their conservation and incorporation would make a positive contribution to the development in accordance with paragraph 131 of the NPPF. These are considered to provide public and heritage benefits as a result of the OPA.
- 13.73a The proposed development would cause some harm to the setting of the listed buildings identified above albeit the harm is considered to be less than substantial. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the High Court and Court of Appeal have recently made it clear (in the 2013 High Court and 2014 Court of Appeal judgments in the Barnwell Manor Wind Energy Ltd vs. East Northamptonshire District Council case) that decision-makers are**



obliged to give “considerable importance and weight” to the desirability of preserving the setting of listed buildings and conservation areas when undertaking the balancing exercise inherent in planning decision-making. However, and for the reasons set out in paragraphs 13.66, 13.68, 13.69 above, it is considered that the public benefits of the scheme outweighs the harm to the setting of these listed buildings even when “considerable importance and weight” is attached to that harm”.

### **Non Designated Heritage Assets**

- 13.74 Paragraph 135 advises that when weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is applicable to the demolition of The Steadings. As set out within this chapter, the buildings at The Steadings are considered to have some local interest due to their historic use, but they have been heavily altered and their interest is not based upon their physical built form. Their removal is necessary to provide the highways works which will make the site deliverable. The social and economic benefits of delivering the OPA, as set out above, are considered to outweigh the **harm** that would result from their demolition.

### **Conclusion**

- 13.75 The scale and nature of the OPA would result in harm to the setting of heritage assets within the application site which could not be fully mitigated. However, the OPA proposals would not result in substantial harm to any heritage asset. A balanced judgment has been made regarding this less than substantial harm **to the significance** heritage assets and their setting, and the public benefits that would arise from the OPA, with great weight being given to the conservation of the heritage assets. The proposed development has been designed to incorporate the on-site heritage assets (the farm complex) within the heart of the development in terms of the built form and functionality of the site, by providing a legible historic point of reference. This would not only secure the long term use of these buildings, but would benefit the quality and character of the environment for future occupants and users of the development. The development is consequently considered to accord with the NPPF, in particular chapters 7 and 12, Policy 15 of the adopted Local Plan, policies EN1, EN10 and EN12 of the emerging Local Plan and the Planning (Listed Building and Conservation Areas) Act 1990.

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# Chapter 14: Agricultural Land Classification

## Introduction

- 14.1 Agricultural land is classified into grades based on the versatility of cropping options rather than the productivity of the land. This is known as the Agricultural Land Classification (ALC) system. The highest grade is Grade 1, considered to be excellent agricultural land which can support a very wide range of agricultural and horticultural crops with high yields. The lowest Grade (5) is very poor quality agricultural land and its use is restricted to permanent pasture or rough grazing. Grade 3 is sub-divided into two categories, 3a and 3b.
- 14.2 The definition of “best and most versatile agricultural land” (BMV) is set out within the NPPF and is land that is grade 1, 2 and 3a as defined by the ALC system.

## Policy Considerations

- 14.3 The NPPF states, in paragraph 112, that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural 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 a higher quality”.
- 14.4 There are no relevant policies within the adopted or emerging Local Plans regarding the best and most versatile agricultural land.

## Officer Assessment

- 14.5 The application has been accompanied by an assessment of the agricultural land at the application site. This assessment identified that 103.8 hectares (86.3%) of the application site is Grade 3b. There is 8.9 hectares (7.4%) of Grade 3a land at the application site which is predominately located to the north-east of the farm complex with a proportion to the west of Somerford Lane where soil profiles are deeper. Non-agricultural land accounts for 7.5 hectares (6.2%) of the site area, and 0.1% of the site was not surveyed. A plan showing the results of the ALC survey has been attached as **Appendix 30**.
- 14.6 The methodology for the assessment was reviewed by Arup as part of the review of the ES and was found to be acceptable.
- 14.7 Members will note that several letters from third parties have referred to the application site as comprising high quality agricultural land based upon anecdotal evidence. In addition, some of the consultation documents for the emerging Local Plan made reference to the application site comprising Grade 2 agricultural land.
- 14.8 The reference to Grade 2 land was based upon provisional maps produced in the 1960s/1970s by the Ministry of Agriculture, Fisheries and Food and now held by Natural England. These maps showed that approximately a third of the site is Grade 2 land and the rest is Grade 3 land. It is important to note that the ALC classification system was revised in 1988 when Grade 3 was subdivided and Natural England does not hold mapping data for the application site based upon the revised ALC classification. Natural England has advised that the earlier maps are not sufficiently accurate for use in assessing individual sites and should only be used for general guidance; information based on detailed ALC field surveys is the most definitive source.

- 14.9 The proposed development would result in the loss of a small proportion of BMV land and a recent High Court judgement (Telford and Wrekin Borough Council v Secretary of State for Communities and Local Government & Gladman Developments Ltd) has provided further advice on this issue. This appeal related to a residential development that would result in the loss of 15ha of best and most versatile land and was challenged in the High Court by Telford and Wrekin Borough Council. It was held by the High Court that paragraph 112 of the NPPF did not fall within the footnote of paragraph 14 of the NPPF. i.e. that it was not a policy within the NPPF that restricts development. Paragraph 112 was simply an instruction to take into account the economic and other benefits of the value of the agricultural land and to prefer the use of lower quality land if it were available and suitable.
- 14.10 Further guidance has been provided within a recent appeal decision in Leicestershire (APP/G2435/W/16/3143781) in which the Inspector concluded with the LPA's assessment that 20 ha of BMV land to be lost to a residential development is a "low amount of land".
- 14.11 Officers consider that the amount of BMV land to be lost as part of the OPA development would not be significant and would be outweighed by the social and economic benefits of delivering housing at the application site.
- 14.12 It would not be practical to translocate the soils found within the BMV at the application site to other locations to recreate the lost BMV elsewhere. However, topsoil could be retained on site and used within public open space, gardens, allotments, etc and this can be controlled through a soil management plan required by condition.

### **Conclusion**

- 14.13 Officers are satisfied that the assessment of ALC at the application site has been undertaken correctly and the loss of a small amount of BMV would not be significant and would not prevent the granting of planning permission at this site. In this respect, the OPA is considered to accord with paragraph 112 of the NPPF.

## Chapter 15: Landscape

### Introduction

- 15.1 The application site is agricultural land and comprises medium to large scale arable fields along with two small fields of pasture associated with the existing farm buildings. The fields are bounded primarily by mature hedgerows with occasional stone walls.
- 15.2 The application site does not lie within a designated landscape. The Cotswold Area of Outstanding Natural Beauty (AONB) is located to the west of the application site and it terminates at the western boundary of the Tetbury Road.
- 15.3 Approximately 500 metres to the south of the application site is the boundary of the Kemble/Ewen Special Landscape Area (SLA). The boundary of the SLA extends approximately 135m to the north to incorporate an area of woodland known as the Chesterton Plantation.
- 15.4 Within the wider landscape character context, the application site is located in the gentle undulating land of the dip slope of the Cotswold ridge, within which the land rises to the west of Cirencester and falls in a south-easterly direction towards the valley of the River Churn. The application site itself has a fairly flat topography with the highest part of the site bordering the Tetbury Road. In the eastern part of the site, the land is more undulating.
- 15.5 The assessment of the impact on the landscape of the development has been covered within a Landscape and Visual Impact Assessment (LVIA) contained within the ES.
- 15.6 A plan showing the landscape context of the site is attached as **Appendix 31**.

### Policy Considerations

- 15.7 Due to the proximity of the AONB, the proposal needs to be considered in respect of the potential effect on setting of the AONB. Therefore, section 85 of the Countryside and Rights of Way (CROW) Act 2000 is applicable. It states that LPAs have a statutory duty to conserve and enhance the natural beauty of the AONB. The NPPG, within paragraph 002 (Reference ID: 8-002-20140306), advises that this duty "...Is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected area".
- 15.8 One of the twelve principles of planning set out within paragraph 17 of the NPPF is that planning decisions should "...Take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".
- 15.9 Paragraph 61 states that all development should address connections between people and places, with the integration of new development into the built and historic environment. Paragraph 109 requires that "The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils".
- 15.10 Paragraph 115 states that "Great weight" should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which

have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

- 15.11 Paragraph 116 states that permission should be refused for major developments in the designated areas listed above other than in exceptional circumstances. For purposes of clarity, it is important to highlight that paragraph 116 is not relevant to the consideration of this application as no part of the site lies within the designated area of the AONB.
- 15.12 Policy 10 (Trees, Woodland and Hedgerows) of the adopted Local Plan states that trees or woodland protected by a TPO will not be permitted unless the removal of the tree(s) would be of benefit to the character or appearance of the area or is in the interest of good arboricultural practice. Hedgerows that are historically, visually, ecologically or biologically important should be retained unless there are overriding reasons to remove them.
- 15.13 Policy 45 (Landscaping and New Development) states that high standards of appropriate landscaping will be required in all developments. Existing landscape features such as trees, hedgerows and drystone walls should be retained and integrated into all landscaping schemes. Drystone walls should be protected and repaired and new landscaping features shall not significantly adversely affect views of the wider landscape from public vantage points.
- 15.14 Policy EN5 (Cotswold Area of Outstanding Natural Beauty) of the emerging Local Plan advises that in determining proposals within the setting of the AONB, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 15.15 Policy EN7 (Trees, Hedgerows and Woodlands) states that development will not be permitted if it would fail to conserve and enhance trees, hedgerows and woodland of high landscape, amenity, ecological or historical value and veteran trees. Compensatory planting will be required where such features would be unavoidably lost.
- 15.16 Policy EN1 (Built, Natural and Historic Environment) is a relevant policy consideration although policy EN6 (Special Landscape Areas) which refers to development within the District's SLAs, but importantly in the case of the OPA site, not to their setting, is not relevant to the consideration of the application.

### **Officer Assessment**

#### **Landscape Character Impact**

- 15.17 The impact of a development upon a landscape can be assessed in two ways: firstly, the impact upon the character of the landscape and secondly, the visual impact of the development.
- 15.18 Landscape character is defined as the distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another. It is the "sense of place" that a person experiences when in a location and is a result of natural processes (e.g. river erosion) and/or cultural (man-made) processes (e.g. field boundaries).
- 15.19 The application site lies within the Dip Slope Lowland Character Type (LCT) and Kemble Dip Slope Landscape Character Area (LCA) as defined by the Gloucestershire Landscape Character Assessment (2006). The key characteristics, of the LCT/LCA include:
- Broad areas of gently sloping undulating land with a south-east fall;
  - Boundary networks of hedgerows, stone walls and post and wire fencing;

- Occasional woodland copses and shelterbelts;
- Lowland landform and infrequent small streams, which are often inconspicuous in the landscape.

- 15.20 The application site exhibits some of these key landscape characteristics, although Officers consider that the character of the site has been degraded to some extent by the adjoining earlier residential development of Chesterton at the northern boundary of the site, Cirencester Office Park, electricity pylons and traffic noise from traffic from the Tetbury Road. The existing northern boundary of the site is considered to be a detractor to the existing character of the application site due to the views of garden fencing and the absence of robust screening planting. The proposed parameter plans show an area of open space with buffer planting which would provide an opportunity to improve this edge and this is welcomed by Officers. At the southern boundary, the proposed large swath of open space would not only incorporate landscape features, but would help to integrate the development into the wider landscape context.
- 15.21 Nevertheless, the scale and nature of the OPA development would fundamentally change the character of the landscape and this could not be fully mitigated. However, the GI Parameter Plan would secure the retention of characteristic landscape features such as hedgerows and trees, incorporated within the proposed layout, would provide some limited mitigation.
- 15.22 The proposed highways works at the Tetbury Road would result in a change of character and again there would be limited opportunities to mitigate their impact in terms of the required scale and nature of the works, other than through sympathetic landscaping schemes and the design of lighting. However, Officers are mindful that the change in character would extend for a limited distance from the site, having regard to the wider landscape character context, and that the proposed highways works are necessary to deliver the development as the central element of the Council's housing strategy. In light of this Officers consider that, on balance, the harm to the character of the landscape in the locality of the Tetbury Road would be outweighed by the public benefits of the development.

### **Visual Impact**

- 15.23 Because the application is at the outline stage, the general sensitivity of key viewpoints for the site as a whole has been assessed within the ES. A detailed assessment of the visual impact of specific proposed elements within the site would be addressed through REM applications when the layout, scale and external appearance of buildings, along with detailed landscaping schemes would be known.
- 15.24 Officers consider that the visual impact of the development from public viewpoints would be limited due to the relatively flat topography of the application site, and the surrounding area, and the absence of elevated views of the site. As a result, the significant visual effects of the development upon the landscape are likely to be evident only from within the application site and in close proximity to it. The ES identifies that the longest views would be approximately 2km to the south-west from the SLA and these views would be filtered. The longest, unfiltered views would be from approximately 700m to the south.
- 15.25 The more evident views would include those from the PRoWs within and adjacent to the application site, and the experience of users of the PRoWs would change considerably once the development has been completed and occupied. It would not be possible to fully screen the development from the PRoWs, but the proposal seeks to incorporate them, where possible, within green corridors and open spaces. Officers would require that, in the consideration of future REM applications, details for the sensitive incorporation of the

PRoWs would provide a pleasant route for walkers travelling through the site and to the countryside beyond.

- 15.26 The proposed development would have visual impact upon the landscape, but Officers consider that the harm arising would be limited as views would decrease with distance from the site and as proposed structural landscape planting (secured by the GI parameter plan) and other landscaping matures over time. Again, the significance of the impact also needs to be balanced against the need to deliver the Council's housing strategy.

### **Impact on Designated Landscapes**

- 15.27 The ES has assessed the impact of the development upon the setting of the Cotswold AONB and the Kemble/Ewen SLA.
- 15.28 The Cotswold AONB is a nationally designated landscape, highly valued for its landscape and scenic beauty and afforded a high level of protection. The Kemble/Ewen SLA was designated in 1990 following a review of the AONB Boundary to protect the landscape which was considered to be of a high intrinsic value and of a comparable quality to the AONB.
- 15.29 Views of the application site over medium to long distances from the AONB are restricted by intervening undulating topography and vegetation. Views of the development would be glimpsed views and it would generally be seen in the context of the built edge of Cirencester. Views over shorter distances from the AONB have been assessed within the ES from the Monarch's Way PRoW, which lies to the west of the application site. The ES identifies that the most significant effects of the development on this PRoW (i.e. views) would be concentrated along those parts of the PRoW which are already impacted upon by development (i.e. the RAU buildings and the existing settlement edge). The parameter plans would secure mitigation: the maximum building height parameter plans indicate that the buildings opposite the RAU and between the two proposed roundabouts would have maximum height of 11m and would be set back from the road edge. The GI Parameter Plan show trees and hedgerows along this boundary retained where possible, thereby reducing the visual impact of the development upon the AONB.
- 15.30 The proposed highways works along the Tetbury Road and the increase in traffic would have a very limited impact in terms of the intervisibility between parts of the AONB and the application site, and the wider AONB itself.
- 15.31 With regard to the SLA, Officers consider that the proposed development would not have a direct impact upon the SLA but would have an indirect impact due to the change to the landscape character of the application site. Views of the application site from the SLA are considered to be incidental and currently do not form a prominent or notable contribution to the landscape character of the SLA. Existing blocks of vegetation would also ensure that any intervisibility would be limited.
- 15.32 Officers accept that there would be some views of the proposed development from the AONB and the SLA, but these views in themselves are considered not to have a harmful impact upon the setting or character of those designated landscapes. Furthermore, the proposed development would not block important views of, or from, the AONB and the SLA.

### **Cherry Tree Lane Junction**

- 15.33 The extent of the tree removal to facilitate the highways improvement works at Cherry Tree Lane Junction will be discussed in more detail within the Chapter 16: Trees and the requirements for the works have been discussed within Chapter 11: Access and Movement.



- 15.34 The proposed works would be seen in local views, but they would be seen in the context of the busy carriageway and associated suburbanising features, such as street lighting and traffic calming measures. On balance Officers consider that the character and appearance of the landscape would not be sufficiently altered to recommend refusal and the works are required to mitigate for the impact of the OPA development. With regards to soft landscaping, it is proposed that a small group of saplings and scrub would be removed but the proposals would not impact upon the larger trees or woodland area. Officers consider that, provided suitable mitigation is provided for the loss of habitat (as covered within the biodiversity section of this report), there would be no objection.

### **Conclusion**

- 15.35 Officers agree with the findings of the ES in that any moderate/major significant residual impacts would be limited to the application site itself and the immediate vicinity due to the topography of the site and the absence of long distance views. There would be harm to the landscape character of the application site which could not be fully mitigated but would be limited to the site itself. The application site does not lie within a designated landscape and there are substantial public benefits to deliver one comprehensive development at this site. Furthermore, the proposed development would not have a significant impact upon designated landscapes. Officers consider that the application therefore accords with the NPPF, policies 10 and 45 of the adopted Local Plan and policies EN1, EN5 and EN7 of the emerging Local Plan.

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## Chapter 16: Trees

### Introduction

- 16.1 A Tree Preservation Order (TPO) was served in 2014, which covers sixty individual trees, two areas of trees, four groups of trees and twenty-one woodland areas across the site. The individual trees that are covered by the TPO are located predominately around the farm complex and at the western edge of the site adjacent to Wilkinson Road. The woodland areas are predominately located along the western and southern boundaries of the site and to the western side of the existing farm driveway. A plan showing the TPO is attached as Appendix 32.
- 16.2 The applicant has identified two “veteran” trees within the site; an oak tree towards the northern boundary of the site which is covered by the TPO and a *robinia* to the south of the farm buildings which is not covered by the TPO. There is no precise definition of a veteran tree and various criteria may be used to determine the veteran status of an individual tree when compared to others. A tree may be considered to be a veteran tree due to its own age, its age relative to others of the same species, or its biological, aesthetic or cultural interest.
- 16.3 Members are reminded that the granting of outline planning permission does not override a TPO, as the full impact of a development upon individual trees would not be known until the REM stage. This means that detailed objections can still be raised at the REM stage if it is considered that a proposed building or development works would cause harm to a protected tree, and that the protection and integration of the trees can be appropriately designed within the layouts.

### Policy Considerations

- 16.4 The NPPF, within paragraph 118 states that “Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.
- 16.5 Policy 10 of the adopted Local Plan (Trees, Woodland and Hedgerows) provides protection for trees and states that development that would result in the loss of trees or woodland protected by a TPO will not be permitted unless the removal of the tree(s) would be of benefit to the character or appearance of the area or is in the interest of good arboricultural practice. Hedgerows that are historically, visually, ecologically or biologically important shall be retained unless there are overriding reasons not to do so.
- 16.6 Policy 45 (Landscaping in New Development) of the adopted Local Plan and Policy EN7 (Trees, Hedgerows and Woodlands) of the emerging Local Plan, referred to within Chapter 15: Landscape, are both relevant policy considerations.

### Officer Assessment

- 16.7 The OPA has been accompanied by an arboricultural survey, which has assessed the impact of the development upon protected and unprotected trees within, or adjacent to, the application site and those within the vicinity of the proposed highways works.
- 16.8 The majority of tree removal would result from the proposed highways works on the Tetbury Road. The construction of the dual carriageway would result in the loss of two groups of trees within highways land and adjacent to the RAU Triangle site. These trees are not covered by the TPO. Officers consider that their loss is regrettable, but no objection has

been raised as it is considered that none of the individual trees in the group are of particular importance, nor is the cumulative impact of the trees significantly beneficial.

- 16.9 Whilst it would be preferable for these trees to be replaced, there would be insufficient room within the remaining highways land to accommodate mitigation planting. It would not be reasonable or practicable to require new planting within the RAU site, which is outside of the control of the Applicant. Officers accept that there would be a visual impact resulting from the loss of these trees, with the absence of replacement planting, and this has been taken into consideration when assessing the visual impact of the development upon the landscape.
- 16.10 The highways works would also require the removal of sections of the protected woodland groups along the Tetbury Road and a group of mature limes at The Steadings. Officers consider that the trees along the Tetbury Road form an important visual feature on the approach to Cirencester and they would provide some limited screening of the development when viewed from the road and from the AONB. The loss of these trees would not make the proposed development unacceptable in terms of its visual impact, and the GI Parameter Plan would secure the retention of a substantial amount of woodland areas, although opportunities for replacement planting would be limited due to the extent of the highways works. The details of enhancement to the planting would be established within REM applications. Further mitigation would be provided by tree planting along the main street, the principle of this would be set out within the Design Code.
- 16.11 There would be some removal of protected trees at the proposed Spratsgate Lane access to which Officers do not object. The loss of the trees is not considered to be significant and would be mitigated for by new planting.
- 16.12 Officers have raised concerns regarding the potential removal of trees to facilitate off site highways works in two locations. At the junction of Somerford Road and Chesterton Lane, a pine tree may have to be removed, and near to the junction of Chesterton Lane and the A417/429 dual carriageway, a lime tree may have to be removed. There is some uncertainty at the moment whether the trees would have to be removed, as full technical details have not been established. But if the trees do have to be removed, their replacement will be sought by condition.
- 16.13 The GI Parameter Plan shows the retention of the majority of individually protected trees and the veteran trees within the development and, in many instances; they would be within areas of public open space. Officers consider that this would not only enhance the character and appearance of the development, but would also have ecological benefits. The full details would be agreed at the REM stages.

#### **Cherry Tree Lane Junction**

- 16.14 To the north of the proposed highways improvements at Cherry Tree Lane junction, a woodland TPO covers land at 'Harebushes' and an area TPO covers an area to south-east at 'Hunters' care home. A plan showing the TPOs is attached as **Appendix 33**. There are two trees within the former TPO that would be affected by the proposals while the latter TPO would not be affected.
- 16.15 A group of young trees, including hazel, hawthorn, ash and oak, which are adjacent to the road and are not protected, are required to be removed to facilitate the highways works. Officers do not object as the trees are categorised as being of low quality and value, and Officers consider that the loss of this group is not significant.

## **Conclusion**

- 16.16 The proposed development would result in the loss of some trees that are protected by a TPO and, in some instances; the removal of those trees would not strictly accord with Policy 10 of the adopted Local Plan. However, the proposed development does seek to retain and enhance tree planting which Officers consider would provide adequate mitigation. The proposal is, therefore, considered to accord with policies 10 and 45 of the adopted Local Plan policy EN7 of the emerging Local Plan and the NPPF, in particular paragraph 118.

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## Chapter 17: Biodiversity

### Introduction

- 17.1 The application site provides habitat for a wide range of plant and animal species and has a number of wildlife features, such as hedgerows, trees, ponds and old buildings. Within the application site, there are no statutory designations (e.g. Sites of Special Scientific Interest) and there are none within 2kms of the application site. The nearest statutory designations are the Cotswold Water Park Site of Special Scientific Interest (SSSI), which is approximately 5km to the south, and the North Meadow SSSI approximately 7.9km to the south east at Cricklade. There are no sites of European importance within a 5km radius of the application site. There are three sites of European importance within 15km radius of the application site – Cotswold Beechwoods Special Area of Conservation; Rodborough Common SAC and North Meadow and Clattinger Farm SAC.
- 17.2 There are five Key Wildlife Sites (non-statutory designations) present within 2km of the application site, but none within the application site.
- 17.3 The ES chapter on biodiversity has been informed by survey work at the application site and in the surrounding area, which has identified the presence of European Protected Species. i.e bats, dormice and great crested newts (GCNs).
- 17.4 The application has been accompanied by an Ecological Management and Mitigation Framework (EMMF) submitted in April 2017 and amended in May 2017. The EMMF is a document which draws together the outcome of the various surveys, and sets out the principles of ecological mitigation and management measures before and during construction (taking account of the phased approach), and post-development (including advance planting and monitoring). It will also form the basis of conditions and a Landscape, Ecological and Arboricultural Management and **Monitoring** Plan (LEAMMP)
- 17.5 This chapter should also be read in conjunction with the Chapter 18: Green Infrastructure, as delivering biodiversity mitigation and enhancement is a key part of the proposed GI strategy for the site.

### Policy Considerations

- 17.6 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by “...Recognising the wider benefits of ecosystem services...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”
- 17.7 Paragraph 118 of the NPPF sets out a number of principles that local planning authorities should apply when determining planning applications, in order to conserve and enhance biodiversity. These include refusing applications that would result in significant harm that cannot be avoided, mitigated for or compensated for, and encouraging opportunities to incorporate biodiversity in and around developments.
- 17.8 Policy 9 (Biodiversity, Geology and Geomorphology) of the adopted Local Plan states that development that harms, either directly or indirectly, a site supporting any legally protected

species or its habitat will not be permitted unless safeguarding measures can be provided through conditions or planning obligations to secure its protection. Where development is permitted, the Council will require the retention and management of any significant species and habitats, whether designated or not, and opportunities should be taken, where possible, to enhance or create habitats and populations of species identified and priorities in National, Regional and Local Biodiversity Action Plans, especially where wildlife corridors can be created.

- 17.9 Policy EN8 (Biodiversity and Geodiversity: Features Habitats and Species) of the emerging Local Plan states that "Development will be permitted that conserves and enhances biodiversity and geodiversity providing net gains where possible". Development would not be permitted that would result in significant habitat fragmentation, loss of ecological connectivity, loss or deterioration of irreplaceable habitats and resources, or likely to have an adverse effect on internationally protected species. The policy supports development that would promote the creation, restoration and beneficial management of ecological networks, habitats and features. Development with a detrimental impact on other protected species and species, and habitats of principal importance for the purpose of conserving biodiversity, will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.
- 17.10 In addition to the aforementioned policy considerations, there is a statutory basis for local planning authorities (and other public bodies) to seek to minimise the impacts on biodiversity and to provide net gains in biodiversity where possible. This is set out within Section 40 of the Natural Environment and Rural Communities Act 2006. Other relevant legislation includes:
- The Conservation of Habitats and Species Regulations 2010 (as amended)
  - The Wildlife and Countryside Act 1981 (as amended)
  - Circular 06/2005 (Biodiversity and Geological Conservation-Statutory Obligations and Their Impact Within the Planning System)

## **Officer Assessment**

### **European Protected Species**

#### **Bats**

- 17.11 The survey work has identified that there are 11 species of bats foraging and travelling across the application site. The Steadings complex has been identified as a non-breeding day roost for species of Common and Soprano Pipistrelle bats and Long Eared bats. A Lesser Horseshoe bat was also found to be using the buildings as a night/feeding roost. At Chesterton Farm, the stone buildings were found to support non-breeding day roosts for the Common Pipistrelle. All species of bats are European protected species and some, such as Lesser and Greater Horseshoe bats are Annex II species (i.e. priority species).
- 17.12 The development would result in a residual impact on foraging and commuting bats, due to the physical loss of foraging habitat and flight lines and the disturbance from increased light levels. This would particularly affect Lesser and Greater Horseshoe bats which are light-sensitive and use hedgerows/trees/woodlands and other vegetation as flight lines. The provision of an enhanced southern boundary is therefore a significant part of the compensation package.
- 17.13 Other hedgerows and woodlands, within and at the boundaries of the site, would be retained and enhanced as part of the proposals, which Officers consider would compensate for those



sections that would be lost to provide footpath links. This mitigation would provide bats with additional and enhanced foraging and commuting habitats and alternatives to routes currently used along Tetbury Road and past The Steadings. Although there would be partial loss of commuting habitat, Officers consider that the alternative routes and a sensitive lighting strategy would ensure that bats would be able to continue to travel through or around the site.

- 17.14 The Ecological Management and Mitigation Framework (EMMF) identifies key areas where lighting needs to be limited to ensure that post-development light levels in key areas used by bats remain as dark as possible, particularly the southern boundary and key commuting routes through the site, including the area around Chesterton Farm, and roosts provided as compensation. The detailed sensitive lighting strategy would be informed by the EMMF and would be secured by condition.
- 17.15 The EMMF identifies that bat boxes would be provided as compensation and the full details of mitigation for the loss of the roosts at The Steadings would be agreed by a condition of the OPA (including the method statement and a copy of the licence from Natural England). The EMMF confirms the retention of the roosts within the listed buildings at the farm, and certain bat mitigation measures (i.e. specific elements of the mitigation strategy) would also need to be incorporated into REM applications. Subsequent REM and LBC applications would have to be accompanied by updated bat surveys. The bat box proposed within the EMMF for Lesser Horseshoe bats is not considered to be appropriate for this particular species and a condition is required **for the submission of details of a replacement lesser horseshoe bat night roost structure at a suitable location**. Officers consider that the proposed mitigation and enhancements proposed would be acceptable with further details and implementation to be secured through conditions and the S106. The Ecological Management and Mitigation Plan is attached as **Appendix 34**.

### **Dormice**

- 17.16 The ES review identified the requirement for dormice survey work as it was determined that hedgerows within the site were species-rich and a suitable habitat for dormice. The applicant undertook survey work in 2016 and four dormice nests were found within the 195 tubes that were placed across the application site. In April 2017, the nests from 2016 were found to have been taken over by woodmice or were no longer active, and five new dormice nests were found at new locations. A further survey visit in late May 2017 identified that two of these new nests had been occupied by woodmice and one nest was no longer present. No new nests were found.
- 17.17 In line with Standing Advice, it must be assumed that dormice occur in all suitable habitat within and bordering the site, although it has been assessed that overall the site has a low suitability for dormice hibernation apart from the small blocks of woodland. The EMMF sets out proposed mitigation and the full details would be agreed as a condition of the OPA (including the method statement and a copy of the licence from Natural England) and certain dormouse mitigation measures (i.e. specific elements of the mitigation strategy) would also need to be incorporated into REM applications
- 17.18 Overall it is considered by Officers that there would be a significant enhancement of the site in terms of suitable habitat for dormice, particularly as the existing hedgerows are not currently maintained in a sympathetic manner for this species. The enhancement of the hedgerows through infill planting to strengthen them and appropriate management, as well as the planting of new hedgerows, scrub and woodland would therefore provide a significant benefit to dormice in this area. The reinforcement and strengthening of retained hedgerows is an important part of the proposed mitigation, in order to make the hedgerows larger,

denser and more robust, particularly to prevent access by domestic cats to minimise the risk of predation and to minimise disturbance, e.g. during hibernation.

- 17.19 Dormouse nest boxes would also be installed within the southern green corridor and the 'wildlife zone', which may improve the suitability of the site for breeding. Continued monitoring of this species should be carried out to provide information on the dispersal and use of the site post-construction, and the success of the mitigation strategy and this would be secured **through conditions for monitoring to be delivered as part of the Ecological Construction Method Statement (ECMS) and LEAMMP.**

### **Great Crested Newts**

- 17.20 A medium sized (i.e. between 11 and 100 individuals) breeding population of great crested newts (GCNs) were found within an off-site pond within the grounds of The Cranhams. Although the pond is not within the application site, the presence of the GCNs must be mitigated for as GCNs can travel up to 250m away from a breeding pond. Other ponds within 500m of this pond have been surveyed and no evidence of this species was found. The population is therefore considered to be isolated.
- 17.21 The majority of the site comprises arable land, which has limited value for this species. The hedgerows, blocks of woodland and scrub comprise suitable terrestrial habitat and the majority of it would be retained within the GI network.
- 17.22 The proposed mitigation for the GCNs would include amphibian-friendly highway drainage, new ponds and terrestrial habitat enhancements. This would enable the GCNs to disperse from the pond at The Cranhams and the new, well connected ponds would provide additional breeding habitats. The provision of attenuation basins as part of the proposed SuDS would create additional suitable habitat for this species, particularly in the form of foraging habitat (attenuation basins not intended to be permanent water features). Artificial hibernacula (wintering sites) would also be created at suitable locations.
- 17.23 The long-term management and monitoring of the site would take account of the presence of this species and Officers consider that the EMMF adequately addresses issues relating to GCNs for the determination of the outline application. A licence from Natural England will be required for loss of great crested newt terrestrial habitat as a result of the proposed development and the use of exclusion fencing during construction.

### **Other Species Present on/off Site.**

#### **Farmland Birds**

- 17.24 Skylarks are present within the application site and would be displaced as a result of the development. Lowland meadows would be created on-site and appropriately managed to provide opportunity for ground-nesting birds, including the skylark, but this would only accommodate low numbers.
- 17.25 As discussed in Chapter 13: Heritage, the SAM would be taken out of ploughing activities and this provides an opportunity for additional compensation for skylarks. The Applicant intends to revert the SAM to grassland and the section that is off-site would be used for grazing. Officers have been in contact with Historic England who are supportive of the need to include skylarks within the management plan for the SAM as it would have no impact upon the archaeological interest of the SAM.
- 17.26 The timescale for the submission and approval of the SAM management plan and its subsequent implementation is an important consideration in determining this application.

As works commence on site, habitat suitable or used by breeding skylarks would start to be removed, and it would therefore be preferable to have the new habitat on the SAM in place as soon as possible, ideally, in advance of the clearance of the arable fields that skylarks are currently using (winter wheat and perennial rye-grass fields). **The management of the SAM for breeding skylarks will be delivered as part of the S106.**

- 17.27 Other farmland bird species, such as Yellowhammer and Linnet, would not lose habitat as the majority of hedgerows, woodland copses and trees would be retained. It is recognised that there would be increased disturbance to birds, but it is considered that there would be adequate compensation for these species through an increase in the amount of suitable habitats within the southern green corridor.

### **Other Species**

- 17.28 Low populations of slow worm and common lizard have been recorded on site, but their distribution across the site is restricted as the majority of the site comprises arable fields. A habitat manipulation approach is therefore recommended as an appropriate and proportionate mitigation technique, rather than the use of capture and exclusion fencing.
- 17.29 **A detailed reptile mitigation strategy for the highway works at the Tetbury Road will be required as part of the Ecological Construction Method Statement (ECMS).**
- 17.30 Badger setts were found within the application site and mitigation has been proposed which Officers consider to, on the whole, be satisfactory. **However, Officers consider that there are further opportunities to retain and create new badger setts within the south-eastern part of the site and this can be incorporated within the LEAMMP. Each phase/sub-phase or REM application has to demonstrate compliance with the principles of the EMMF and this includes badger mitigation.**
- 17.31 Further surveys and monitoring will be required before and during construction to ensure that this species is protected. A licence from Natural England will be required for any sett closures and working within close proximity to any retained setts.

### **Other Biodiversity Considerations**

- 17.32 The application site also supports a range of common species and wildlife features, such as nesting birds and hedgerows. This has been acknowledged and their protection and enhancement forms part of the overall GI framework for the site (and the **ECMS**), for example additional tree planting, hedgerow management, etc. The long-term management of these general mitigation and enhancement proposals also fall within the LEAMMP.
- 17.33 There are three European sites (Special Areas of Conservation – SAC) within 15km of the development (listed within the introduction to this chapter). The Habitats Regulations Assessment for the emerging Local Plan provides a detailed analysis of the potential effects of the Local Plan allocations and policies (including the Chesterton site) on these sites and concludes that the emerging Local Plan would not have adverse effects on the integrity of any of the SACs, either alone or in combination with other plans and projects. In addition, the ES provides further analysis on the potential recreational pressures and air quality impacts on North Meadow and concludes that these would not be significant.
- 17.34 The ES states that the OPA would not affect any nationally designated sites. The ES has assessed the impact of the OPA upon the CWP and North Meadow SSSIs and no effect is predicted during the construction period due to the distances involved and the absence of obvious connections via surface water courses. There may be increased use of the SSSIs

by new residents of the development, but it is considered that the OPA provides inherent mitigation for recreation and the residual effect upon the SSSIs would not be significant.

- 17.35 With regard to the Key Wildlife Sites, the ES considers that, given the reasons for their designation, the lack of foreseeable effect-receptor pathways (e.g. no surface water course connections), and reasons of distance, there would be no significant adverse effects upon the integrity of these non-statutory designations as a result of the proposed development.
- 17.36 Officers concur with the above ES assessments relating to European Sites, SSSIs and Key Wildlife Sites.

### **Cherry Tree Lane Junction**

- 17.37 The inclusion of highways works at Cherry Tree Lane junction, as part of the proposed highways mitigation measures, necessitated an ecological assessment of the proposed works. A phase I habitat survey identified the potential for breeding birds, dormice, reptiles and badgers, although detailed searches for these species have not been carried out. The proposed works with regard to habitat clearance would be relatively minor and the assessment concludes that there would be a minor biodiversity impact with no potential for biodiversity enhancement.
- 17.38 However, Officers consider that there would be an opportunity for habitat creation within the verge to the southern and northern ends of the proposed works. For example, the verge could be sown as a wildflower meadow to replace the loss of the semi-improved neutral grassland at the edge of the verge and species-rich scrub could be planted to compensate for the loss of existing species-rich scrub. This can be covered by condition.

### **Conditions, Mitigation and Monitoring**

- 17.39 As set out above, the specific detail of mitigation and enhancement works will be agreed through conditions applied at subsequent REM or planning applications. However, there will be a number of conditions applied at the outline stage which would be applicable to the entire site.
- 17.40 An **Ecological Construction Method Statement (ECMS)** will be required which would cover all ecological mitigation and compensation measures, which are required to be implemented as part of the construction process. The **ECMS** would also set out the role of the Ecological Clerk of works (this is a qualified and experienced person employed by the developer, who would provide advice during the construction phases on the safeguarding of ecological features and aid compliance with consent and licences).
- 17.41 A landscape, ecological and arboricultural management plan (LEAMMP) will be required. This would be a fully integrated plan across the three disciplines and would be subject to annual monitoring and reviews.
- 17.42 The EMMF identifies the potential to create a "Wildlife Zone", within the south-eastern corner of the site. This would be an informal recreation space for residents, but with some areas of restricted access. The Wildlife Zone would in part be below the overhead powerlines and Officers consider that this is a sensible use of this area given that it is not ideal for recreational activities. The wildlife zone and its future management would form part of the LEAMMP
- 17.43 In addition to requirements set out through the planning process, licenses will be required from Natural England for works affecting the European protected species and for any closures of badger sets or for works within close proximity to retained setts.

- 17.44 The Design Code would also provide an opportunity to set out methods of enhancement within the built development, e.g. swift bricks, green roofs, swallow nesting sites, etc. The landscape elements of the Design Code will emphasise the benefits of incorporating biodiversity features and enhancements into all landscape proposals, for example within gardens and pocket parks, through the use of native species, etc.

### **Derogation Tests**

- 17.45 The proposals within this application could potentially affect European Protected Species, i.e. bats, dormice and GCNs. The presence of a European Protected Species is a material consideration when determining a planning application and, in light of ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 1994, 2010 (as amended), the proposal has been tested against the three “derogation” tests, as set out in Regulation 53 before reaching a recommendation. The tests are:

- i) the development must be for imperative reasons of overriding public interest or for public health or safety;
- ii) there is no satisfactory alternative and;
- iii) favourable conservation status of the species must be maintained.

- 17.46 A full assessment of the derogation tests in relation to bats, dormice and GCNS at the application site has been set out within the comments of the Biodiversity Officer, dated 21<sup>st</sup> July 2017 and available to view online. However, in summary, Members are advised of the following:

- i) The development must be for imperative reasons of overriding public interest or for public health or safety

- 17.47 The application site has been identified as the only strategic site within the emerging Local Plan for a mixed use development. There are significant social and economic benefits to the town and the wider District in delivering development. The development aims to create new habitats and enhance biodiversity along with retaining important trees, groups of trees and hedgerows.

- 17.48 It is therefore considered by Officers that this test has been met due to the strategic nature of the site’s development and its contribution towards the housing and employment needs of the District in accordance with the emerging Local Plan.

- ii) There must be no satisfactory alternative

- 17.49 The alternatives to the allocation of the application site were explored through the emerging Local Plan process (and has been discussed earlier within this chapter).

- 17.50 The DEFRA Habitat Directive: *Guidance on the Application of Article 6(4) August 2012* advises that Local Planning Authorities also need to consider the option of “do nothing” when considering the derogation tests. Officers consider that to do nothing would not impact upon European Protected Species and the existing habitats would remain the same. The site would continue to be intensively cultivated and there would be no biodiversity enhancements. The buildings at The Steadings would be retained, which would mean no impact on the roosting bats, but there would also be no enhancements for roosting bats. Dormice would be able to continue to use the existing hedgerows for foraging and dispersal, but again, there would be no enhancements to the available habitats. Great crested newts would continue to breed at The Cranhams, but there would be no enhancements of the existing ponds within the site or the creation of additional ponds and terrestrial habitats. The

newt population is therefore likely to remain isolated with no opportunity for expansion (limited availability of ponds in the area).

17.51 The need for 2,350 homes and 9.1 ha of employment land would have to be delivered elsewhere and this is likely to shift the associated impacts on European Protected Species to another part of the District, which could be more significant than the current proposal (e.g. on other significant bat roosts, larger areas of dormice or great crested newt habitats). With adequate mitigation, the incorporation of all proposed biodiversity enhancements and the implementation of long-term appropriate management of the newly created habitats and features for species are secured, the proposed development would not have a detrimental impact on the species concerned.

17.52 Officers therefore recommend that this test has been met.

iii) Favourable conservation status of the species must be maintained.

17.53 Based upon the outline mitigation strategies for bats, dormice and GCNs, Officers consider that the favourable conservation status of these species would be maintained and therefore recommend that this test is has been met.

### **Conclusion**

17.54 The application site supports a range of species and habitats, including European Protected Species. Provided that the proposed biodiversity mitigation, compensation and enhancement is implemented, it is considered by Officers that the development would not cause significant harm to biodiversity interests and that the derogation tests have been met. There would be no detrimental impact on sites designated for their nature conservation interest (including European sites). The mitigation, compensation and enhancement of biodiversity at the site, including through long-term management and monitoring, would be secured by a suite of conditions and through clauses in the legal agreement. The proposal is considered to accord with the NPPF, in particular chapter 11, policy 9 of the adopted Local Plan, policy EN8 of the emerging Local Plan and other relevant legislation and guidance quoted in this chapter.

## Chapter 18: Green Infrastructure

### Introduction

- 18.1 The National Planning Policy Framework defines green infrastructure as: “A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”.
- 18.2 Paragraph 027 of the NPPG (Reference ID: 8-027-2160211) explains that green infrastructure “...Is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls”.
- 18.3 Green infrastructure (GI) therefore goes beyond providing a visual enhancement within a development. It can provide opportunities for a wide range of multifunctional benefits which include reinforcing and enhancing the local landscape character, contributing to a sense of place, providing ecosystems and an ecological network, promoting healthy communities, providing walking and cycling routes, enabling local food production and meeting the challenge of climate change.
- 18.4 The Green Infrastructure Parameter Plan is attached as **Appendix 11**.

### Policy Considerations

- 18.5 The NPPF, states within paragraph 114 that LPAs should “Set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.
- 18.6 Although the adopted Local Plan does not include a specific policy on GI, Policy 9 (Biodiversity, Geology and Geomorphology), Policy 10 (Trees, Woodlands and Hedgerows), Policy 34 (Landscaped Open Spaces and Play Areas in Residential Development) and Policy 45 (Landscaping in New Development) are all relevant.
- 18.7 Policy INF7 (Green Infrastructure) of the emerging Local Plan requires development proposals to protect and enhance GI and/or to deliver new GI which should link to the wider GI network outside of the site. The policy requires GI to be designed in accordance with the Cotswold Design Code.
- 18.8 Policy S2 (Strategic Site South of Chesterton) of the emerging Local Plan includes reference to infrastructure provision including community facilities, open space, sport and recreation; transport and highways; flood management, waste water and a sustainable urban drainage system – all of which are relevant to GI considerations. The supporting text to the policy also makes reference to creation of new habitats and green corridors, footpath and cycleway network.
- 18.9 Policy EN7 (Built, Natural and Historic Environment) advises that new developments should promote the protection, conservation and enhancement of the natural environment by contributing to the provision and enhancement of multi-functional GI.

### Officer Assessment

- 18.10 The application is accompanied by a GI Parameter Plan and a GI Strategy. The strategy sets out the strategic principles for GI, describes existing GI assets within the site, and lists the GI objectives for the site, their delivery and mitigation measures. Prior to the submission of the application, Officers held a workshop regarding the GI objectives for the site. The

attendees included those from the voluntary and statutory sectors (e.g. Gloucestershire Wildlife Trust, Natural England, Historic England). The objectives for the site were fed back to the applicant and have been incorporated within the GI strategy.

- 18.11 There are no nationally recognised standards for the quantum and accessibility of GI within a development. Instead, Officers have referred to the Town and Country Planning Association publication entitled “Green Infrastructure Worksheet for Eco Towns”. This advises that “As a general rule – and including private gardens – 40 per cent of the total land in an eco-town, and the same percentage of any individual development site, should be earmarked for GI”.
- 18.12 The amount of open space within the development would be approximately 37 hectares. This figure includes sports pitches, parks, and allotments, but excludes the land sited underneath the pylons. It equates to 30.7% of the total site area. With the inclusion of residential gardens, Officers consider that this figure could exceed the 40% target as set by the Town and Country Planning Association. This is therefore considered by Officers to be an acceptable quantum of GI.
- 18.13 The distribution of GI across the site has been informed by both the existing GI features, such as the hedgerows and PRoWs, and constraints such as the gas pipeline and overhead pylons. In response to concerns raised by Officers, the GI Parameter Plan was amended to include areas of incidental open space within some of the residential blocks so that all residents would be within a reasonable walking distance of open space.
- 18.14 The GI Strategy for the site includes structural landscaping; street trees; native tree and hedgerow planting; cycling and walking routes and SuDS infrastructure (e.g. swales, ditches and attenuation ponds). The strategy proposes a number of GI features in three distinct areas formed around existing GI assets, and are summarised as follows:
- Chesterton Farm Meadows would comprise land around the farm complex and the SAM. It would include allotments and a community orchard and the planting in this area would be designed to retain the open view from the farmhouse. An indicative plan, taken from the GI strategy, is attached as (**Appendix 35**).
  - Chesterton Ride would comprise a swathe towards the southern boundary of the site. It would include allotments, a community orchard and short circular green routes for walking and cycling. Flood attenuation features, structural planting and sculptured landforms would be designed to achieve a strong sense of place. (**Appendix 36**).
  - Spratsgate Woods would be located within the south-east corner of the site. It would be designed to provide new habitat features, such as woodlands and ponds, and would be designed to minimise the landscape impact of the pylons. (**Appendix 37**).
- 18.15 Officers consider that the incorporation of different character zones would not only provide a variety of habitats within the application site, but would also contribute towards the legibility of the development.
- 18.16 The overall aims and delivery mechanisms set out in the GI strategy have identified how GI could be successfully incorporated within the development, but Officers are aware that as this is an outline application, their effectiveness will very much be down to the detail of future REM and condition compliance applications. It is therefore important that the principles set out within the strategy are carried forward within the Design Code and the LEAMMP, and the long-term success of GI will be dependent upon management and maintenance arrangements, which would be secured through the S106 agreement.



- 18.17 Although not a consideration of the OPA, Members may be interested to know that Gloucestershire Wildlife Trust (GWT) has been working with the Applicant to influence the design of GI within the OPA. This work has involved reviewing the GI Parameter Plan, the GI Strategy and other supporting documents to assess whether the scheme would meet the GWT's Building with Nature (BwN) GI benchmark. GWT are confident that should permission be granted, the OPA would be eligible for the BwN benchmark and are currently working with the Applicant in order to be able to certify the scheme BwN 'candidate' status', which recognises a scheme for its intentions to deliver high quality GI. The scheme would then be assessed for full certification post-construction.

### **Conclusion**

- 18.18 Officers consider that the overall quantum and distribution of the GI within the development would be acceptable and, with further detailing at the reserved matters stage, the development will be underpinned by an effectively designed multifunctional GI network. The application is considered to accord with Policies 9, 10, 42 and 45 and the adopted Local Plan and policies INF7, S2 and EN1 of the emerging Local Plan.

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## **Chapter 19: Drainage and Flooding**

### **Introduction**

- 19.1 The application site lies within Flood Zone 1 which is the zone defined by the Environment Agency (EA) as being the zone with the lowest risk of flooding. This zone has been assessed as having a less than 1 in 1000 annual probability of river or surface water flooding.
- 19.2 Part of the application site lies over a principal aquifer and within the associated Groundwater Source Protection Zone 3 which is designated by the EA to protect the quality of the groundwater from certain pollution creating uses/sources.
- 19.3 There are no main rivers within the application site, but there is a watercourse (unnamed), located 150m to the east of the farm buildings, and three other ditches within the site. These ditches, and the watercourse, are located to the east of the farm buildings.
- 19.4 There are four ponds within vicinity of the application site. At the northern boundary and to the south of Haygarth Close there is a balancing pond within the ownership of Thames Water (TW). There is a pond within the grounds of The Cranhams, and one to the south of the bridleway. These three ponds are outside of the application site. Within the application site there is a small rectangular pond on top of a natural ridge within the eastern section of the site.
- 19.5 The Environment Agency is the statutory consultee for matters relating to flood risk, whilst the Lead Local Flood Authority (LLFA) is the statutory consultee for matters relating to surface water drainage.

### **Policy Considerations**

- 19.6 The NPPF states, within paragraph 100 that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk”.
- 19.7 Local Plan Policy 5 (Pollution and Safety Hazards) of the adopted Local Plan is relevant to the consideration of the planning application. It states that planning permission will not be granted for development that would potentially result in water pollution.
- 19.8 Policy EN14 (Managing Flood Risk) of the emerging Local Plan reinforces the advice contained within paragraph 100 of the NPPF. Development must not increase the risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding. Developments should take into account climate change, flood risk management and the incorporation of Sustainable Drainage Systems (SuDS). The policy requires developers to fund flood management and/or mitigation measure for the lifetime of the development where required.
- 19.9 Policy INF8 (Water Management Infrastructure) of the emerging Local Plan states that developments will be permitted that take into account the capacity of existing off-site water and wastewater infrastructure in assessment of the impact of the development. The policy supports developments that address sustainable water supply through the implementation of demand management, incorporate SuDS and would not result in a pollution of groundwater sources.

## **Officer Assessment**

### **Flooding**

- 19.10 flood risk assessment accompanies the application. This was assessed by the EA and no objection was raised by them.
- 19.11 A high level surface water drainage strategy also accompanies the application. This was assessed by the LLFA and no objection was raised by them. The strategy identifies that a range of SuDS methods could be utilised at the site, including permeable pavements, grassed swales and shallow landscape depressions. A site wide SuDS scheme will be required by condition prior to the submission of the first REM application. This will set out the overarching SuDS scheme, with more detail to be provided at each REM stage, and provisions for the responsibility for the long term management of the site-wide SuDS scheme.

### **Drainage**

- 19.12 The Applicant engaged with Thames Water at the pre-application stage to identify the infrastructure required to accommodate the needs of the development. The solution that has been identified is a 3.9km long pipeline which would connect directly from the site to the Shorncote Sewage Treatment Works (STW). There would also be a requirement for a pumping station within the application site, although the final location would be agreed at the REM stage. The Applicant would construct the on-site works to a design to be agreed with TW and off-site works would be undertaken by TW. The Applicant has instructed TW to progress with the detailed design work for the new sewer and Officers have been advised that the indicative programme will involve TW considering options for the route and design of the sewer up to the end of the year and then begin detailed design work. The options testing includes a feasibility exercise on the number of existing properties that can be diverted into the new sewer and a timescale of when that could take place.
- 19.13 TW have advised that there is a rising main and gravity sewer that passes through the site and there have been discussions with the Applicant to potentially connect this section of the existing network to the new pumping station which would be beneficial.
- 19.14 TW has confirmed that the Shorncote STW has been upgraded and the increase in capacity has taken into account the existing and planned growth in Cirencester, including the proposed development. It has been confirmed that the Shorncote STW currently treats a Population Equivalent (P.E.) of approximately 30,555. The P.E. is predicted to increase by 13% to 34,583 by 2026. The growth upgrade to the STW which was undertaken between 2010 and 2015 has increased the P.E. capacity to 46,068. TW have therefore confirmed that the Shorncote STW has sufficient spare capacity for the foreseeable future.
- 19.15 The Water Cycle Study (WCS) produced as part of the emerging Local Plan evidence base was undertaken in consultation with the EA and the water/waste utility companies that operate within the District. The WCS did not identify that the planned scale, location and timing of planned development within the District, including the OPA development, would be unachievable from the perspective of supplying water, waste water services and water quality, nor did it conclude that it would have a significant impact on watercourses.
- 19.16 Officers are also mindful of a recent appeal decision for a residential development in South Cerney (Planning app Refs: 16/02598/OUT & APP/F1610/W/17/3167827). One of the refusal reasons related to the discharge of treated effluent from the Shorncote STW into the Shire Ditch and the potential for it to increase the amount of flooding occurring from that watercourse. The Inspector did not find in favour of that refusal reason and the appeal was

allowed. Furthermore, the Inspector noted that a flood risk assessment submitted in support of South Cerney Parish Council commented that the volume of waste water alone from the Shorncote STW would not significantly increase flows in Shire Ditch. The treated effluent is released at a controlled rate in accordance with consented levels.

- 19.17 With regard to water supply, TW have identified that the existing water supply has insufficient capacity to meet the additional demands for the OPA development. However, this is not **unresolvable** and, as such, a condition has been recommended by TW which requires the submission of an impact study to determine the magnitude of any new additional capacity required in the system and a suitable connection point.

### **Conclusion**

- 19.18 The proposed development would be sited within the zone of the lowest risk of flooding and it has been demonstrated that the OPA would not result in an increased risk of flooding, either on- or off-site. A range of SuDS options can be incorporated within the development to accommodate surface water flows and it has been confirmed that the Shorncote STW has capacity. The application is considered to accord with the NPPF, in particular chapter 10, Policy 5 of the adopted Local Plan and policies INF8 and EN14 of the emerging Local Plan.

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## Chapter 20: Pipelines and Overhead Cables

### Introduction

- 20.1 The parameter plans that would be approved as part of the OPA have had to take into account the natural and physical constraints of the application site, but also the constraints that arise from gas pipelines and overhead powerlines present at the site.
- 20.2 A high pressure gas pipeline runs through the site in an east-west direction. This pipeline, the “1496: 14 Feeder Sapperton/Cirencester” is a strategic pipeline operated by the National Grid. This pipeline joins a gas pressure reducer which is located within a compound outside of the application site at Spratsgate Lane. The high pressure gas pipeline then continues in a southerly direction from the compound.
- 20.3 The second pipeline is an intermediate pressure gas pipeline, the “1478: Cirencester/Dukes Brake”, operated by Wales and West Utilities. It runs in a north-east to south-east direction from Alexander Drive towards Spratsgate Lane.
- 20.4 A high voltage (400kV) overhead powerline, owned and maintained by the National Grid, crosses the south-eastern corner of the site. In addition, there is a 132kV powerline, owned and maintained by Scottish and Southern Energy (SSE), to the north of, and parallel to, the National Grid powerline.
- 20.5 There are a number of lower voltage underground and over ground powerlines, predominately within the eastern part of the application site. A plan showing the pipelines and powerlines has been attached at **Appendix 38 [Appendix 39a]**.

### Policy Considerations

- 20.6 Paragraph 194 of the NPPF states that LPAs should consult the appropriate bodies when planning, or determining applications around major hazards, such as high pressure gas pipelines.
- 20.7 Policy 5 (Pollution and Safety Hazards) of the adopted Local Plan states that planning permission will not be given for a development that would result in an unacceptable risk to public health or safety because of its location. The guidance notes to the policy advise that “Possible public health and safety risks can be caused by development which is proposed close to hazards such as overhead power lines or hazardous installations...Incompatible land uses should be kept separate in order to reduce the potential for conflict”.

### Officer Assessment

#### Pipelines

- 20.8 The Health and Safety Executive (HSE) is a statutory consultee for the OPA due to the presence of the high pressure gas pipeline. The NPPG, within paragraph 071 (ID:39-071-20140306) states that the HSE’s role is an advisory one and it has no powers to direct refusal of planning permission. The decision on whether to grant planning permission lies with the LPA but the advice of the HSE should “...Not be overridden without the most careful consideration”.

- 20.9 There are consultation zones around a pipeline, set by the HSE, which are determined by an assessment of the risks and/or hazards of that pipeline. There are three zones over and adjacent to the pipeline which are described as the inner, middle and outer zones.
- 20.10 The HSE ranks the sensitivity of a proposed land use based upon the nature of that use, the likely number of people present at that development and whether any vulnerable people would be present. For example, accommodation for the elderly, where 24 hour care would be provided, would be ranked as highly sensitive (Level 4), whereas a single carriageway road would have the lowest level of sensitivity at Level 1. The HSE uses a matrix to plot the level of sensitivity against the zone. This enables the HSE to determine whether they will advise against a development on safety grounds or not.
- 20.11 The HSE responded to the OPA on 01.03.2016 advising that there were "...Sufficient reasons on safety grounds, for advising against the granting of planning permission". This was due to the location of approximately 10% of the site area of the proposed school being sited within the inner and middle zones of the high pressure gas pipeline and outdoor uses where people could congregate (e.g. allotments, play areas and sports pitches) within the inner zone.
- 20.12 It was subsequently discovered that the high pressure gas pipeline had been incorrectly plotted. The Applicant undertook further survey work and the parameter and illustrative layout plans were amended as a result. The primary school site was re-sited outside of the HSE consultation zones and the areas of outdoor uses were re-sited outside of the inner zone.
- 20.13 The HSE were re-consulted on the amended plans and stated that it did not advise, on safety grounds, against the granting of planning permission.
- 20.14 The presence of the high pressure gas pipeline would have implications for planting. For example, large conifer and deciduous trees must be over 6 metres away from the pipeline, but hedge plants (which would have less extensive root systems) can be planted over the pipeline itself. Permanent construction, such as SuDS ponds, cannot be built directly over the pipeline, and the pipeline must remain accessible for the operator after the development has been completed. This will be taken into consideration at the REM stage, with further consultation with the HSE.
- 20.15 Wales and West Utilities were consulted on the application in respect of the intermediate pressure pipeline. They raised no objection to the application and advised that there is greater flexibility in terms of building near to this pipeline: there is a minimum distance of 3m; it could run in roads and pavements and potentially it could be relocated.
- 20.16 The gas pressure reducer also has inner, middle and outer exclusion zones which cover part of the site at the eastern boundary. These zones have informed the types of uses allocated within this part of the site, hence the location of the employment uses in this location.

### **Overhead Powerlines**

- 20.17 The route of high voltage powerlines is determined by central Government and the National Grid has a policy of retaining existing overhead cables in situ and only considers moving them for exceptional circumstances. The National Grid did not raise an objection to the OPA, but the high voltage powerline that it operates will not be re-routed or placed underground. Because the high voltage line would not be re-routed, it is considered that there would be little benefit in re-routing the parallel lower voltage power line.



- 20.18 The National Grid does not prescribe minimum distances between dwellings and overhead lines and considers that it would be “Inappropriate” to do so. However, the National Grid has recognised that due to the national demand for housing, there are now a number of sites that are near to high voltage powerlines and has consequently produced an advisory document titled “A Sense of Place”. The document advises that passive public open space can be used for recreational activities under powerlines. There are two particular activities that the National Grid are concerned about in terms of active open space, one being fishing and the other being kite flying. For obvious safety reasons, kite flying and the flying of model airplanes, drones, etc. should not occur underneath, or in close proximity, to the powerlines and the responsibility not to do so will ultimately fall upon the individual. The OPA proposes, within the EMMF, that the area underneath the high voltage cables at the application site would be a wildlife zone which would have managed/restricted access. This would not only be beneficial for biodiversity, but would help to discourage unsafe activities occurring below the powerlines.
- 20.19 Third Parties have raised the issue of health concerns due to the proximity of the powerlines and these concerns relate to electromagnetic fields. There are guidelines in place in respect of this issue, outside of the planning process, set by the National Radiological Protection Board which the operators of powerlines must adhere to.
- 20.20 High voltage powerlines have the potential to generate noise, in particular during rain or when there have been long periods of dry weather. The noise can be a hum and/or crackles which are audible when close to or under the powerlines, However, they are rarely a statutory noise nuisance.
- 20.21 It is considered that the presence of overhead powerlines at the application site is not a reason to control or direct development.

### **Conclusion**

- 20.22 The parameter plans have demonstrated that the constraints of the high pressure gas pipeline and the overhead powerlines can be accommodated without posing an unacceptable level of risk to the health and safety of occupants and users of the OPA development or the surrounding area.
- 20.23 The application is therefore considered to accord with the NPPF, in particular paragraph 194 and Policy 5 of the adopted Local Plan.

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## Chapter 21: Viability

### Introduction

- 21.1 Chapter 8: Housing of this report has provided details of the level of affordable housing to be delivered by the OPA, and Chapter 10: Social Infrastructure has set out the social infrastructure to be secured through the S106. The considerations that have informed the recommended conclusions regarding these planning obligations (or contributions) to ensure a viable and therefore, crucially, a deliverable development, will be outlined within this chapter.
- 21.2 The NPPG advises within Paragraph: 016 Reference ID: 10-016-20140306 that viability in decision taking should be assessed "...Where the deliverability of the development may be compromised by the scale of planning obligations and other costs". It goes on to state that "...A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken".
- 21.3 For the purposes of assessing the deliverability implications of the requested obligations, Officers instructed the District Valuer Service (DVS) to review the viability of the proposed development. The DVS is the specialist property arm of the Valuation Office Agency and provides independent valuation services to the public sector. Officers, with support from a specialist consultant, have also reviewed the build and infrastructure costs of a number of items within the Applicant's cost plan and, as set out within Chapter 10, challenged some of the contributions sought towards social infrastructure from both internal and external consultees. **For the September meeting, the report of the DVS was circulated to Members as a confidential document due to the inclusion of commercially sensitive information. However, following publication of the September report, Officer became aware of case law which required the information provided to Members to be made publically available. This was done so on 22<sup>nd</sup> September 2016.**

### The Viability Assessment

- 21.4 As set out within Chapter 8, the agreed level of affordable housing to be delivered as part of the OPA is 30%. The Council's Strategic Housing Manager has agreed a tenure mix of 65% rented units and 35% low cost home ownership. This mix, and the agreement by Officers to delay the delivery of rented units, for the reasons explained within Chapter 8, has assisted with achieving the overall figure of 30%.
- 21.5 Members will be aware that the Council has successfully managed to achieve 50% affordable housing on many developments across the District in accordance with Policy 21 of the adopted Local Plan. However, it should be recognised that those developments have been of a much smaller scale than the OPA. It is accepted that large-scale developments, such as the current application proposals, have significant infrastructure costs, which will inevitably impact upon viability, whereas most smaller sites can benefit from existing infrastructure and therefore can be viable with 50% affordable housing provision.
- 21.6 The report sets out the level of profit that the DVS has agreed as being reasonable, having regard to up-to-date best practice. It would be unreasonable to expect the Applicant not to profit from the development and, of course, the development would not be delivered if it was not profitable. It is, nevertheless, equally reasonable to agree a level of profit that would not have an adverse impact on viability, whilst providing an appropriate level of planning obligations to ensure the acceptability of the development. The NPPG advises, (paragraph:

024 Reference ID: 10-024-20140306) that “A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible”. Following detailed analysis of the submitted Viability Assessment, the level of profit agreed for the OPA is considered by the DVS and Officers to be acceptable having regard to other comparable strategic sites across the country and recent appeal decisions.

### **Review Mechanism**

- 21.7 In considering viability, Officers in conjunction with the DVS, have considered the inclusion of a review mechanism within the S106, which would require viability to be reviewed as phases of the OPA development come forward as REM applications. Review mechanisms require a benchmark figure on affordable housing to be set, below which the proportion of affordable housing could not drop. A review mechanism could potentially secure a higher percentage of affordable housing as the development is built out if economic circumstances materially change, but could equally result in a reduction in the provision of affordable housing should there be a downturn in the economy.
- 21.8 Officers accept that review mechanisms can be beneficial, but they can also impact upon viability by creating uncertainty in purchasing decisions for prospective developers, as has been confirmed by the DVS. This in turn affects the value of the land and the viability of the site, resulting in a lower benchmark figure for affordable housing than a fixed figure may otherwise achieve. Review mechanisms can also result in the delay of the delivery of housing with implications for the robustness of the Council’s Five Year Housing Land supply figure. It is therefore the Officer recommendation that a review mechanism is not included within the S106.
- 21.9 Members should be aware that even without a review mechanism, should viability become an issue during the course of the construction of the development, the Applicant has the right to renegotiate the obligations within the S106.

### **Conclusion**

- 21.10 It is important again to stress the need to ensure that this strategically significant development is deliverable, which requires proper regard to be had to its viability. As has been explained in the preceding chapters, a balanced judgement has inevitably been required by Officers in respect of the allocation of obligations, which has resulted in the final recommendation of this report. Officers are satisfied that a demonstrably thorough and robust assessment of the viability of the OPA has been undertaken. The Applicant has worked positively with Officers to achieve 30% affordable housing within the OPA development, whilst securing planning obligations that are proportionate, reasonable, necessary to mitigate the impacts of the development, and that will benefit the wider community as a whole.

## Chapter 22: Implementation and Phasing

### Conditions

- 22.1 **Appendix 39a** contains a list of conditions which have been recommended by Officers. These have been discussed with the applicant in accordance with best practice set out within the NPPG (Paragraph: 019 Reference ID: 21a-019-20140306). Officers have included within the recommendation, delegated authority to refine/amend these conditions if required along with any additional conditions which may be added at the Council meeting. **Officers have amended a number of conditions following the September meeting and these are shown in bold.**
- 22.2 The proposed conditions are considered by Officers to meet the “six tests” as set out within paragraph 206 of the NPPF, i.e. that they are:
- i) necessary;
  - ii) relevant to planning;
  - iii) relevant to the development;
  - iv) enforceable;
  - v) precise and;
  - vi) reasonable in all other respects.”
- 22.3 The NPPG is clear that conditions that would harmfully impact upon the delivery of a development should not be used. Conditions should be “...Tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.” (ref Paragraph: 001 Reference ID: 21a-001-20140306).
- 22.4 The proposed conditions include references to policies of the adopted and emerging Local Plans and these will be amended accordingly dependent upon the timing of the decision notice being issued.
- 22.5 The recommended conditions are applicable to the granting of outline planning permission, and further conditions requiring specific details, such as proposed materials, would be applied at the REM application stage(s). Conditions applied to both the outline and REM applications would be the subject of condition compliance applications and failure to comply with conditions could, subject to demonstration of expediency, lead to the serving of an enforcement notice or prosecution.

### Planning Obligations

- 22.6 The Heads of Terms for the Section 106 Legal Agreements have been discussed within this report, in particular within Chapters 7 and 10 in relation to housing and social infrastructure respectively. The Heads of Terms are attached as **Appendix 15a**.
- 22.7 Members are reminded that to be included within a Section 106, obligations must meet the tests set out within the Community Infrastructure Levy Regulations 2010, i.e. they must be:
- necessary to make the development acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development.
- 22.8 Under the CIL Regulations, there can only be a maximum of five S106 obligations for specific objectives pooled at any one time. This is relevant to the education contributions and

the town centre improvements and will be the responsibility of GCC and CDC respectively to ensure that this does not occur.

- 22.9 A planning obligation runs with the land, which means that successive owners are bound by the terms of the planning obligation. A local authority can enforce against both the original covenantor (i.e. whoever signed the agreement) and against successors in title (i.e. subsequent land owners) if obligations are not complied with. Local authorities are also able to carry out any operations required in the planning obligation and to recover the cost from the person(s) against whom the obligation is enforceable.
- 22.10 The Council's draft Community Infrastructure Levy (CIL) Charging Schedule was deposited with the Planning Inspector with the emerging Local Plan and will be subject to an examination process as part of the on-going Local Plan Examination. It proposes that the residential element of the development at the application site would be zero rated within the CIL charging schedule (i.e. it will not attract CIL contributions). The justification for this is due to the amount of mitigating infrastructure that the development itself would, in any event, necessarily have to deliver, including infrastructure that would benefit the wider community.
- 22.11 The Charging Schedule proposes a charge of £60 per square metre of retail space which would apply to the OPA development if the permission is issued after the adoption and implementation of the Charging Schedule, following examination.

### **Phasing**

- 22.12 An indicative phasing plan has been attached as **Appendix 40**. This shows the first phases of the development occurring at the eastern part of the site, and then in and around the central part of the site. Subsequent phases would connect the central and eastern phases, with the later phases delivering development at the north-western edge of the site and finally at the south-western corner of the site. A detailed phasing plan would be required as a condition.
- 22.13 The development would be phased over the period of the emerging Local Plan, with works to commence in 2018 (subject to the approval of the OPA) with final completions in 2031. The projected delivery rates have been discussed within Chapter 8: Housing.

## Chapter 23: Conclusion (Amended)

### Overview

- 23.1 Having had full regard to the proceeding chapters of this report, it is necessary to consider them as a whole, bringing together the conclusions of those chapters to produce the overall Officer recommendation.
- 23.2 Officers have set out within the report where particular elements of the OPA accord with the saved and relevant policies of the adopted Local Plan and the relevant policies of the emerging Local Plan and consideration has been given to the due weight that those policies are afforded (as set out within Chapter 4: Policy Background).
- 23.3 Officers have set out within this report that the principle of development at the application site does not accord with the development strategy of the adopted Local Plan, notably “saved” Policy 19 (Development outside Development Boundaries) which concerns principally the location of new development. Given the conflict with Policy 19 in particular, it is considered that the proposal does not accord overall with the adopted local plan. It is therefore necessary to consider whether there are other material considerations which outweigh this conflict with the development plan such that outline planning permission should be granted. The other material consideration including, in particular, the NPPF.
- 23.4 First, with regard to such material considerations, and as discussed within Chapter 4, policy 19 of the adopted development plan does not conform with the NPPF and numerous appeal Inspectors have found it to be time expired and out of date. Where relevant policies of a development plan are “out of date” paragraph 14 of the NPPF, which sets out the “presumption in favour of sustainable development”, is engaged. Paragraph 14 states that where relevant policies of a development plan are out of date, as here, planning permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”. An exception is made where “specific policies” of the NPPF indicate that development should be restricted, an example of which would be green belt or AONB policies which are generally restrictive of new development. However, no such “specific policies” of the NPPF arise in the context of the present application.
- 23.5 This report has set out that approving the OPA would not result in any adverse impacts that would outweigh the public benefits resulting from the OPA development when considered generally and also when considered against the policies of the NPPF as a whole. The Report also confirms that there are no restrictive policies applicable to the consideration of the OPA which indicate that development at the application site should be restricted. Moreover, it has been demonstrated within the report that the OPA would deliver a sustainable development which would accord with the three aspects of sustainability as set out in the NPPF, namely social, economic and environmental.
- 23.6 In terms of the social dimension, the OPA development would make a significant contribution towards the supply of open market and affordable housing needs of the District and would provide certainty to allow the process of development of the site to move forward and deliver these new homes without delay. The percentage of affordable housing that would be delivered has been demonstrated to be acceptable through detailed viability work and the tenure mix would respond to the requirement for existing and future needs of the residents of the District.

- 23.7 The OPA development would deliver a comprehensive package of social infrastructure to meet the education, health, wellbeing and recreational needs of the residents of the OPA development. The OPA would establish a Community Management Organisation which would make a significant contribution to establishing a new community at the application site and to integrate it with the wider community.
- 23.8 The OPA development would make a significant economic contribution to the economy of the District through the provision of employment land, job creation and increased expenditure within the town, thereby meeting the economic dimension of sustainability.
- 23.9 In respect of the environmental dimension of sustainability, the OPA would deliver a package of measures to promote sustainable modes of transport within the site and beyond. These measures, in particular increased bus services, would also benefit existing residents of the town. The OPA would deliver a comprehensive package of highways mitigation works to ensure that the development would not have a severe impact upon the local highways network.
- 23.10 It has been demonstrated that the OPA would deliver a development that would not result in substantial harm to heritage assets either on or off site. It is considered by Officers that the less than substantial harm that would be caused to heritage assets, although an important matter, would be outweighed by a number of public benefits, as previously described in this report. The retention and enhancement of GI features, and the distribution of maximum building heights across the site (both to be secured by the parameter plans) would ensure that the development would provide a sensitive expansion to the edge of town. The EMMF would provide a framework to ensure that the development delivers adequate compensation, mitigation and enhancement for biodiversity including European Protected Species.
- 23.11 The OPA would deliver a development that would not cause harm to residents, within the site or off-site, in terms of flooding or pollution and the constraints of the gas pipeline have informed the land use parameter plan.
- 23.12 It has been demonstrated within the ES that, with the exception of immediate viewpoints of the application site, there would be no significant residual impacts resulting from the development following consideration in accordance with the EIA Regulations. There would be no significant cumulative impacts and adequate mitigation can be secured by condition or legal agreement.
- 23.13 The OPA also accords with the development strategy of the emerging Local Plan, although relevant policies (DS1 and S2) can only currently be afforded little weight.

### **Prematurity**

- 23.14 Members will be aware that the issue of prematurity, i.e. approving the application in advance of the emerging Local Plan being found sound/adopted, has been the subject of Third Party objections and has also been raised by Cirencester Town Council.
- 23.15 Officers consider that prematurity is a material consideration in the context of OPA, but how much weight is given to that consideration, is a matter of planning judgement rather than a legal question.
- 23.16 Advice on the issue of prematurity can be found within the National Planning Policy Guidance (NPPG) within paragraph 014 (Reference ID: 21b-014-20140306):-  
 "...In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse



impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning;
- and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.

23.17 The NPPG goes on to say that “Refusal of planning permission on grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.

23.18 It should be recognised at the outset that the fact that a planning application has been submitted for development which coincides with development which is the subject of an allocation within an emerging local plan does not, of itself, mean that the planning application cannot or should not be determined by the Council. Nevertheless, given the relationship of the development proposed to the emerging local plan, and the local plan examination process, Officers consider prematurity is here a material consideration in the determination of the OPA. However, it is considered that prematurity, as a ground for objecting to granting planning permission now for the OPA, attracts limited weight such that, and, in particular, when undertaking the overall balancing exercise as required by paragraph 14 of the NPPF, prematurity does not amount to a factor which significantly and demonstrably outweighs the benefits which would arise from granting planning permission pursuant to the OPA.

23.19 As has been explained earlier in this report the development which is the subject of the OPA generally reflects the strategic allocation which comprises policy S2 of the emerging local plan. Policy S2 is plainly important to delivering the strategy on which the emerging local plan is based, and to meeting the development needs of the District to 2031. Also, as has been referred to earlier in this report, there have been many representations and objections made to policy S2 of the emerging local plan at the various stages of its preparation and many such objections remain extant. Although the conduct of the local plan examination hearings, and in particular what will or will not be considered at the hearings, is a matter for the Inspector who has been appointed to conduct the examination, officers consider it highly likely that consideration at the examination of soundness of policy S2 and issues arising from that policy will be curtailed if planning permission is resolved to be granted at this stage pursuant to the OAP, since a resolution (and the subsequent grant of permission) will confirm development proposed through S2 of the emerging local plan and allow that development to proceed irrespective of the emerging local plan and the examination into it. The examination of the soundness of other unrelated elements of the emerging plan would not be affected.

23.20 However, the likely loss of opportunity for full consideration of soundness of Policy S2 as part of the local plan examination process should planning permission be resolved to be granted must be balanced against the benefits which will be delivered by granting planning permission for the OPA at this stage. Officers have set out earlier in this report the benefits of granting planning permission, including through boosting the supply of housing and affordable housing, and the delivery of jobs, in a sustainable location and without material harm overall in terms of heritage, nature conservation, traffic and other interests. To grant planning permission will also provide the certainty required so as to allow the development

process to proceed and thereby deliver these benefits earlier than would arise if the grant of planning permission were to be delayed. It is considered, applying the NPPF at paragraph 14 and the relevant PPG guidance, that the prematurity objection, although relevant and understood, does not significantly and demonstrably outweigh the considerable benefits that the grant of planning permission pursuant to the OPA would deliver.

### **Alternative Sites**

- 23.21 The potential for alternatives to the OPA has been raised by Third Parties and they include distributing the proposed number of dwellings to other settlements or the re-development of Kemble airfield. **The consideration of alternatives also forms part of the Derogation Tests concerning the impact on European protected species and this has been discussed within Chapter 17 of this report.**
- 23.22 There are no national or local planning policies relevant to the consideration of the OPA which require the Council to consider alternative sites. The EIA regulations do require the Applicant to outline the main alternatives considered, and to give reasons for the choices made within its ES, which it has done.
- 23.23 **Beyond that**, notwithstanding the absence of any policy requirement to do so, the Courts have held that in certain limited circumstances; the availability of alternative sites may be a material consideration in the determination of a planning application. However the Courts have confirmed recently that, as a general principle, the examination of alternative sites is only capable of being a material consideration in “exceptional circumstances” (see Mr. Justice Holgate in *R (Luton Borough Council) v Central Bedfordshire BV* [2014] EWHC 4325). It is well established that it is generally only in circumstances where a development is “bound to have significant adverse effects” but is sought to be justified on the basis of overriding need, that it may be relevant to consider alternative sites (see Mr. Justice Simon Brown in *Trusthouse Forte Hotels v Secretary of State for the Environment* (1987) 53 P&CR 293). The examples given in that case where consideration of alternative sites may be required are airports, coal mines and nuclear power stations. Officers do not consider that the proposed development here has “significant adverse effects” or that there are otherwise exceptional circumstances which require consideration of alternative sites” as a material consideration when determining the OPA **beyond the extent referred to in paragraph 23.22 above.**

### **Overall Conclusion**

- 23.24 Officers fully appreciate the contentious nature of the OPA due to its scale and the timing of the determination of it in relation to the Local Plan examination. However, as set out within this report, Officers are satisfied that the OPA would, over the lifetime of the emerging Local Plan, deliver a high quality, sustainable extension to Cirencester with wider public benefits that would outweigh any harm that has been identified. Officers consider that the OPA development would meet the Government’s objectives to secure a better balance between housing demand and supply, and the creation of high quality sustainable and mixed communities.
- 26.25 The technical evidence has demonstrated that the OPA can deliver the proposed scale of development with impacts either appropriately mitigated or outweighed by the public benefits. As such, there is no justification or legal basis to reduce the scale of the development. Furthermore, Officers have no reason to recommend to Members that the determination of the application should be deferred or that it should be refused on the grounds of prematurity.

26.26 For the reasons set out above and within this report, Officers consider that although giving rise to a conflict Policy 19 of adopted local plan, that policy is out of date and the conflict with it should be given limited weight. The OPA accords with the NPPF and other relevant policies of the adopted and emerging Local Plans as appropriately weighted and laid out within this report. As such, there are material considerations which clearly outweigh the conflict with the Policy 19 and it is recommended that Members **PERMIT** the application in accordance with the recommendation as set out below.

**(a) That Officer Recommendation is the Council resolves to PERMIT the application for the reasons set out in the Report subject to:**

- (i) 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;**
- (ii) 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;**
- (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;**
- (iv) referring the application back to the Council if any new or altered material considerations arise before the grant of planning permission which, in the view of the Head of Planning and Strategic Housing (having consulted the Group Manager of Land, Legal and Property), may have the effect of altering the resolution;**
- (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.**

**IN THE EVENT OF PERMISSION BEING GRANTED BY THE COUNCIL –**

- (b) that if, by 12th 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.**