

**COTSWOLD DISTRICT COUNCIL SPECIAL COUNCIL MEETING 26<sup>TH</sup> SEPTEMBER 2017:  
CIRENCESTER TOWN COUNCIL SUBMISSION – LAND SOUTH OF CHESTERTON:  
OUTLINE PLANNING APPLICATION REFERENCE 1600054/OUT**

## **1. Introduction**

1.1 Chairman, Members, thank you for giving me this opportunity to address this special meeting of the District Council.

1.2 The application before you, if approved, will result in a step-change for Cirencester changing it from a medium-sized Cotswolds market town into a town that might then be viewed as having the potential to expand further to the south and to the east of the current development boundary. Already neighbouring parishes are beginning the difficult task of drawing up Neighbourhood Plans in anticipating this possibility with Cirencester reserving its position that significant housing development over a short period of time is seen by the community as detrimental and which the Town Council will strongly oppose during the local plan period.

## **2. The Outline Planning Application and Emerging Local Plan**

2.1 It is right therefore that the application before you will receive the detailed attention and consideration that you will give to it today, suffice to say that the supporting evidence for the application is based partly on fact, and partly on conjecture and hypothesis, as to what these facts convey and the weight to be given to them before irrevocable decisions are made. In summary, however, the Town Council does have concerns with respect to:

- What may appear from the Town Council's own independently conducted research to be an over-reliance on Chesterton, as a single strategic site in meeting and potentially exceeding Cirencester's own housing needs, as contributing by extension (in the absence of other strategic sites and a different policy focus) to meeting the whole District's housing needs; this to be explored further by the Planning Inspector appointed to conduct the Examination in Public of the recently submitted emerging Local Plan.
- The credibility of claims that the number of homes to be built and employment land to be prepared, together with the necessary supporting infrastructure without which the development cannot proceed (notably drainage, highways improvements, town centre traffic mitigation measures and parking, public transport provision and increased public service provision in health, social services, education and recreation), can be delivered in the 12-year window of the Local Plan period between 2018/19 and 2031. Again this is an issue that will be returned to during the Planning Inspector's examination in public on which the viability of the emerging Local Plan as drafted depends.

2.2 The committee might think (and case officers might advise) that today's special meeting is concerned only with the Outline Planning Application and not with the emerging Local Plan; that this submission should concern itself only with the one and not the other. To which my reply is that the application and plan are inextricably linked, with the one exhibiting great reliance and dependability on the other, so that the consideration of them has to be in parallel and cannot be separated or divorced.

### **3. Planning issues**

3.1 I will now if I may return to highlighting the remaining principal concerns of the Town Council against the background that the Town Council has engaged positively with the developer and the District Council to obtain the best possible outcomes for Cirencester in the event that the application is approved.

3.2 However, at this point I should say that the case officer's report which accompanies the application with which we are concerned today, does take a generous view on the many objections that have been received which quite rightly draw attention to a wide spectrum of concerns ranging from:

- the loss of productive attractive agricultural land immediately adjacent to the Kemble/Ewen SLA but without the benefit of its protection;
- the disturbance of wildlife habitats including many species of birds, bats, dormice and great-crested newts impacting on the biodiversity of the site and its immediate hinterland;
- archaeological constraints imposed by the Scheduled Ancient Monument and the visibility impact of the site on buildings and structures of historic interest some of which are designated and listed as heritage assets;
- drainage and flooding, including the laying of a new sewerage pipeline to connect the development (and some existing properties) to the Thames Water treatment works at Shornecote;
- major infrastructure constraints with regard to the 400kV high voltage overhead power lines, high and medium pressure gas pipelines and associated infrastructure, both of which, electricity and gas, are part of National Grid provision running through the development site which required the original parameter plans for the development to be redrawn to accommodate health and safety concerns but which, through close proximity, have not dispelled those concerns.

3.3 All of these and more have been comprehensively addressed in the report but notably always with the conclusion that only some or little weight is to be attached to them, that mitigations have been put in place or will be secured through s.106 agreements, or, where no mitigation is possible, then, under the policy mantra of 'sustainable development' and the compelling need to build more housing to accommodate a growing population, the social and economic benefits of the development to the community outweigh the harm. Perhaps, we shall see ...

3.4 Equally, however, it would be quite possible and perfectly feasible to turn these same subjective arguments and conclusions on their head, using the same evidence and data to argue an opposite point of view that would be equally valid. But I have not come here to do that, nor has the Town Council employed professional planning consultants to deploy arguments the intention and direction of which is to cast doubt on or contradict the case officer's report, beyond highlighting and drawing attention to the possibility that different, in some cases very different, conclusions might be reached.

3.5 If, however, from the very long list of planning considerations I drew attention to some but not all of them, they would be:

3.5.1 Highways Network Capacity – At the time the Town Council made its submission on the application earlier this year the Highways Authority had not made its formal response. The HA has now submitted its response to the satisfaction of planning officers but the Town Council does still remain concerned that the computer modelling assumptions on which the assessment of traffic impacts have been made and the highways mitigations which have been proposed, are just that – assumptions on which the reliability of the evidence for them has been questioned as a largely academic IT-based desk review exercise not well founded in fact. Concerns remain about the ability of the proposals to adequately cope with increased traffic flows at all key entry points including Spratsgate Lane/Wilkinson Road/Somerford Road to the east of the development, Tetbury Road to the west, the ring road extending through to and including the Grove Lane/Burford Road/London Road northern route into town, and the impacts on the Cherry Tree Lane/Fosseway/Harebushes Service Area A417/A429 junctions and roundabouts which already exhibit traffic queuing and gridlock at busy times.

3.5.2 Impact on the Town Centre – Restricting and effectively managing traffic movements into and through the town and its impact on the historical conservation heritage of the town, is a major concern. It is true that the recently completed Market Place regeneration scheme will play a part, though there have been many criticisms of it, including a desire to restore traffic flow to meet the needs of those whose personal convenience has been disturbed or interrupted, which run counter to the original aims and intentions of the scheme to give greater priority to pedestrians and the recreational and street trading uses to which the Market Place area can be put. In addition the narrow winding one-way system of Hammond Way and Sheep Street, already very busy and quite congested at times, will come under still more pressure, resulting in more queuing and congestion. Finally, whilst we might applaud the multi-modal shift away from using the car towards walking, cycling and public transport and the green corridors of permeability this creates, it is unlikely, given the distance of the proposed development from the town centre, that this will have much impact on residents' natural inclination to prefer personal convenience associated with continuing to use the car.

3.5.3 Parking - Already under pressure, parking is another serious impact concern for the town centre and whilst CDC's Parking Board, set up to address these concerns

has come forward with limited proposals, including the construction of a decked car park at the Waterloo, these are not sufficiently advanced that any great reliance can be placed upon them. For example, there is strong local opposition to the Waterloo, based on concerns about the height of the as yet unannounced number of decks, visibility, aesthetics, air pollution from vehicle emissions, and the ability of the London Road access from the Grove Lane roundabout to cope; secondly viable park and stride options have yet to be articulated. So I have to conclude that the identification of suitable sites, that will not become entangled in serious ownership issues and planning concerns, does and foreseeably will remain a constant ever-present concern notwithstanding the circa £500,000 s.106 contribution that has been sought to address this issue.

3.5.4 Dislocation and Connectivity of the Site - Notably, the first smaller phase of development comprising some 700 new homes will be to the east, separated by a 'bus gate' through which traffic cannot pass to or from the west of the proposed development comprising 16-1700 new homes. This is where the highways network already under strain is least able to cope and where the proposed mitigations are the least in order to generate a head of cash flow required for the whole site infrastructure improvements that are needed. This does raise a fundamental question over the adequacy of the proposals unless the previously contended modelling predictions that have been used are accepted at face value.

3.5.5 Two Applications or One - Equally, if not more importantly, the separation and phasing of the phased build-out in this way, in which all the community services – primary school, GP surgery, retail services, community hub, children's play area, adult sports and recreational areas, does raise serious questions over the dislocation of the site and whether, in consequence of location, design and phasing, two distinct communities, separated by distance and a bus gate through which traffic cannot pass, will result. I have as a town councillor first hand experience of the bus gate separating that part of New Mills (originally part of The Beeches) from the new Berkeley Homes Kingshill Meadow development by Tesco and I have to say that they are two distinctly separate communities that do not share common values, interests or activities, but merely co-exist alongside each other. Arguably, that is the recipe, if this application is approved, that we risk creating here, with the smaller phased development without additional supporting services to the east and the much larger with supporting community services to the west. This is unlikely to encourage or build social cohesion and does beg the question of whether this application is for a single coherently planned with appropriately phased development, or whether it should have been presented as two connected but different applications, much as the 88 new homes Siddington development that adjoins this site was refused but allowed on appeal that is referenced in the case officer's report accompanying this application.

3.5.6 Homes, Affordable and Social Rented Homes – I am not going to dwell on the numbers or the proposed densities of housing here beyond noting that 2350 new homes, albeit phased over 12 years, is a very great number and many would argue a disproportionate burden for Cirencester to bear especially on one site in the absence

of other available sites in order to protect the AONB or the bringing forward of other potential sites, e.g. Cotswold Airport at Kemble, that may come forward in time. Suffice to say that in broad terms there does seem to be sufficient unmet and future potential demand to take up this number of homes though inevitably it will impact on the character of Cirencester. Densities too, provided they are accompanied by good design and materials with phased housing and serviced employment land delivered according to the Golden Thread running through the Master Plan to be secured in planning conditions, should not pose a problem and will additionally create the opportunity to build the smaller affordable new homes that are needed, including perhaps one-bedroomed single-occupancy starter flats or units for which there is undoubtedly a demand (with, notably in London and elsewhere experiencing very high demands for housing, consent now being given to micro-units below normal space standard thresholds to meet this need). Others might contend that 30%, accounting for 705 of affordable/social rented homes on the 2350 new homes development, is too little in aspiring towards a figure of 40-50% but on balance provided the proportions between affordable and social rented are respected and 'affordable' is genuinely affordable, then 30% should be sufficient. In closing on this point I would add in relation to numbers, densities and building parameter heights that the green hedgerow and tree-lined buffer zone between the proposed development and the existing Chesterton development put forward by the developer and on balance accepted by planning case officers is to be welcomed given the permeability of path and cycle ways between them.

#### **4. The Planning Decision Process**

4.1 It has been strongly contended by planning case officers that the issue of prematurity, in considering and making a decision to approve the Outline Planning Application, is not hindered by the imminent Examination in Public by a Government appointed Planning Inspector of the emerging Local Plan. Guidance in the National Planning Policy Framework has been brought to bear to support this contention, particularly that in order to meet and in future guarantee the District's five year housing supply obligation, of which the Chesterton proposal is an integral part, this application must be approved with the proviso that if a material consideration arises from the public examination the application can be referred back to this committee. Secondly, as a backstop, if this committee approves the application, the determination will have to be referred by the Planning Authority to the Secretary of State for his approval before the decision notice can be issued, in response to which the Secretary of State has a statutory period of 21 days which may be extended for a fixed time period or indefinitely whilst he makes his determination whether to "Call-in" the application for his own determination during which time a 'holding direction' restricts the granting of planning permission.

4.2 In response to this I would point to the fact that the District has met and indeed currently exceeds its 5-year housing supply figure at 7.54 years as of May 2016 as confirmed by the Planning Inspector allowing the developer's appeal against refusal by the Planning Authority of the 88 new homes development at Siddington. Moreover, this figure includes a 5% buffer and the District also benefits from not

having a history of under-delivery of housing (paragraph 8.13 of the case officer's report refers). So, in summary, there is no compelling reason to determine and approve the outline planning application today given the very close proximity in dates of the Examination in Public of the emerging Local Plan where the inclusion of Chesterton as the District's sole strategic site in delivering the majority of the District's outstanding housing needs will be closely scrutinised.

4.3 Secondly, in exploring the planning issues associated with this application in my submission, I hope I have illustrated and shed light upon the many concerns that continue to occupy the thinking and anxieties of the many residents of Cirencester who are represented by the Town Council, including the fact that the development proposed is so substantial, and its cumulative effect so significant, that to grant permission risks undermining the plan-making process by predetermining decisions about the scale, location and phasing of the new development that are central to the emerging Local Plan.

4.4 These issues are not to be lightly disregarded and time is not so short, given the 5-year housing supply figures have been exceeded, that members of this Special Council meeting cannot await the outcome of the initial findings of the Examination in Public before proceeding to determine this application. Indeed, many independent observers would conclude that it would be premature and potentially unsafe to do so, in an action that some might interpret as an attempt to predetermine, bind and fetter the Planning Inspector's independent examination of the emerging Local Plan.

## **5. Conclusions**

5.1 It would seem wise therefore for this committee to defer its consideration of the outline planning application until the preliminary findings of the Examination in Public are known. This would seem to be the wisest and safest course to adopt noting that, within the short timeframe of the deferral that is proposed, the developer is unlikely to appeal against non-determination of the application since to do so would inevitably result in further delay.

5.2 Moreover, in terms of material considerations, the committee in determining this application may benefit from the Planning Inspector's initial findings to better inform, from an independent external observer's perspective, their final decision to approve or refuse the application.

5.3 In summary therefore it is clear that the application has strained to mitigate the downside effects of its less than optimum location (balanced against the protection of other potential sites) and the physical constraints of that location: constraints that were not fully understood at the time of its selection as the sole strategic site for the district as a whole and which have only become apparent during the detailed preparation of the planning application. The fact that a suitable and sufficient supply of fresh water to the development site, which is not resolvable and cannot be guaranteed and which is to be made the condition of an impact study to determine

the magnitude of the additional capacity required and a suitable connection point (Case Officer's Report para 19.17, appendix 39 para 16), serves to emphasise and underscore this point.

## 6. Recommendation

6.1 I therefore strongly urge this committee to defer its consideration of this **outline planning application** until the initial findings of the Examination in Public are known. In consideration of the application being deferred the **Town Council reserves its position on Section 106.**

[REDACTED]

Cllr Stuart Tarr  
Chairman of the Planning Committee  
Cirencester Town Council  
26<sup>th</sup> September 2017