

**Item No 01:-**

**19/02248/FUL**

**Land At Dunstall Farm  
Fosseway  
Moreton-In-Marsh  
Gloucestershire**

**Item No 01:-**

**Erection of 250 dwellings (to include 150 Market Housing and 100 Affordable Housing) with associated vehicular access, landscaping, drainage and public open space (phased development of 146 dwellings in phase 1, 92 dwellings in phase 2 and 12 dwellings in separate phases thereafter) at Land At Dunstall Farm Fosseway Moreton-In-Marsh Gloucestershire**

<b>Full Application 19/02248/FUL</b>	
Applicant:	Spitfire Bespoke Homes Ltd
Agent:	Knight Frank LLP
Case Officer:	Martin Perks
Ward Member(s):	Councillor Clive Webster
Committee Date:	11th November 2020
<b>RECOMMENDATION:</b>	<b>PERMIT SUBJECT TO COMPLETION OF S106 LEGAL AGREEMENTS COVERING AFFORDABLE/SELF BUILD/CUSTOM BUILD HOUSING AND FINANCIAL CONTRIBUTIONS TO PUBLIC/SCHOOL/COMMUNITY TRANSPORT, PRE-SCHOOL &amp; PRIMARY EDUCATION AND LIBRARY SERVICES</b>

**OFFICER UPDATE:**

This application was originally heard at the Planning and Licensing Committee meeting held on the 14th October 2020. Members voted to defer the application so that Officers could:

- i) seek further information from Gloucestershire County Council (GCC) about its future strategy for the provision of primary school places in Moreton-in-Marsh and, in particular, whether it intended to expand St David's Primary School, or proceed with the erection of a new primary school in the town; and
- ii) investigate whether alternative arrangements for the future management of public open space could be secured other than through an embedded private management company agreement.

With regard to education provision, Officers have contacted GCC to establish its future intentions with regard to primary school provision in the town. The following response has been received:

*' I confirm that GCC has a strategy to provide additional early years and primary school education in Moreton in Marsh. We have considered expanding St David's Primary School on its current site, but it would be very expensive to do so because of constraints on the site, and ground works that would be required to mitigate the risk of flooding. Consequently, we are actively considering other site options, but we cannot disclose any further information about these options until we are sure that any new site has been secured for school provision. We will be able to accommodate additional pupils over the next few years from housing developments that have already been granted permission, by creating temporary bulge classes at St David's until a permanent solution is provided. '*

In response to the concerns of Members, Officers can advise that GCC has not formally objected to the application and that GCC has a responsibility to provide sufficient pupil places in its area. In light of the length of time that it will take to complete the development and the fact that pupil numbers arising from the scheme will be realised over a period of years rather than in the short term, it is considered that there is scope for GCC to reasonably accommodate pupil numbers arising from the proposed development. In addition, the applicant has provided further detailed information (attached) which indicates that the school will have capacity to accommodate pupil numbers from this development.

With regard to open space management, Officers note that the motion passed by full Council in July 2020 requested an investigation into the current management of open space within developments across the District. The results of the investigation are to be reported back to full Council by April 2021. The Council has not yet finalised its position with regard to the future management of open space within developments such as that now proposed.

With regard to the current application, it is of note that the development now proposed is accompanied by a detailed Landscape Management Plan which sets out how hard and soft landscaping as well as features such as litter bins, benches and play equipment will be maintained. If the aforementioned features are not managed in accordance with the approved Plan the applicant will be in breach of a planning condition. In such instances, the Council will be able to pursue the matter through the Breach of Condition process.

At the 14th October meeting, Members made reference to a Community Management Trust agreement that had been put in place as part of the 2350 dwelling scheme at Chesterton on the edge of Cirencester (16/00054/OUT). The applicant and Officers have examined the agreement and consider that there are material differences between the Chesterton development and the scheme now proposed that would mean that such an agreement would not be practicable in the case of the current application. Notwithstanding this, the applicant has put forward an alternative management process which it considers would address the concerns raised by Committee Members.

Copies of the Council motion, the Chesterton agreement and the applicant's statement covering the future maintenance and management of open space are attached to this report.

Officers consider that the management arrangement proposed by the applicant is reasonable and that such an arrangement could be incorporated into the S106 legal agreement.

Officers can also formally confirm that the applicant is willing to meet GCC's S106 contribution requests relating to pre-school, primary school, libraries and transport services in full.

In addition to the above, GCC has provided an updated response with regard to its financial contribution request towards post 16 age pupils. GCC has re-assessed its calculations and considers that the proposed development would generate 15.4 post 16 pupil places in contrast to the 24.2 places calculated originally. It has downgraded its contribution request in respect of post 16 education from £556,890.40 to £354,384.80. The aforementioned change forms part of the secondary education contribution requested by GCC. As set out in the original Committee report, Officers consider that the secondary education contribution request received from GCC can

**be covered by the Community Infrastructure Levy (CIL). As a consequence, the revised figure does not change the recommendation of Officers.**

**The Officer report to the 14th October meeting was as follows:**

**Main Issues:**

- (a) Residential Development in a Development Boundary
- (b) Housing Mix and Affordable and Self/Custom Build Housing
- (c) Design and Impact on the Character and Appearance of Moreton-in-Marsh Surrounds Special Landscape Area (SLA) and Setting of the Cotswolds Area of Outstanding Natural Beauty
- (d) Access and Highway Safety
- (e) Education Capacity
- (f) Financial Contributions and Community Infrastructure Levy (CIL)
- (g) Impact on Residential Amenity
- (h) Flooding and Drainage
- (i) Impact on Protected Species
- (j) Climate Emergency

**Reasons for Referral:**

Councillor Webster and Officers agree that this application should be referred to Planning and Licensing Committee in light of the size of the proposed scheme and its potential impact on infrastructure within Moreton-in-Marsh, in particular its impact on the local highway network and education provision.

**1. Site Description:**

This application relates to an area of agricultural land located adjacent to the southern edge of Moreton-in-Marsh. The application site measures approximately 15.7 hectares in size and is roughly linear in form. The principal part of the application site comprises two arable fields which are separated by a Public Right of Way (HMM8). The Right of Way extends in a north-south direction along the boundary separating the two fields. The Right of Way forms part of the Diamond Way which is a circular route extending around the north Cotswolds. The field lying to the west of the Right of Way measures approximately 10 hectares in size. It extends approximately 180m to 200m to the south of existing development on Fossey Avenue (which lies along the northern boundary of the application site). The field to the east of the Right of Way measures approximately 4.8 hectares in size and extends approximately 280m to the south of development on Fossey Avenue. The proposed housing will be located on the aforementioned fields. In addition to the aforementioned areas, a strip of land measuring approximately 25m in width extends approximately 550m to the south of the easternmost field. The strip of land is intended to provide a surface water drainage connection to an existing watercourse (Stow Brook) lying to the south of the town.

The main body of the application site is bordered to the north by a drainage ditch and the rear garden boundaries of a post war housing development (Fossey Avenue). A mix of trees, hedges and fences define the site's northern boundary. The western boundary of the site runs alongside the A429. A native species hedgerow lies along the site's boundary with the aforementioned highway. A vehicular entrance from the A429 into the field is located in the south western corner of the application site. The southern boundary of the site is defined by a hedgerow and line of trees. To the south of the southern boundary lie agricultural fields. The eastern boundary of the site lies alongside a railway line. A low hedge forms a boundary between the application site and the railway line.

The site appears relatively flat in appearance. However, the western boundary of the site is approximately 4-5m higher than the site's eastern boundary.

The site is located within Moreton-in-Marsh Development Boundary as set out in the Cotswold District Local Plan 2011-2031.

The site is located within Moreton-in-Marsh Surrounds Special Landscape Area (SLA). Land to the west of the A429 and adjacent to the northern boundary of the application site falls within the Cotswolds Area of Outstanding Natural Beauty (AONB). The AONB boundary extends along the A429 and along the southern edge of Fossey Avenue.

The application site is occupied by two trees which are subject to Tree Preservation Orders (TPOs). A protected oak tree lies in the north west corner of the site adjacent to the A429. A second oak tree lies in the hedgerow that extends in an east west direction across the site. It lies approximately 160m from the A429.

The majority of the site is located within a Flood Zone 1. However, approximately 160m of the southern part of the surface water drainage connection route falls within a Flood Zone 3. In addition, a strip of land measuring approximately 15-20m in width lying along the northern edge of the easternmost field falls within a Flood Zone 2. The River Evenlode, which is classed by the Environment Agency as a Main River, is located to the east of the railway line and approximately 140m from the eastern boundary of the application site.

## **2. Relevant Planning History:**

CD.5028 Use of land for the Winning of Sand and Gravel and the provision of a Country Park, alteration to existing agricultural access to form vehicular access. Dismissed at Appeal 1973

13/02296/FUL Erection of new foodstore, service yard, petrol filling station, landscaping, new access arrangements and associated development. Refused 2013

16/05258/FUL Erection of 150 dwellings, including affordable housing, associated access, public open space, landscaping and other infrastructure. Withdrawn 2017

## **3. Planning Policies:**

NPPF National Planning Policy Framework  
DS2 Dev within Development Boundaries  
H1 Housing Mix & Tenure to meet local needs  
H2 Affordable Housing  
EN1 Built, Natural & Historic Environment  
EN2 Design of Built & Natural Environment  
EN4 The Wider Natural & Historic Landscape  
EN5 Cotswolds AONB  
EN6 Special Landscape Areas  
EN7 Trees, Hedgerows & Woodlands  
EN8 Bio & Geo: Features Habitats & Species  
EN10 HE: Designated Heritage Assets  
EN14 Managing Flood Risk  
EN15 Pollution & Contaminated Land  
INF1 Infrastructure Delivery  
INF2 Social & Community Infrastructure  
INF3 Sustainable Transport  
INF4 Highway Safety

INF5 Parking Provision  
INF7 Green Infrastructure  
INF8 Water Management Infrastructure  
SA3 North Cotswold - Principal Developments  
S18 S18 - Moreton-in-Marsh

#### **4. Observations of Consultees:**

Gloucestershire County Council Highways: No objection subject to conditions

Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions

Gloucestershire County Council Archaeology: No objection subject to condition

Gloucestershire County Council Community Infrastructure: Response attached

Environment Agency: No objection

Thames Water: No objection subject to conditions

Network Rail: No objection subject to conditions

Environmental Regulatory Services Contamination: No objection subject to condition

Environmental Regulatory Services Pollution: No objection subject to condition

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

Response dated 31st July 2019:

*'The Council wishes to reserve its detailed response to this application pending sight of all the statutory consultees responses, particularly that of GCC Highways. The Council asks to be notified of when GCC Highways response is available for viewing.*

*It is anticipated that the full response will cover issues of:*

- Use of a 3 year old Traffic Assessment which does not take into account the present traffic flows or new developments. Survey timings that do not reflect peak flow times and mitigation measures which have already been undertaken and fail to mitigate congestion.*
- The Local Plan proposal for 119 dwellings delivered within a long time scale rather than 250 dwellings delivered earlier than required. Statistically Moreton has had more development than Gloucester and the national average.*
- Failure to sufficiently assess the sewage requirements through advance consultation with Thames Water.*
- Concerns over flood defences and drainage.*
- Proximity to the railway line.*
- Concerns about access from the A429 to the site and the facilities opposite.*
- The proposal for further development prior to fulfilling the mitigation measures recommended in the Local Plan, the Gloucestershire Local Transport Plan and the A429/A433 Corridor Study.*
- The adverse impact on health care and school provision.*

## 6. Other Representations:

175 letters of objection, 6 letters of support and 3 General Comments received from third parties.

### Main grounds of objection are:

- i) *Inadequate infrastructure - Roads and amenities, infrastructure is already unable to cope. Moreton has had a huge amount of new houses in the last 10 years.*
- ii) *Far too many housing projects for area.*
- iii) *The school is already oversubscribed with no additional provision.*
- iv) *Moreton's doctors are also struggling to cope.*
- v) *Schools, healthcare etc already stretched to accommodate existing population.*
- vi) *Over development - The town cannot cope with the unprecedented, rapid increase in housing and population.*
- vii) *According to the 2011 Census, Moreton-in-Marsh had a population of 3,493 with 1,653 households. Since 2011, the number of houses permitted within the town will amount to well over 1,095 (not including dwellings on windfall sites). A 66% increase in the number of households represents a disproportionate and sea change in the size of the town and its population. This figure does not include this proposed Development. No other towns within the district have been required to absorb such a significant and rapid rate of growth.*
- viii) *The town needs to continue to attract holiday visitors. The development, if permitted, will adversely affect the attractiveness of the town in the future because of increased congestion, traffic and urbanisation of the area.*
- ix) *The size of development is not commensurate or in the context of the type of developments that exist within the town. It amounts to a metropolitan housing estate rather than a modest development within such a modest town.*
- x) *Although the Local Plan Inspector did not impose a limit of 119 houses for the site, it is very difficult to conceive how an additional 131 houses will be capable of being accommodated or acceptable on the site.*
- xi) *These sorts of large developments should be restricted to large towns along the lines of Gloucester, Cheltenham or Evesham, not quaint tourist town like Moreton-in-Marsh.*
- xii) *The size of this development is excessive. It will overwhelm the whole neighbourhood. The green area surrounding the town will be further destroyed while the public infrastructure including traffic and schools has been left in the same condition as it has been for the past 10 years.*
- xiii) *The local amenities in Moreton cannot cope with a further 250 dwellings. The schools are oversubscribed, the shops are full, and traffic congestion is significant already.*
- xiv) *Over the last 11 years or so Moreton has changed from a market town into an area of real issues with no infrastructure at all.*
- xv) *I welcome innovative development that creates places people want to live in without adversely affecting other. However, it does seem that Moreton-in-Marsh has been subject to disproportionate levels of development in the last 10 years.*
- xvi) *Other issues to be taken into consideration are a lack of infrastructure in the town, parking concerns, lack of primary school places (Dormer House is now closed), lack of nursery school places and a lack of a secondary school altogether. Also a lack of employment opportunities in the town. All these factors mean that new and existing residents are forced to get in their cars to travel to work, school and for decent local amenities, exacerbating the traffic problems in and around the town.*
- xvii) *The SHLAA and Local Plan has identified alternative, more viable sites in the town that are on brownfield land not prime agricultural land.*
- xviii) *Insufficient proportion of affordable housing vs market housing.*
- xix) *Why are only small affordable dwellings proposed. The real need in the town is for 2 and 3 bedroom family homes. Particularly needed is social housing. I am also concerned*

*that the bulk of the proposed social and affordable housing may not be included in Phase 1. What happens if Phase 2 never materialises.*

*xx) On the Zoopla website this morning there were 36 properties for sale, this does not include renting options, several from the new developments that have not been sold yet. Considering this and current developments on the Evenlode Road and also in local villages, such as Longborough, it is difficult to see a justification for more housing and, for those wishing to purchase in the area, there are sufficient options.*

*xxi) Why is it so often Moreton in Marsh? Is it of less value than other Cotswold towns? Why is development allowed to run riot in our town but not elsewhere?*

*xxii) The size of this development is excessive. It will overwhelm the whole neighbourhood. The green area surrounding the town will be further destroyed while the public infrastructure including traffic and schools has been left in the same condition as it has been for the past 10 years.*

*xxiii) No community amenities which would be essential for a development on this scale.*

*xxiv) Under Section 38(6) of the Planning and Compulsory Purchase Act (2004), the Application will need to be determined in accordance with the development plan, unless material considerations indicate otherwise.*

*The development plan for the Site comprises the Cotswold District Local Plan (2011-2031) ('the Local Plan') with the National Planning Policy Framework (2019) (NPPF) being a material planning consideration.*

*The Site has been allocated for residential development through policies M\_19A and M\_19B of the Local Plan with an indicative figure of 119 dwellings being expressed by the inspector. Although the inspector did not impose a limit of 119 houses for the Site, it is very difficult to conceive how an additional 131 houses, being over 52% higher than the indicative figure proposed, will be capable of being accommodated or acceptable in planning terms on the Site. We do not consider that such an increase is possible to accommodate on the site without significant adverse impacts flowing as a consequence. The scale of the Development is considered to be excessive and amounting to overdevelopment. The Development is neither proportionate in scale nor will it maintain or enhance the town. Indeed, there will be a number of adverse cumulative impacts on the town if the Development, of this size, is allowed.*

*xxv) Access would be unsuitable on to an already busy Fosseway with busy junctions from Hospital, Aldi, Esso garage and garden centre.*

*xxvi) Another 250 houses probably equates to 500 extra vehicles accessing the town.*

*xxvii) Moreton-in-Marsh already faces heavy traffic in both directions at rush hour. Queues between Dunstall Farm and Fosseway Avenue can already take 20 minutes in the evenings. Road safety shouldn't be compromised any further. In the planning documents submitted by Spitfire they have included a third party report quoting the number of new developments needed by the town plan to 2031. This development will see Moreton-in-Marsh exceed this development number. 150 affordable housing units built in the form of family homes means that schools will instantly need to be able to absorb more children - is this available with amenities already over-subscribed.*

*xxviii) Moreton-in-Marsh does not need any more traffic congestion, it's already a nightmare trying to get anywhere north or south on the A429 through Moreton, or which involves trying to join the road or going through the town. The population of Moreton has doubled in 15 years.*

*xxix) The Fosseway (A429) is routinely congested during morning rush hour and from lunchtime onwards. This construction site will add yet more traffic to this already over-developed town. Moreton needs a bypass - it's the meeting point of two A Roads (A44 and A429) and already struggles to cope.*

*xxx) There are problems as it is getting out of Fosseway Avenue the road is always busy.*

*xxxi) If this development goes ahead, there must be some major re-design of the A429 in and out of Moreton because the following problems, which are already severe, will be made exponentially worse by the addition of another housing estate with access onto the same road.*

xxxii) There is extreme traffic congestion at rush hour and every weekend. My family just don't go out at weekends anymore - there's no point. We need a bypass for through-traffic so that local residents can go about their lives safely and without all the pollution from queuing cars and lorries.

xxxiii) There is no safe crossing for pedestrians trying to access the Esso garage (to buy newspapers), the new supermarket and the new hospital. The people on foot include the most elderly and vulnerable people in our community - people who can't drive. It's only a matter of time before someone is killed. We need a proper pedestrian crossing and speed limit enforcement.

xxxiv) There are already frequent long delays for residents from the existing housing estates trying to get out onto the A429. This housing estate will make it much, much worse. We need a mini-roundabout or traffic lights (or preferably no new traffic at all).

xxxv) It's not uncommon for the traffic on the A429 to queue south, past the Longborough junction, this section of road is exactly where the only entrance to this development is located. Moreton also currently has an issue with town centre parking, this development has the potential to bring 300-400 additional cars onto our local roads.

xxxvi) The traffic congestion on this already overloaded section of highway is getting worse every year. This area has had multiple new developments over the past 3-4 years, with more to come (new Residential Home behind Aldi). There are now numerous junctions feeding into the main road from Fosseyway Garden Centre to the south, to Fosseyway Avenue to the north. Adding yet another junction with hundreds of cars coming and going every day will put an intolerable strain on the main road.

xxxvii) The site is too far from the train station and the town centre for people to walk in to town. Residents drive in to the centre of Moreton from Fosseyway Avenue despite footpaths in place.

xxxviii) The traffic survey submitted is from March 2016 and therefore outdated. It does not factor in traffic from Aldi which creates additional 1000+ car movements per day. Add to this the junctions of the hospital/ Doctors and the massively expanded Fosseyway Garden Centre means this section of the road will be an accident blackspot. I urge the committee and planners to witness the traffic through Moreton at peak times and you will realise the traffic survey is not a true reflection of the real situation on the ground.

xxxix) The Transport Plan is misleading as it is not possible to walk from the centre of the site to Budgens/station in 15 minutes, nor is it safe to cycle on the main roads. Residents will likely go by car to the station, causing more parking problems. How many will walk to the shops (even Aldi) when they have a car, as their shopping would usually be too heavy and bulky to carry?

xl) The bus frequency from Moreton needs improving. The Pulhams 801 which passes Dunstall Farm is only every 90 minutes and many are already full. It is even worse in the summer when more tourists travel. The bus service to Cirencester is abysmal, considering that it is our main Cotswold town.

xli) The one entrance to the site will be opposite the doctors/hospital entrance and will cause problems as that entrance is in constant use. It is noted that a roundabout will not be installed there, so another accident black spot is envisaged. Will the site entrance be sufficiently wide to enable vehicles to exit in both directions simultaneously?

xlii) I am concerned regarding safety on the Diamond Way footpath where the site road crosses the path in two places, with a type of roundabout for "traffic calming". I hope that motorists adhere to this and do not speed as some do in Fosseyway Avenue.

xliii) Since Greggs, the retail food outlet, is operating from the petrol station it is popular with commercial vehicle drivers whose vehicles are often too large to pull into the station so park either side of the A429, blocking the view of the main road from Fosseyway Avenue, petrol station exit and the right turn into the Aldi supermarket. Adding another entry/exit point for the residents of a 250 dwelling estate with associated vehicles, push chairs, buggies seems to be an accident waiting to happen.

xliv) At morning and evening commuter times, the traffic stretches in a continuous line in both directions. Exiting from side roads onto the A429 is almost impossible unless drivers on the road stop to let you out, causing people to take risks.

xlvi) The proposal refers to traffic data from 2016, which predates the development on the A429 south of Moreton. Traffic is frequently at a standstill through the town already. Bringing hundreds more people and cars into the town will make this worse. To quote the NPPF again [para 107] there would be "an unacceptable impact on highway safety, [and] the residual cumulative impacts on the road network would be severe."

The site is arguably too far from the railway station and the town for people to walk to. Added to which, the road is busy and polluted, which makes it both unhealthy and dangerous to walk alongside. People might cycle if there were cycle routes through the town, but without these, cycling is dangerous, particularly for children who are smaller and less visible than adults.

xlvi) The two roundabout junctions on the A429 High Street/A44 Oxford Street; and the A429 High Street/A44 Bourton Road/East Street in the centre of the town are already at overcapacity. Those junctions amount, in fact to small bumps in the road designed to slow the traffic. There is no scope to make any meaningful improvements. Indeed, even if any were possible, the disruption to the town during those works would be significant and detrimental to the lives of the residents.

xlvi) Whilst the sustainable aspects of the town have been highlighted, the reality is that there are relatively few employment opportunities available within the town. The result of this is that the town attracts many residents who out-commute on a daily basis thus exacerbating the number of private cars using the highway network. The Local Plan recognises the fact that improvements to the highway network and around the town are needed. In particular, improvements to the A429 (Fosse Way) are already required.

xlvi) There are no jobs in Moreton, so where are the people that will buy these houses work? Not in Moreton I would assume, so why build here? All that will result is further issues with traffic and transport generally and less community feel to the town.

xlix) The site is in a flood plain and in land designed to act as a soak away.

i) No drainage capacity- Drainage cannot cope and is at full capacity. The sewage pumping station in Moreton already cannot cope with the development that has been completed and is supported by the Thames water consultation confirming there is only capacity for 50 homes. I do not believe the drainage solution suggested of diverting water can be delivered due to the topography of the land. It suggests water can flow up hill from Fosseway Avenue towards the rear of the site near Dunstall Bridge. Who will actually maintain the SUDS? Not Spitfire who will walk away and wash their hands on completion, or the Town Council due to lack of funding!

ii) Flooding has always occurred on that site and, in the past it was not considered suitable for housing, whilst excess water naturally drains towards Fosseway Avenue and not to the south-east near the railway, would it not benefit all if the site was given over to an aggregate company to extract gravel and then be made into a leisure park for the use of residents of Moreton? A rural environment would be retained, with ponds/lakes, trees, walks, seating and other facilities for all ages.

iii) It exceeds drainage capacity for the site.

iii) In the 'Cotswold Local Plan Reg.19 SA Report Appendices', Moreton-in-Marsh is recognised as one of the top 10 communities at risk of fluvial flooding and states that: In the 'Cotswold Local Plan Reg.19 SA Report Appendices', Moreton-in-Marsh is recognised as one of the top 10 communities at risk of fluvial flooding and states that: 'Climate change does not just affect the extent of flooding. It is important to remember that even where the extents do not significantly increase; flooding is likely to become more frequent under a climate change scenario'. It also comments on surface water flooding as follows: 'Climate change is predicted to increase rainfall intensity in the future by up to 30%. This will increase the likelihood and frequency of surface water flooding, particularly in impermeable urban areas, and areas that are already susceptible such as Moreton in Marsh and Fairford.' It is clear, therefore, that any further increase the quantum of housing allowed at the Site beyond

that anticipated in the Local Plan allocation will further increase the risk of flooding. The town relies on greenfield land to act as a natural soakaway natural flood defence. The town has flooded five times since 2007. There is clearly a link between the number of dwellings being built and the number of flooding incidents occurring, irrespective of any mitigation measures adopted. The flood risk assessment is aiming to reduce the likelihood of flooding down Bourton Road and Parsons Lane to a 1 in 100 year plus climate change event. This does not take into account the effect of the additional developments within the town and, as such, will not achieve its aims or protect the town from flooding if this development is allowed.

liv) The Development will increase the risk of flooding to the town, contrary to paragraph 100 of the NPPF. The Site already experiences periods of standing water in times of heavy rainfall. The Site during these periods experiences flooding to such an extent that it is often underwater to a level of several feet. No attenuation measures will be able to cope or deal with such volumes of rainfall in the future.

lv) The Site experiences slow infiltration, which then allows water to collect at localised low spots. The proposed measures to tackle such concerns are noted, although there is doubt as to whether these will be adequate to prevent the water from entering the brooks and the River Evenlode. In addition, there is concern regarding the capacity of the Site to accommodate the proposed attenuation measures. Guidance note 7.21.8 of the Local Plan requires applicants to demonstrate that there is adequate water supply capacity on and off the site to serve the development and that it would not lead to problems for new or existing users. It is not clear whether sufficient research has been carried out in this regard to have confidence that the proposed development will not lead to an overloading of the water infrastructure. There will be significant improvements required to deal with the deficiencies in the current infrastructure. The Development will place increased pressure on an already strained network

lvi) In terms of the disposal of foul sewage and water supply, there are inadequacies in existing waste water and water supply infrastructure.

lvii) Thames water assessment shows states there is only capacity for 50 homes and the development may lead to low or no water pressure.

lviii) The noise, dust, and pollution of a large housing development that the residents of Fossey Avenue will have to put up with every day for what could be two or more years is also another reason I object to this development. Finally, Moreton is a beautiful Cotswold town, and I feel that allowing a large estate to be built that includes social housing (although the term affordable house has been used), will inevitably increase the risk of crime and anti-social activities, which, unfortunately, Moreton and the surrounding area already have in abundance.

lix) On an environmental basis it will only create evermore emissions with the use of extra vehicular movements, especially as there are no more extra places of work in the locality. Not everyone can work at home.

lx) Loss of green space- The proposed development would be an irreversible loss of green space and encroachment in to open countryside with an increase in air pollution, loss of wildlife habitat such as brown hares. This is not providing a greener healthier town but suffocation.

lxi) CDC unanimously declared a climate emergency earlier in July. How does building 250 new homes heated by gas and hundreds of additional cars, as well as reducing the natural carbon sink of prime agricultural land, align with our commitment to fighting climate change across the district?

lxii) The site is a Special Landscape Area (SLA) adjoining the AONB and as such any development on site this would result in the urbanisation of Moreton from the south and needlessly extend the settlement boundary. There would be a significant adverse impact on the SLA and setting of the AONB and views in and out of the site, particularly from the Bourton on the Hill ridge down in to Moreton, which has already been compromised by the development of the Hospital, Garden Centre, Aldi and proposed Care Home to the rear of this site.

*Ixiii) Local Plan Policy EN6 deals with Special Landscape Areas (SLAs), including the 'Moreton-in-Marsh surrounds' within which the site lies. SLAs are a locally valued landscape and policy sets out that development within them will be permitted provided it does not have a significant detrimental impact on the key landscape characteristics and qualities of the area.*

*Ixiv) Paragraph 170 of the NPPF requires the planning system to recognise the intrinsic character and beauty of the countryside and states that the planning system should protect and enhance valued landscapes. With regard to the landscape harm caused by the site, the Inspector's Report notes at paragraph 148: 'Provided that development was appropriately designed and landscaped, it would cause only limited harm to the setting of the town and surrounding rural landscape when seen from the main road and further away in the AONB.' This proviso was based upon the assumption that dwellings to be built on the Site would be in the region of 119, not 250.*

*Ixv) Policy EN6 should be read alongside Policy EN4, which concerns the wider natural and historic landscape. Policy EN4 provides that: 1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas; and 2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views. The suggestion that the Development will create a more natural form of development, being linear along the Fosseway is not a view that is shared. The magnitude of visual impact of such ribbon development is significant. The valued landscape around the Site as a result of the Development will be harmed and, as such, fail to comply with paragraph 117 of the NPPF. Users of the footpaths will experience a detrimental impact on their walk when the Site is viewed from the escarpment as it extends further away from the existing built form.*

*Ixvi) The quality of the area will suffer as a result of the density and quantum of development proposed. The development will be seen from various viewpoints and thus have a residual and adverse on the visual quality of Cotswolds AONB. The consequential increased quantum of housing proposed on the Site will heighten the urbanised feel. This will have a harmful and negative effect as a result of a reduction of the overall tranquillity of the countryside.*

*Ixvii) The development is not landscape-led. The clear views of the parish church when approaching the town from the south will be obliterated. The magnitude of change from several key visual receptors has been acknowledged as being very high.*

*Ixviii) The proposed development looks too dense to offer a really good quality living environment.*

*Ixix) The elevated view from the local public right of way which passes over the railway bridge is characterised by the surrounding agricultural landscape and the existing settlement edge of Moreton-in-Marsh. The Development along the Fosse Way will alter the views from this right of way, to a significant and harmful degree.*

*Ixx) The creation of a new access road that will cross the route of the footpath midway through the site will result in the use of that right of way being adversely impacted. The introduction of street furniture and hard surfacing throughout the site and in close proximity to the public rights of way will further increase this impact.*

*Ixxi) View towards the AONB escarpment from the footpath will be interrupted by the development and the extension of the development on the land to the east and west would fundamentally change the character of the view from that of an open arable field to that of an urban development of a residential nature with associated vehicular infrastructure.*

*Ixxii) The overdevelopment, scale and permanency of the Development and resultant failure to enhance the natural and historic landscape and views, in spite of the enhancements proposed, will result in significant harm, contrary to Policies EN6 and EN4 and paragraph 170 of the NPPF.*

*lxxiii) Loss of good quality agricultural land. The NPPF paragraph 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: [...] b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;' The majority (over 90%) of the land affected by this proposal is classified as Grade 2 ('Very good') agricultural land. This Best and Most Versatile (BMV) agricultural land is an essential and irreplaceable asset to sustain long-term food production. The pressures on food production on an island with a growing population and a propensity for market independence are obvious. The proposed development would not generate strong economic, social or environmental benefit that outweigh the loss of this land.*

*lxxiv) Design - The size, scale and massing of the development would be visually damaging and prominent in the landscape. Windows looking directly in to homes on Fosseway Ave, resulting in lack of privacy. Little landscape screening; land much higher than gardens on Fosseway Ave in North Eastern corner of the site.*

*lxxv) The scheme is too high density. Many houses look directly in to homes on Fosseway Avenue with no privacy or landscape screening. The size, scale and massing of the development, and future proposals would be visually damaging and prominent in the landscape.*

*lxxvi) Being 6ft below road and walk way level of the proposed development, I would lose all privacy in my back garden. A 12ft tall fence would not be practical or possible, so every man and his dog could look straight into my back garden.*

*lxxvii) The land on the new estate is quite a bit higher than the gardens of Fosseway Avenue backing onto it - any plans for that? I wouldn't be happy of losing my privacy. I am not happy losing the fabulous views as it is. It's fantastic to watch the wildlife we have literally in our back gardens. Herons, buzzards, rabbits, foxes, hedgehogs and lots of Bats in the evening. Another nice dog walking route gone, too.*

*lxxviii) Environmental concerns - adverse impact on wildlife.*

*lxxix) This development would release carbon, remove wildlife habitats, reduce air and water quality, and increase strain on manmade drainage systems. Development on greenfield sites like this does not align with the fact that we need to do everything we can to look after our native wildlife and particularly pollinators on whom our survival depends. Where development is necessary it should be on brownfield sites - there are BF sites in the town which could be used for housing.*

*lxxx) Any development will significantly increase the carbon footprint of Moreton in Marsh. This would be through the materials used in the buildings, increased mileage owing to Moreton in Marsh's location and then afterwards because of increased commuter mileage and resources consumed by the increased population, again owing to the location. In the current climate surely any development should decrease the carbon footprint.*

*lxxxi) There is no visible activity to encourage businesses to establish themselves in Moreton, which would imply that the occupants of these additional 250 dwellings will be forced to commute to find suitable employment, putting further strain on the local infrastructure.*

*lxxxii) CIL- This development would offer very little to the town. No play areas, infrastructure, road improvements, schools, doctors etc etc. Moreton has seen no benefit from the 1000+ houses developed so far and this cannot continue.*

*lxxxiii) When will Stow-on-the-Wold and Moreton-in-Marsh become a single conurbation? We are already being told that open spaces are needed for everyone and that too many places have unacceptable levels of pollutants in the air. Why exacerbate the problem?*

*lxxxiv) We have not seen anyone take responsibility for the hedge and Oak tree that are on the public footpath behind Fosseway Avenue so I have concerns about the care of more land and trees applied for under public open space. The ditch also has to be maintained and an old pipe that goes under railway has to be replaced.*

*lxxxv) The SHELAA, published by Cotswold District Council clearly states that the assessed capacity for the Dunstall Farm sites (M\_19A/MOR\_E8 and M\_19B) as 91 and 28 dwellings respectively; a total of 119 dwellings. This application exceeds that by more than 210%. The*

SHELAA notes; "The site's development would intrude into the Special Landscape Area, particularly given its large scale. The site is also prominently visible from the AONB". Given this sensitivity in the landscape of the Dunstall Farm site to the 119 dwellings outlined in the SHELAA, the 250 dwellings proposed in this application would have a far greater detrimental effect on both the SLA and AONB.

lxxxvi) The land on which the development is proposed is designated as a special landscape area (SLA) and therefore needs to be respected, with any development carefully considered. The application suggests the site is not visible to passing traffic/ train travellers/ residents from the surrounding areas however this is not accurate: it will be clearly visible from a number of locations around the town and area, including my own home. The site also adjoins the AONB.

lxxxvii) Views in and out of the AONB must be considered and respected and this is not the case with this application. The proposed development will have a significant detrimental impact on appearance of the town in all directions.

lxxxviii) The natural boundary of the southern approach to the town is the water drainage channel next to the petrol station. The building of the hospital was given as an exception and could not be used as a precedent for further expansion to the south. This development will set a new precedent and allow future expansion up to the Stow Bridge channel.

lxxxix) This development is bringing people but not jobs into the town. The site is believed to contain a large deposit of sand and gravel. Its extraction would bring work to the town. Once extracted the area could be landscaped to provide storm water control and additional leisure amenities for the local and visitor population.

xc) The high street is suffering enough already, and typically residents of these houses will use out of town shops and add little to the local economy.

xc) As I watch the brook between our house and the proposed site for building all these new houses filling up as a result of the current rainfall and as I see the field on which they intend to build becoming more and more sodden I fear the real possibility of future flooding if this field is in effect concreted over. Building on this low lying land must threaten nearby properties with an increased risk of flooding.

xcii) The current Local Plan makes provision for the development of this site in small stages over time. Many of our local towns are now blighted by poorly designed large estates in the dash to try and meet Government Housing targets and to make very large profits for the developers. Moreton has already suffered along the Todenham Road. The road system is over-loaded, as are the services. CDC should hold the line and back their Local Plan, otherwise why bother to produce it in the first place. Lastly CDC should be building Council Houses to retain the youth of the North Cotswolds in the area. All of the phased release housing on this site should be for such a purpose.

xciii) There have been a lot of developments in Moreton-in-Marsh and I do not think we need any more as the road is very busy with the hospital, garden centre, supermarket and petrol station. There is no secondary school, jobs would be out of Moreton-in-Marsh so lots more people using trains and cars.

xciv) The town's southern boundary does not permit building here. Moreton has already filled its quota of new housing.

xcv) The primary school is already at maximum capacity, no secondary school, very few places for 0-4 year olds, doctor's appointments are hard to make, impact on local pharmacy.

xcvi) Impact on local community from loss of the green area as we are lucky to have a public footpath through the current fields and we need to protect wildlife.

xcvii) The town has seen enormous development over the last 15 years with very little social development to support it. No additional bus services, no secondary school, no leisure centre (other than facilities at the Fire Service College, no industry, no improvements to the local roads which are now very congested. Almost everyone has to travel elsewhere for work which will add to traffic problems.

xcviii) Development should be provided with modern fibre internet connectivity.

xcix) Need to ensure that there is proper footpath and cycle path provision.

c) Sewage system in Moreton is unable to cope.

- ci) *Infringement of privacy from footpath lying at northern end of the site.*
- cii) *Concerned as to the height of the trees chosen for the northern border and how these will negatively impact the gardens of houses in Fosseway Avenue. Trees will cause considerable shading and over shadowing. It would be better to have a gradual increase of tree height from the northern flood ditch which would blend more sympathetically.*
- ciii) *The site is unfit for residential development due to the level of the water table and the lack of/impossibility of providing adequate sewerage facilities.*

**Main grounds of support are:**

- i) *A good planning application done with great care after public consultation. I hope the town council have taken advantage of this by liaising with spitfire in what the town would get from this application . There is a good mix of housing in a good location and should help the town attract more younger people.*
- ii) *This proposed development ( the design of which has been carefully planned ) will assist in creating a balance to the town which has thus far been lacking with nearly all the previous growth being to the east of the railway. Concerns about traffic and car parking are well-founded ; however, there is time for those responsible for these matters to create and implement solutions but it will require political will and common sense to do so - currently in short supply.*
- iii) *This land is designated for development anyway so something is going to be built on it regardless and I feel that it is better to have a high quality builder doing a sympathetic housing estate. Spitfire have a good reputation of working with the community and I feel they would look to improving the access and safety elements of this busy stretch of road for the benefit of the residents and businesses.*
- iv) *I think I am one of the few who is for the proposed housing development. There is no denying there is a big need for housing in The Cotswolds / Gloucestershire. Just take a look at the approved development in Cirencester and what is being proposed here in Moreton is nothing in comparison. We need more houses for the growing population to live in, and it is only fair that Moreton gets a percentage of those houses. Many small towns in the Cotswolds are building much more than Moreton. But, we also need more facilities. Again, look at the approved development in Cirencester where thousands of houses are to be built, and you will see there is also plans for more schools, shops, parking, doctors surgeries and I'm sure many other things supporting the local community. Even the roads leading to the planned housing looks well thought out. We need that here too. Yes, the development here in Moreton is on a much smaller scale, but to make Moreton a resourceful and growing town, we need to improve / add to the facilities we have. At the end of the day, some families are having to live with way too many people under one roof, simply because there is not enough houses around here (particularly social housing). Making sure people have adequate housing should surely be a priority?*
- v) *It will create jobs in the local area, perhaps for a short time but it will also create the much needed housing to support the ever growing population.*
- vi) *The town has an excellent train station, hospital, 2 GP surgeries that can add more doctors if needed as they are paid by the number of patients. We have Aldi and a new Co-Op which can cope with the estate. We are the biggest town in the north Cotswolds and it is bound to expand as per the Government strategy. It will provide badly needed jobs next year and will boost our town hopefully adding some new shops etc. It will provide an excellent place for new families as well as single people and couples.*
- vii) *According to the local plan, which was scrutinised by a government inspector and subsequently adopted by CDC, this land is already allocated for residential development, so comments about whether or not it should be developed seem pretty irrelevant. There is a national, regional and local policy and need for more housing. Not to utilise this site to its sustainable capacity will just mean more development somewhere else - and that wouldn't be particularly environmentally friendly, would it?*

viii) The density of the proposed housing is not dissimilar to the GCC scheme approved last year along the Evenlode Road and in addition, access to the main road, Aldi and the doctors surgery is much better from this site than that one.

ix) Moreton is the only settlement in the CDC area that offers a railway station, hospital, ambulance and fire station, not to mention a choice of supermarkets, pubs, restaurants, takeaways, primary school, post office, library, etc. as well as the Fire College a large local employer. This existing mix makes Moreton much more suitable and sustainable for development than any other settlement in CDC - including Cirencester!

x) The land actually sits outside of the Cotswolds AONB area - there is only a very small part of the total CDC area that does and therefore siting development here, outside of the AONB, offers more protection to the beautiful natural environment that we have within it.

xi) As an aside, I don't recall a great song and dance made by objectors when there was development a few years back which was not only inside of the AONB boundary but also to the south of Moreton making it allegedly further for people to walk - but that was for a hospital and a doctors surgery so that's ok - double standards anyone?

xii) There is currently 1 quite narrow public right of way that crosses the site. There are very few trees there and rest of the land is used for intensive mono-cropping. The proposed development plans show a sizable amount of public access space, green space and new planting - surely a benefit to the environment and the general amenity?

xiii) We have just experienced one of the wettest autumn /winters in living memory and yet, thanks to the long awaited and recently completed flood relief scheme, the runoff got away just fine and the town didn't experience any flooding as it would have done without this investment. Perhaps residents should be reminded that a reason the town used to flood is just as much to do with them having patioed their back garden, building an extension and tarmac their front garden for extra car parking, as any of the new developments on the edge of the town. To claim that this site on the one hand is prime agricultural land and on the other, a flood plain, is conflicting and perhaps people should (literally) look in their own back gardens first?

xiv) The current approach to Moreton from Stow is the unattractive rear side of the properties in Fossey Avenue. When they were built they were put all facing into Fossey Avenue and so there is now a motley collection of haphazardly extended properties with no aesthetic appeal to them whatsoever. Fortunately building design and planning control has evolved and looking at the detailed drawings the developer has shown how they can create a much more attractive approach to our town by designing the site as much to face out as in.

xv) Government policy dictates that residential development has to go somewhere. If it is at Moreton then at least a fair proportion of the section 106, Cil, or whatever it is, will get invested back into the Moreton community. In addition, more housing means more council tax which also supports local services (as well as more local employment). Perhaps we might even get our police station back?

xvi) In Moreton we have witnessed first-hand the unsympathetic design and build quality issues of the modern developments of the national homebuilders. If people actually look at other developments that have been built locally by Spitfire - including the one at Broadway, you can see that this is not going to be the same as we have had with Cala, Bovis and the like. If this site is going to be developed in any case I know which I would prefer.

#### **General Comments are:**

i) I have no issues with new homes being built in Moreton. I feel more people and families using the town, shops and facilities will greatly help the town. I hope the new homes will allow more younger families to live in the area which I feel the Cotswolds greatly needs. My only worry is the current infrastructure around Moreton and the surrounding towns. The road structure already struggles with the amount of traffic and to have an additional 250+ vehicles on the roads will cause major traffic issues and road blocks. Additional road structures are needed to remove large volumes of traffic and larger vehicles away from the

towns. I believe a main road away from the towns, such as a ring road will allow everyone to enjoy living in the smaller towns without the large volumes of through traffic.

ii) I have reviewed the noise & vibration assessment submitted as part of the planning application and note that the assessment is based upon a noise survey undertaken in 2016, with no discussion on how this still considered representative. Based upon experience anything more than a year old is not always considered to still be representative. Since the noise survey was undertaken new noise sources have been introduced in the area (primarily an Aldi supermarket), which will have increased the overall noise levels. I also note no air quality assessment was undertaken as part of the planning application. I would anticipate the volume of additional traffic movements would be enough to warrant some consideration of the potential impacts upon an already congested highway (A429 Stow Road).

iii) It is good to see that the buildings proposed are in keeping with the Cotswolds style. I am concerned as to the number that may be red brick.

iv) The attenuation feature referred to as 'Surface water features - swales; ponds; basins'. At the consultation event I suggested, that to placate residents in Fosseway Avenue, this feature should be extended the length of the northern boundary. This would create a wildlife area and a natural barrier between the new development and Fosseway Avenue. Although this may require moving the attenuation feature from the south east of the development this would have the advantage of further regulating the run off as the holding ponds would be at a slightly higher elevation, further from the current natural drainage and so would moderate run off even more to the benefit of all, including those further down the Evenlode valley.

v) Currently there is no right of way along the northern edge of the development, however, the plans make this all a public space. Therefore some measures need to be put in place that will still allow maintenance of the flood alleviation ditch and yet stop people and dogs entering that area and crossing it into people's gardens. A dry stone wall along the path would achieve preserving a swathe of land for maintenance, be in keeping with the Cotswolds and deter people and dogs from crossing in to private land.

vi) Designated cycles ways should be included to provide access to and from the centre of the town.

vii) As part of this development, the footpath on both sides of the road must be improved and extended to the Fosseway Garden Centre.

viii) As this development will effectively extend the start of Moreton in Marsh to the South, the development should include a bespoke impressive entrance feature declaring and advertising to travellers that they are entering the historic market town of Moreton in Marsh. This should be mirrored on both the North, East & West approaches to promote our town.

ix) Rights of way need to be maintained during any building.

x) In any potential disaster there would be only the Fosseway to escape through and, what happens if this were also blocked? This can be easily resolved by including a secondary route on to the Evenlode Road using the newly replaced railway bridge.

xi) Currently the sewers often back up in Fosseway Avenue underlining the fact that the current processing rate is insufficient. This must be addressed before any more houses are linked into the system.

xii) A green area around our perimeter that I would not like to lose forever. Moreton needs to stabilise so infrastructure can catch up.

xiii) There is a proposed hedge on the north side along the flood ditch. As this seems to be on the edge of the ditch I am concerned that this will inhibit the regular clearance of the ditch, in that a "council" tractor cuts to grass to across the top of the ditch and also a hedge trimmer is used to ensure it is not overgrown from the Fosseway Avenue side. I do appreciate the hedge and this would protect both the ditch and properties in Fosseway Avenue. We need to make sure that nothing hinders the maintenance of the ditch and also a barrier (hedge) is included.

## **Campaign to Protect Rural England - North Cotswold District Branch:**

### *'The Site and its Surroundings*

*Representatives of CPRE again visited the site on 9 August 2019. We noted among other things that the vegetation on the southern boundary is on the whole fuller than that on the western boundary.*

### *Principle of Development*

*Unlike the previous application, the site of the present proposal coincides with the land allocated for housing (M\_19A and M\_19B), with the exception of the narrow sinuous area to the south and parallel to the Oxford to Worcester railway line. Paragraph 1.2 of the applicant's Planning Statement explains that this is for a swale to facilitate drainage. CPRE considers that there can be no reasonable objection in principle to development of housing on a site allocated for that purpose in a local plan, in this case recently adopted. Indeed, CPRE would encourage such development on the grounds that it helps to meet local housing requirements, including affordable housing, and may indirectly help to prevent development on sites not allocated or otherwise contrary to policy. In particular, we welcome the apparent commitment to provide 100 units of affordable housing in a part of England where price to income ratios are among the highest (13.6 in 2018) outside London and some other major cities. We hope that the Council will hold firm against any attempt to reduce the provision of affordable housing.*

### *Scale of Development*

*However, CPRE is concerned about this proposal, for reasons relating to the scale of development compared with the provisions of the Local Plan.*

*The proposed development involves 250 dwellings, more than twice the number (119) intended in the Local Plan on these two contiguous sites. The site area given in the applicant's Planning Statement at paragraph 2.1 is 15.7 hectares, which means that 250 dwellings would be at a density of about 16 dwellings per hectare, perhaps a little more since this area will include the swale referred to above. The Council's own approach, on the other hand, represents an excessively generous provision of land for a relatively small number of dwellings.*

*The latest version of the National Planning Policy Framework contains a wholly new section "Making Effective Use of Land". Although paragraph 123 does not engage precisely with the present circumstances, we consider it relevant, in particular the opening sentence: we would argue that the constraints in Cotswold District, particularly the proportion of its land area covered by the Area of Outstanding Natural Beauty, does constitute an "existing ... shortage of land to meet identified housing needs". This means that not only does land identified for housing need to be in the right place, but also that best use is made of it.*

*Since this is a full application, the Council will be able to take a view about whether the detailed design and overall density is acceptable by reference to national guidance and local policies. It is surprising that the issue of density was not the subject of more detailed scrutiny at the Local Plan Examination. The applicants are right to acknowledge (as they do at paragraph 3.6 of the Planning Statement) the Inspector's comment that more dwellings than the Council proposed could be accommodated. The relevant parts of his report (paragraphs 148 and 149) state in full:*

*"Land south of Fosseway Avenue (M\_19A and M\_19B) is assumed in the Plan to be capable of accommodating a total of 119 dwellings, although this is not a limit and a well designed*

*scheme may well be able to accommodate a greater number. The agricultural land is on the southern edge of the town on the eastern side of the A429 in an area designated as a special landscape subject to policy EN6. Whilst it is outside the AONB, development on the site would be seen in long distance views from elevated land in the AONB to the west. A considerable amount of development to the south of the historic core of the town has already taken place over the last 50 years or so, and the proposal would continue this outward expansion further along the A429. Provided that development was appropriately designed and landscaped, it would cause only limited harm to the setting of the town and surrounding rural landscape when seen from the main road or from further away in the AONB. Detailed schemes would have to address a number of issues including flood risk and ecology, but there are no insurmountable obstacles to development that I have been made aware of.*

*The site is in a suitable location, available and could be developed in a manner that causes only limited environmental harm. This would be outweighed by the social and economic benefits that the provision of over 100 additional new homes would provide. As additional land is not needed to meet identified housing requirements in the plan period there is no need for me to consider the merits of extending the site further to the south" [CPRE emphasis].*

*The first underlined extract is rather bland bearing in mind the very low density of development implied by the Local Plan. In the second and third, CPRE concurs with the Inspector.*

*For these reasons, CPRE takes the view that the number of dwellings proposed by the application is preferable to the number indicated in the Local Plan in term of the efficient and effective use of land. However, the increased numbers have other, potentially adverse, consequences which we address below. A large proportion of the objections examined raise the general question of infrastructure, concerns which CPRE shares.*

#### *Landscape Impact, Landscaping and Public Open Space*

*The higher the density of development, the less the scope for landscaping within a site, and the greater the need for appropriate landscaping on its boundaries. CPRE would ask the Council to consider in particular the adequacy or otherwise of the proposed landscape treatment, especially on the western boundary. This is currently more thinly vegetated than the southern boundary but is the critical side of the development in terms of mitigating its impact in views from the higher ground to the west.*

*Both the Planning Statement and the Design and Access Statement make a number of references to 'open space', and the former refers to a LEAP and a NEAP. Neither document however appears to state how much open space will be provided, and how if at all this is differentiated from landscaped areas. CPRE asks the Council to look in particular at the adequacy or otherwise of open space provision.*

#### *Social and Economic Effects*

*Paragraph 3.15 of the Planning Statement refers to the screening opinion and its conclusion that Environmental Impact Assessment was not required. In CPRE's view, this was a reasonable conclusion. However, more than double the number of dwellings is now proposed compared with the suggested capacity in the Local Plan, giving rise to roughly double the number of people and children of school age. Since this is not EIA development, no Environmental Statement is required; such statements often include an assessment of social and economic effects. The applicants do not appear to have even attempted to calculate the total population yield of the development, in relation to primary health care and other services, and public open space, nor an estimate of the number of primary and secondary age pupils. CPRE is aware that Moreton-in-Marsh has no secondary school and*

*that the nearest in the County are at Chipping Campden and Bourton on the Water. We are more concerned about primary education, where for reasons of sustainability, safety and social cohesion it is important that children of primary age are able to attend school in their own community. The Council should therefore be satisfied that adequate arrangements can be made in this respect.*

### *Highways*

*Similarly, twice the number of houses will also produce twice the number of cars, and thus twice as many traffic movements; and it is unlikely that the potential traffic impact will have been assessed in any great detail during the preparation of the Local Plan. CPRE notes the content of the Road Safety Audit and Transport Assessment, the latter concluding at paragraph 8.6.3 that 'there are no material highway or transportation reasons that should prevent the development proposals from being awarded planning consent. Any residual transport impacts associated with the proposals have been demonstrated to be mitigated through the package of measures proposed to support the development, including highway mitigation at central Moreton'.*

### *Consultation Responses*

*For all the matters raised under the previous three headings, the Council will no doubt receive responses from statutory consultees. At the time of writing these are not available on the Council's website. We would ask the Council to give these careful attention, particularly in relation to highways.*

*In this context, CPRE notes the Planning Obligations/CIL Proposal dated 3rd June 2019 which is helpful in the sense that it acknowledges the scope of what can be achieved by each mechanism and the existence of the relevant policies INF1, SA1, SA2 and SA3.*

### *Conclusion*

*In conclusion, CPRE would urge the Council to give close scrutiny to the matters raised in this letter in the interests of bringing forward a development satisfactory in all respects.'*

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

Planning Statement  
Design and Access Statement  
Noise and Vibration Impact Assessment  
Phase 1 and 2 Ground Condition Assessment (Contamination and Geotechnical)  
Statement of Community Involvement  
Transport Assessment  
Residential Travel Plan  
Road Safety Audit Stage 1  
Agricultural Land Classification  
Assessment of Housing Mix  
Update Ecological Appraisal  
Update Phase II Detailed Ecological Surveys and Assessment  
Utilities and Foul Drainage Appraisal Report  
Flood Risk Assessment  
Arboricultural Method Statement  
Archaeological and Heritage Assessment  
Landscape and Visual Impact Assessment  
Landscape Management Plan  
Landscape Strategy

Education Report

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

### **Proposed Development**

This application is seeking full planning permission for the erection of 250 dwellings on the proposed site together with associated infrastructure, landscape and drainage works.

The 250 dwellings will be comprise 150 open market dwellings and 100 affordable dwellings. Of the open market units, 12 will be set aside as self build/custom house build plots.

The 150 open market dwellings will consist of 4 one bed units, 21 two bed units, 91 three bed units, 30 four bed units and 4 five bed units.

The 100 affordable units will comprise 26 one bed units, 48 two bed units, 24 three bed units and 2 four bed units. Of the 100 affordable units, 30 dwellings will be shared ownership and 70 dwellings will be available for affordable rent.

In combination, the proposed housing mix will comprise 30 one bed units, 69 two bed units, 115 three bed units, 32 four bed units and 4 five bed units.

The applicant's Design and Access Statement states that the residential area of the application site measures 8.7 hectares, infrastructure totals 0.3 hectares and landscaping 6.66 hectares. The density of development across the site as a whole measures approximately 15.9 dwellings per hectare.

The proposed dwellings will primarily be 2 storey in height. However, a smaller number of 1.5 storey and single storey units are also included in the scheme. Ridge heights of the 2 storey dwellings are predominantly between 8m and 9m. The applicant's design approach seeks to reflect traditional Cotswold building forms.

The external walls of the proposed dwellings will be constructed in a mix of natural stone, reconstituted stone and red brick. Timber cladding will be used on some garage buildings. Roofs will be covered in a mix of artificial stone tiles, plain red roof tiles and fibre cement slate.

Means of enclosure will take the form of a mix of drystone walls, estate railings, vertical railings, post and rail fences, close boarded fences and hedges.

Vehicular access to and from the proposed development will via the A429. A new entrance will be created in the western boundary of the application site. It will be located approximately 25m to the north of the existing field entrance and will lie approximately 30m to the south of the existing entrance serving the North Cotswolds Hospital and Four Shires Medical Centre located on the western side of the A429.

With regard to pedestrian and cycle access, a new access point will be created in the north western corner of the site. It will open onto the A429 at a point opposite the Aldi foodstore. Pedestrian and cycle access will also be available via the existing Public Right of Way (HMM8) that joins the site with Fossey Avenue to the north. The proposed development will also connect into the existing network of Public Rights of Way located to the south of the site via the existing Public Right of Way HMM8.

## **(a) Residential Development in a Development Boundary**

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.' The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The site is located within Moreton-in-Marsh Development Boundary. The following Local Plan policy is considered to be relevant to this proposal:

Local Plan Policy DS2 Development Within Development Boundaries

*'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'*

In addition to the above, the site is allocated specifically for residential development in the Local Plan. The site is designated as an allocated housing development site under Policy S18 M\_19A and M\_19B Land South East of Fosseway Avenue (91 dwellings (net) and 28 dwellings (net)).

The application site was also referred to specifically by the Local Plan Inspector in the Report on the Examination of the Cotswold District Local Plan 2011-2031. In paragraphs 148 and 149 of the aforementioned report the Inspector states:

*'Land south of Fosseway Avenue (M\_19A and M\_19B) is assumed in the Plan to be capable of accommodating a total of 119 dwellings, although this is not a limit and a well-designed scheme may well be able to accommodate a greater number. The agricultural land is on the southern edge of the town on the eastern side of the A429 in an area designated as a special landscape subject to Policy EN6. Whilst it is outside the AONB, the development on the site would be seen in long distance views from elevated land in the AONB to the west. A considerable amount of development to the south of the historic core of the town has already taken place over the last 50 years or so, and the proposal would continue this outward expansion along the A429. Provided that development was appropriately designed and landscaped, it would cause only limited harm to the setting of the town and surrounding rural landscape when seen from the main road or from further away in the AONB. Detailed schemes would have to address a number of issues including flood risk and ecology, but there are no insurmountable obstacles to development that I have been made aware of.'*

*'The site is a suitable location, available and could be developed in a manner that causes only limited environmental harm. This would be outweighed by the social and economic benefits that the provision of over 100 additional new homes would provide. As additional land is not needed to meet identified housing requirements in the plan period there is no need for me to consider the merits of extending the site further to the south.'*

It is evident from the above that the Planning Inspector considered that the application site would be suitable as a housing allocation site. It is also of note that the Inspector stated that the 119 dwellings set out in the site allocation was not a limit and that *'a well-designed scheme may well be able to accommodate a greater number'*. As a consequence, the Local Plan allocation of 119 dwellings is considered not to represent a fixed number and the introduction of additional dwellings in excess of the 119 figure could be acceptable in principle.

Notwithstanding the above, the 119 dwelling figure set out in the Local Plan was reached having regard to the character of the site and the potential impact of development on existing infrastructure.

Paragraph 7.21.9 of the Local Plan states that *'the capacity of M\_19A and M\_19B has been assessed to take account of a significant landscaping buffer that would be necessary to ensure the acceptable design of the site. Allowance has also been made for an existing public right of way. In line with Policy SA3, infrastructure requirements include highway improvements and flood alleviation measures (Moreton Drainage Scheme).*

Local Plan Policy SA3 Strategic Delivery - North Cotswolds states that the strategic infrastructure requirements for the North Cotswolds Sub-Area are:

#### *Healthcare*

- *Expansion or replacement of doctors' surgery in Chipping Campden.*

#### *Flood Management*

- *Flood alleviation bund and channel to the north-west and south of Moreton-in-Marsh*

#### *Highways*

- *Improvements to A429 (Fosse Way), Moreton-in-Marsh*
- *Junction improvements at A429 (High Street)/A44 (Oxford Street), Moreton-in-Marsh;*  
*and*
- *Junction improvements at A429 (High Street)/A44 (Bourton Road), Moreton-in-Marsh*

#### *Education*

- *Expansion of Chipping Campden Secondary School'*

Subsequent to the adoption of the Local Plan in August 2018, the Council formally adopted the Community Infrastructure Levy (CIL) in June 2019. CIL is a planning charge that can be used by local authorities to raise money to deliver infrastructure improvements in their respective areas. A number of the infrastructure requirements identified in Policy SA3 have also been identified as projects that would be funded through CIL. In particular, CIL money is expected to fund the highway and education improvements set out in the aforementioned policy. Moreover, the flood alleviation scheme referred to in Policy SA3 has already been completed thereby helping to address one of the principal infrastructure requirements set out in the respective policy. It is evident that the introduction of CIL has put a mechanism in place which can help to secure infrastructure improvements within and related to the town. On the basis of the plans submitted with this application, it is estimated that the current development could generate approximately £1.6m in CIL contributions which could be used to fund infrastructure improvements in both the town and at Chipping Campden School within whose catchment Moreton-in-Marsh is located. The introduction of CIL will therefore help to mitigate the impact of new development on existing infrastructure.

It is noted that the proposed increase from 119 dwellings to 250 dwellings will result in a material increase in the level of housing being introduced into the town during the Local Plan period. However, as stated by the Planning Inspector in the report on the Local Plan, the housing numbers in the site allocations do not represent a limit on the amount of development that can be introduced onto an allocated site. It is therefore necessary to weigh the impact of the additional numbers against the policies set out in the Local Plan as a

whole. It would not be possible to sustain an objection to this application solely on the grounds that the number of proposed dwellings exceeds the numbers set out in the Local Plan allocation.

The concerns of local residents regarding the amount of development that has taken place in the town over the course of the last decade are noted. In the period between the 1st April 2011 and the 31st March 2020 a total of 776 dwellings were completed in the town (Residential Land Monitoring Statistics 2020). In addition, as of 31st March 2020, housing commitments in the town totalled 220 dwellings. Completions and commitments in the period between the 1st April 2011 and the 31st March 2020 stand at 996 dwellings. In order to place this figure in context the 2011 census indicates that the town had a population 3493 people and contained 1653 households at that time. The town has therefore been subject to a significant level of new housing in recent years. However, it is also of note that the majority of the aforementioned housing has taken place in the eastern part of the town. In terms of residential development, the expansion of the town has therefore largely taken place to the east with little new housing development taking place in the western or southern parts of the settlement. The location of the application site is therefore distinct from other recent residential developments in the settlement. In this respect, the proposed location will appear visually separate from the other large scale residential schemes that have taken place in the settlement over the course of the last decade. The Local Plan allocation helps to re-balance the settlement in terms of the direction of housing growth.

It is noted that the southern part of the settlement has seen other forms of development in recent years. Most notable of these are the North Cotswolds Hospital, doctors' surgeries and Aldi foodstore to the west of the current application site. The aforementioned developments have brought about social and economic benefits for the town and have not raised any significant issues in terms of their impact on existing infrastructure. New services and facilities have therefore been introduced into the town which accompany the recent growth in housing numbers. Moreover, the site is allocated for 119 dwellings in the Local Plan and the Local Plan Inspector considered that the site could potentially accommodate additional numbers in excess of the 119 figure. The current proposal increases the number of dwellings by 131. In considering this increase, it is of note that the proposed development will take place over a number of years (assuming a typical build rate of approximately 50-60 dwellings per annum) with the result that the impact of the proposed development on the town will be gradual, thereby allowing the town to assimilate the new development over a period of time. It is also noted that the Local Plan (paragraph 7.21.1) states that Moreton-in-Marsh is '*widely regarded as the main service centre for the north Cotswolds*'. The town is therefore identified as one of the most sustainable settlements in the District. On balance, it is considered that the town has the potential to satisfactorily accommodate the additional dwelling numbers subject to the scheme not having an unacceptable adverse impact on matters such as infrastructure, landscape, biodiversity, residential amenity etc. The impact of the scheme on such matters will be covered in detail later in this report.

With regard to the proposed level of development, it is noted that the Local Plan allocation of 119 dwellings would equate to approximately 7-8 dwellings per hectare. In contrast, the proposed development equates to around 16 dwellings per hectare which is consistent with many of the edge of settlement residential schemes that have been allowed across the District in recent years. Moreover, in considering whether the proposed scheme represents an appropriate level of development on the site it is necessary to have regard to the following paragraphs from the National Planning Policy Framework (NPPF):

Paragraph 122 of the NPPF states that '*planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) *The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *Local market conditions and viability;*
- c) *The availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *The importance of securing well-designed, attractive and healthy places.'*

Paragraph 123 goes on to state *'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework'*.

It is evident that the Council should seek to ensure that development proposals make an efficient use of land. The Local Plan allocation of 119 dwellings represents a level of development which is discernibly lower than the level of development approved by the Council at other edge of settlement locations across the District in recent years. In addition, there are few constraints on the site to limit the size of the proposed development to the number specified in the Local Plan allocation. In this respect, it is considered that the Local Plan allocation of 119 dwellings does not represent an efficient use of the land having regard to the guidance in paragraph 122. The current proposal is considered to better reflect the aspirations of paragraph 122.

With regard to accessibility to services and facilities, it is noted that the town is served by a railway station and lies on a number of bus routes. The town has a hospital, doctors' surgeries, two main supermarkets (Aldi and Co-op), a post office, a library, primary school, employment estate, garden centre and a variety of town centre shops and services. It also hosts a weekly outdoor market. Leisure facilities such as a swimming pool, gymnasium, squash courts and football pitches are available to the general public at the Fire Service College.

In terms of accessibility to services and facilities the site is located adjacent to the southern edge of Moreton-in-Marsh. The proposed pedestrian access in the north-western corner of the application site will be located approximately 500m from the town centre and 1km from the railway station. Bus stops are located on either side of the A429 adjacent to the western boundary of the application site. The hospital/GP surgery buildings and an Aldi foodstore are located approximately 100-150m from the site.

The route from the north western pedestrian access to the town centre is also relatively flat and extends along dedicated pedestrian footways. A new pedestrian footway would be created within the site (to the east of the hedgerow running alongside the A429) which would link the proposed new vehicular entrance point to the south with the pedestrian access in the north west corner of the site. Pedestrian access can therefore be obtained from the application site to the town centre by dedicated pedestrian footways. Guidance in Manual for Streets (Para 4.4.1) states that *'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.'* The site is considered to be within reasonable walking and cycling distance of a range of services and facilities that would be used on a day to day basis by future residents. As a consequence, it is considered that future residents will not be totally dependent on the use of the private motor car to undertake a range of day to day activities. In light of the town's current designation as a Principal Settlement and the availability of a range of services within reasonable walking and cycling distance it is considered that the site does represent a sustainable location, in terms of its accessibility to services and facilities, for the size of development being proposed.

## **(b) Housing Mix and Affordable and Self/Custom Build Housing**

Criterion 1 of Local Plan Policy H1 Housing Mix and Tenure to Meet Local Needs states that *'All housing developments will be expected 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, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.* The proposed development includes a mix of 1, 2, 3, 4 and 5 dwellings. It is of note that 99 of the proposed dwellings will be 1 or 2 bed units. The proposed development is therefore considered to include a reasonable proportion of smaller, more affordable properties which will be available both for rent and for sale. There is also considered to be a reasonable mix of 3-5 bed units. The overall mix of development is considered to be acceptable and to accord with the requirements of Policy H1. The size of the proposed dwellings also meets the minimum floor space standards set out in the Government's Technical Housing Standards - Nationally Described Space Standard document.

With regard to affordable housing, the applicant is proposing to provide 100 dwellings for affordable rent/shared ownership. The proposed contribution accords with the 40% provision set out in Local Plan Policy H2 Affordable Housing. The proposed mix of housing will be 70% rent and 30% shared ownership which also accords with the Council's standard requirements. The proposed affordable housing will be spread throughout the application site. The design, materials and appearance of the affordable units will also be consistent with the open market units thereby ensuring that the development will appear tenure blind as required by criterion 5 of Policy H2. The provision of the affordable housing will be secured through a S106 legal agreement.

With regard to self/custom build housing, Local Plan Policy H1 seeks to secure 5% of dwelling plots for sale as serviced self or custom build plots subject to such demand being identified on the Council's self-build and custom housebuilding register. The applicant is agreeable to such an arrangement and has allocated 12 plots in the south-eastern corner of the site as self-build/custom house build serviced plots. The provision of self/custom build plots will be covered in a S106 legal agreement. The proposed development is considered to provide an adequate supply of self-build and custom house build plots in accordance with the requirements of Policy H1. The Council has a duty to provide an adequate supply self/custom build plots. The current proposal will make significant contribution to this requirement.

The provision of the affordable/custom/self build housing is considered to represent a significant benefit.

## **(c) Design and Impact on the Character and Appearance of Moreton-in-Marsh Surrounds Special Landscape Area (SLA) and the Setting of the Cotswolds Area of Outstanding Natural Beauty**

The application site is located within Moreton-in-Marsh Surrounds Special Landscape Area (SLA). It is bordered to the west and north by the Cotswolds Area of Outstanding Natural Beauty (AONB).

The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN1 Built, Natural and Historic Environment states:

*'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*

- a. *Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
- b. *Contributing to the provision of multi-functional green infrastructure;*
- c. *Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. *Seeking to improve air, soil and water quality where feasible; and*
- e. *Ensuring design standards that complement the character of the area and the sustainable use of the development.'*

Local Plan Policy EN2 Design of the Built and Natural Environment

*'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'*

Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. *'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*
2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'*

Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *'In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*
2. *Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'*

Local Plan Policy EN6 Special Landscape Areas states:

*'Development within Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity'.*

In terms of national guidance, the following guidance in the NPPF is considered applicable to this application:

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes'* and *'recognising the intrinsic character and beauty of the countryside'*.

On the basis of the SLA designation Officers consider that the site falls within a valued landscape.

Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*

The defining characteristics of the SLA are set out in the Special Landscape Areas Review Landscape Context and Physical Changes Final Report May 2017 which was prepared as part of the Local Plan process. The report divides the Moreton-in-Marsh Surrounds SLA into two Landscape Character Types (LCTs) - Undulating Lowland Vale LCT to the north of Moreton-in-Marsh and Pastoral Lowland Vale LCT to the south of the settlement. The application sites falls into the Pastoral Lowland Vale LCT which is described in the Special Landscape Areas Review document as:

*'The Pastoral Lowland Vale LCT runs south from the watershed and is contiguous with the Pastoral Vale LCT within the AONB to the west. All the key characteristics apply to the southern part of the SLA either side of Moreton-in- Marsh. In summary, they include:*

- Farmed pastoral vale with flat or gently undulating land defined by the rising slopes of the (virtually surrounding) Farmed Slopes (in the AONB).*
- Pattern of rivers and streams, dominated by the River Evenlode and its tributaries.*
- A generally secluded, intimate scale landscape, interspersed with areas of open character where vegetation cover is minimal and more expansive views are possible from locally elevated areas.*
- Productive and verdant landscape predominance of improved and semi-improved pastures together with areas of arable land.*
- Areas of wet meadow and species rich grassland bordering river channels.*
- Varied field size, although the pastoral land is generally within small to medium scale fields and arable in larger scale enclosures.*
- Network of hedgerows of varying height and condition with intermittent hedgerow trees.*
- Limited woodland cover, although in places hedgerow and waterside trees combine with woodland copses to create a sense of well wooded character.*
- Generally sparse settlement pattern dominated by scattered farmsteads and dwellings.'*

In addition to the above, a study of the visual and landscape quality of the land to the south of Fossey Avenue was undertaken in 2014. The report titled 'Study of Land Surrounding Key Settlements in Cotswold District: Update' (October 2014) produced by White Consultants on behalf of the Council makes the following comments about sites M\_19A and M\_19B which at the time extended further south than the current Development Boundary:

## Site M\_19A

### DESCRIPTION:

*The site is a large arable field on the southern edge of the settlement and part of the field to the south. These are gently rolling and slope towards a watercourse/tributary of the Evenlode in the open countryside to the south. The two fields are separated by an outgrown hedge with trees which helps screen the existing linear housing edge in maturing gardens to the north in views from the A429 Fosse Way approaching the settlement from the south. This road is busy and with the housing reduces the tranquillity of the site. Beyond the road to the west is the recent North Cotswold Hospital and a garden centre in relatively discreet dark green cladding. To the east, agricultural land slopes to the railway and then occupies the floodplain of the River Evenlode. A promoted public footpath (Diamond Way) runs on the eastern edge of the site linking the settlement with the landscape to the south.*

### LANDSCAPE SENSITIVITY:

*Evaluation: High/medium*

#### *Justification:*

*The site is susceptible to development for housing in respect of it being open to views from the south compared to the relatively well screened and mitigated settlement edge and clearly extending the settlement southwards. It also lies adjacent to the Diamond Way. It also lies within the SLA which includes the countryside to the south. The most sensitive part of the site is the portion of field to the south of the hedgerow. Any development here would be essentially linear and unscreened or mitigated for a considerable time and would be very clearly visible. It would detract significantly from the countryside to the south and the approaches. The field to the north would be less sensitive due to the mitigation of the hedge and would reflect the extent of the hospital to the west. It would be important for it to act as a positive gateway development to the settlement and address the Fosse Way and countryside carefully.*

## Site M\_19B

### DESCRIPTION:

*The site is a medium-sized arable field on the southern edge of the settlement gently sloping towards the River Evenlode to the east. The railway lies to the east with occasional trains. Beyond this is the floodplain with pastoral fields. An outgrown hedge lies to the south and the existing linear housing edge in maturing gardens lies to the north. The A429 Fosse Way lies to the west beyond a large field and is audible and with the housing reduces the tranquillity of the site to an extent although the site is orientated away from it. Beyond the road to the west the recent North Cotswold Hospital is apparent. A promoted public footpath (Diamond Way) runs on the western edge of the site linking the settlement with the landscape to the south. An agricultural shed lies at Dunstall Farm to the south west. This acts as a small focus in an otherwise structure free landscape. The site lies in an SLA.*

### LANDSCAPE SENSITIVITY:

*Evaluation: Medium*

#### *Justification:*

*The site is susceptible to development for housing in respect of it extending the settlement southwards, visible from the railway and lying adjacent to the Diamond Way. It also lies within the SLA which includes the surrounding countryside. However, development in the field would be less noticeable from the Fosse Way, could be partially mitigated initially by the hedges to the south and south west and would reflect the extent of the hospital to the west. If developed, further mitigation to the countryside would be needed to help soften the edge.*

The application site occupies an area of agricultural land lying adjacent to the southern edge of the settlement of Moreton-in-Marsh. The area to the south of the town comprises a relatively flat agricultural landscape that is characterised by a patchwork of fields bordered by native species hedgerows and lines of deciduous trees. The fields are primarily set to arable use. The existing fields within the application site are characteristic of the wider landscape area to the south of the settlement. The characteristics of the application site are consistent with the Pastoral Lowland Vale LCT.

The southern boundary of the existing settlement (lying along the northern edge of the application site) is currently defined by a long line of post war dwellings. The existing dwellings are of a relatively uniform height and lie in close proximity to one another. The result is a rather hard and abrupt edge to the settlement. There is therefore little transition between the town and the open countryside. At present, the southern edge of the Fosseway Avenue development creates a very distinct boundary to the settlement.

Land to the west of the application is occupied by a range of post war buildings of various sizes and designs. A garden centre, hospital, doctors' surgery building and a foodstore occupy land to the west of the A429.

The eastern boundary of the site is defined by a railway line with agricultural land/river lying to its east. The land to the south of the site consists of agricultural fields.

In terms of public views of the site, the principal public vantage point is from the A429 which extends in a north-south direction alongside the western boundary of the site. An existing native species hedgerow extends along the aforementioned boundary and provides a degree of screening of the site from the highway. The character of the southern approach into the town is also heavily influenced by existing development located to the west of both the A429 and the application site.

The other main public view of the site is from Public Right of Way (HMM8) which extends in a north-south direction through the eastern part of the site. The Right of Way extends from Fosseway Avenue in the north and links to a footpath network lying to the south and south-east of the settlement. Views of the A429, North Cotswolds Hospital and garden centre are available from the Right of Way together with more distant views of the higher land around Sezincote and Bourton-on-the-Hill which are located approximately 3km to the west of the application site. Long range views of the site are available from the A44 as it passes through Bourton-on-the-Hill and from the Sezincote to Longborough road to the south-west of the site.

Public views from the public footpath network to the east and south are largely screened by vegetation.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application. The LVIA has assessed the proposed scheme from a number of short, medium and long range public vantage points. With regard to views from the A429, the LVIA considers the sensitivity of the aforementioned receptor to be low given that the majority of people using the highway will be road users whose focus will be on the road. It therefore has a lower sensitivity than a Public Right of Way which would be more likely to attract users

who are seeking to experience views of the wider area. In addition, the character of the site when viewed from the A429 is heavily influenced by existing development to its west and also by the backdrop of existing residential development located to the north of the site. The southern approach into the town to the west of the application site already has a developed character. In addition, the proposed development seeks to retain the existing roadside hedgerow and to set housing back approximately 20m from the road. The proposed scheme will therefore retain the soft roadside edge that currently exists alongside the eastern side of the A429. There will be a transitional landscape area between the highway and built development. In addition, the proposed dwellings fronting the A429 will be 2 storey in height and are therefore considered to be of a size that will not appear unduly prominent when viewed from the aforementioned highway. The LVIA considers that the magnitude of change arising from the development when viewed from the A429 to be low. In light of the retention of the roadside hedgerow, new planting, the setback position of the dwellings, the size and scale of the dwellings and the site context, Officers concur with this finding.

With regard to views from the A429 further to the south, it is of note that there is an existing hedgerow/line of trees extending along the southern boundary of the site. In combination with roadside hedgerows, it is considered that existing vegetation will provide a significant degree of screening of new development on the north bound approach into the settlement. Whilst parts of the proposed development will be visible from the highway, the views that are available currently place Fosseway Avenue as a backdrop. Existing housing on the aforementioned road extends along the full length of the northern boundary of the application site. Views from the A429 are therefore already influenced by existing residential development to the north of the site. In addition, the applicant is proposing to introduce additional landscape planting along the southern edge of the site to further reduce the visibility of development from the A429. The LVIA identifies the magnitude of change to be very low and the effect of the proposed development on the landscape to be negligible.

It is noted that Paragraph 7.21.9 of the Local Plan makes reference to the creation of a significant landscape buffer within the site. However, Local Plan Policy S18, which allocates the site for housing, does not make reference to a landscape buffer. In addition, no design briefs/masterplans were prepared as part of the Local Plan allocation process to clarify the extent of landscape buffers within the site. Moreover, the Local Plan Inspector did not specify the need to include such a requirement in the policy. In paragraph 148 of his report, the Inspector states *'provided that development was appropriately designed and landscaped, it would cause only limited harm to the setting of the town and surrounding rural landscape when seen from the main road or from further away in the AONB'*. The current scheme provides landscape buffer zones around the edge of the entire development. In addition, a new orchard is proposed adjacent to the site's southern boundary and new planting is proposed within and around the site. Whilst it is noted that built development will extend to within 15-20m of the southern boundary of the site, it is also noted that existing boundary hedging and trees will be retained and enhanced. Moreover, development along the southern part of the site will be relatively low density with spaces created between dwellings. In addition, the dwellings will be a mix of 1 and 2 storey units thereby creating variety in the roofline of the south facing part of the development. The Council's Landscape and Heritage and Design Officers raise no objection to the southern edge of the proposed development or the relationship of the site with the adjacent countryside. It is considered that a sufficient landscape buffer has been provided around the scheme and that the proposed development accords with Local Plan Policies EN2, EN4 and EN6 in this respect.

The other main public view of the site is from the Right of Way that extends through its eastern half. The Right of Way is deemed to be a high sensitivity receptor. It also extends through a relatively flat landscape that affords views across the site and to the hills to the west of the settlement. However, the aforementioned views are also heavily influenced by existing development to the west and north of the site. The development adjacent to the

A429 interrupts views of the hills to the west of the town. Passing traffic on the A429 is also discernible from the Right of Way. In addition, a railway line is located 180m to the east of the footpath. Whilst the proposed development will significantly change the open agricultural character of the site experienced from the Right of Way, the character of the site and the experience of the users of the Right of Way are already affected by built development. Moreover, the principle of introducing development onto the site in landscape terms has already been established through the allocation of the site for residential purposes in the Local Plan. Whilst the LVIA states that the proposed development will result in a high/very high magnitude of change to the landscape when experienced from the Right of Way and, that it will have major/moderate effects, it is also necessary to take account of the fact that the introduction of residential development onto the site has already been endorsed through the Local Plan process.

With regard to the impact of the proposal on the users of the Right of Way, it is noted that the proposed scheme seeks to introduce a landscape corridor alongside the Right of Way. An area of open space and new tree planting will be introduced to the sides of the route. New housing will be set back from the footpath thereby allowing for the creation of a green corridor through the site. Views will also be available along the Right of Way to the open countryside to the south of the site thereby enabling a visual connection with the wider landscape to be retained. Whilst the proposed development will restrict views to the east and west of the Right of Way, the proposed layout and associated landscaping will enable users of the Right of Way to walk through an area of green space rather than overtly built up area. Moreover, the applicant is proposing to introduce a network of new footpaths around the edge of the site which will provide users with a connection to the adjacent countryside. Whilst the experience of the users of the Right of Way will be affected, it is considered that the proposed landscaping in the area around and alongside the Right of Way will help to mitigate the potential impact of the development and will result in route that is still attractive to potential users. It is considered that the scheme has been designed in a manner that is sympathetic to the Right of Way.

With regard to other views, the site can be seen from distance from the area around Bourton-on-the-Hill and Sezincote. However, it is also seen in context with the existing settlement and, in particular, the development extending alongside the western side of the A429 and the existing post war housing located to the north of the site. The site forms part of wide expansive landscape views and forms a minor part of those views. The proposed development is considered not to have an adverse impact on the views experienced from the higher ground to the west of the town.

Public views from the east and south are relatively restricted by virtue of the existing vegetation, distance and the relatively flat nature of the landscape. The LVIA identifies the magnitude of change to be very low and the landscape effects to be minor or negligible. Officers agree with these findings.

It is considered that the proposed scheme, by virtue of the landscape buffers around the edge of the site, the proposed landscaping, the density of development around the edges of the site and the creation of open spaces within the site, will respond in a sympathetic manner to its location within the SLA. The character of the site is already heavily influenced by existing development and its tranquillity affected by the adjacent A429, railway line and existing development. It is considered that the proposed development will not have a *'significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity'*. The proposal is considered to accord with the requirements of Local Plan Policies EN4 and EN6 and guidance in paragraph 170 of the NPPF.

With regard to the setting of the proposal on the AONB, it is of note that the areas of the AONB abutting the site have already been subject to built development. Post war housing is

located to the north of the site and commercial and healthcare development lie to its west. The existing development provides a buffer between the site and the historic part of the settlement to the north and the open countryside to the west. Built development already characterises the edge of this part of the AONB. Moreover, the abrupt edge to the southern edge of the settlement/AONB created by the Fossey Avenue development does not result in a particularly soft transition between built development and the open countryside. The proposed development will create a more informal edge to the settlement. Whilst the agricultural character of the existing fields within the site will be lost, the proposed scheme will introduce significant amounts of new landscaping and a green edge to the development. It is considered to respond sympathetically to its setting. In addition, it is considered that the site can satisfactorily accommodate the additional dwellings in excess of the site allocation without appearing over developed or having an adverse impact on the setting of the AONB. The proposal is considered not to encroach visually into the AONB landscape or detract from its special character. The proposal accords with Local Plan Policies EN4 and EN5 and guidance in paragraphs 170 and 172 of the NPPF.

With regard to design, the applicant has opted to pursue a traditional design approach. The scheme will consist of a mix of 1, 1.5 and 2 storey detached, semi-detached and terraced dwellings. Following discussions with Officers, the design of a number of the dwellings has been simplified to better reflect guidance in the Cotswold Design Code. Detailing and materials have also been amended to better reflect the size and scale of individual dwellings. More formal detailing has been applied to the larger properties whereas smaller units have plainer features such as casement windows, porch canopies or more modest chimneys.

The scheme as a whole has been divided into a number of character areas. The western part of the site is reflective of Cotswold vernacular buildings, the central part of the site consists of more formal traditional designs, the eastern part of the site is characterised by development that is reflective of 19th Century buildings and contains more red brick/blue slate. The southern part of the site is referred to by the applicant as a rural edge and is designed to reflect more rural forms of development. The development will incorporate different styles of development, albeit reflective of traditional Cotswold building forms. Different parts of the site will have different characters thereby avoiding the creation of a uniform form of development across the entire site. This approach is supported by Officers and considered to add interest to the scheme.

Following discussions with Officers, the applicant has agreed to use natural stone for the properties facing onto the A429. Reconstituted stone and red brick will be used elsewhere in the development. Roofs will be covered with artificial Cotswold stone tiles or natural blue slate. Natural stone will also be used for drystone boundary walls. The proposed materials are considered to respond sympathetically to the materials seen in the locality.

The size and scale of the proposed dwellings is similar to existing residential development in the locality. The scheme is considered to respond sympathetically to existing residential development in this respect.

The design of the proposed units is considered acceptable and to accord with the Cotswold Design Code. The Heritage and Design Officer raises no objection to the design of the proposed buildings.

The layout has sought to respect traditional street patterns by incorporating a central avenue with side roads extending perpendicular to its sides. A network of secondary and tertiary roads extend from the main road. The number of cul-de-sacs within the development has been reduced to lessen the impression of a modern housing estate. Linking back roads have been introduced where possible. Grass verges and tree planting has also been introduced along the western part of the main entrance road in order to give interest to the main avenue

and to soften the large areas of carriageway and pavement that typically accompany modern estate developments. Four areas of public open space have also been introduced alongside the main through road along with a network of landscaped footpaths around the edge of the site.

The applicant has sought to introduce green infrastructure (GI) into the development in accordance with the aspirations of the Cotswold Design Code and Local Plan Policy INF7. Paragraph 11.7.5 of the Local Plan states that *'development proposals are required to protect as well as contribute to new and existing GI at a level that is proportionate to the scale, type and location of the development'*. Policy INF7 states that *development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure'*. It also states that *new Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District beyond'*. Paragraph D.66 of the Cotswold Design Code states that *'high quality, well integrated and carefully designed green infrastructure (GI) and landscape provision is crucial to the long term success of developments, ensuring that the maximum multi-functional benefits are achieved for those that live in, work at and visit new developments. The spaces in between new buildings, the surrounding areas, and the connections between a new development and the existing townscape or landscape, are equally important to the design of the structures themselves'*. The submitted scheme incorporates GI within and around the site. The proposed drainage features such as the attenuation basins have also been landscaped in a way to enhance their visual and ecological potential. A network of pedestrian footpaths extends around the site allowing future residents to walk through landscaped areas. The development also links into the footpath network to the south of the site thereby allowing a connection with the open countryside. Open space and landscaping has also been introduced between built areas of the site thereby breaking up areas of built development. The proposed green infrastructure is considered to be a positive addition to the scheme and is considered to help to give the development a greater sense of place. The proposal is considered to accord with guidance in Local Plan Policy INF7 and guidance in the Cotswold Design Code.

The application site is located approximately 470m to the south of the Grade II listed St David's Church. The church tower is currently visible above existing development when approaching the town from the south. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall 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. Considerable weight and importance must be given to the aforementioned legislation. In the case of this application, it is noted that views of the tower are relatively distant and partly screened by roadside vegetation. The tower is also seen in context with residential/town development. The proposed development is of a height and size that is consistent with existing residential development located on the edge of the settlement. The church will continue to form a backdrop to the edge of the settlement as it does at present. The proposed development is considered not to have an adverse impact on the setting of the listed building having regard to guidance in Local Plan Policy EN10 and Section 16 of the NPPF.

Overall, it is considered that the proposed scheme is acceptable in design and landscape terms and to accord with the requirements of Local Plan Policies EN1, EN2, EN4, EN5 and EN6 and guidance contained in paragraphs 127, 170 and 172 of the NPPF.

#### **(d) Access and Highway Safety**

The proposed development will be served by a new vehicular access located in the western boundary of the application site. The access will open onto the A429 Fosseway which is

subject to a 30mph speed limit where it passes the application site. A pedestrian/cycle access onto the aforementioned road will also be created in the north-western corner of the site. It will join onto an existing pavement which extends northwards into the centre of Moreton-in-Marsh.

The eastern part of the proposed development will also link into an existing Public Right of Way (HMM8) that joins Fosseway Avenue in the north to a network of Public Rights of Way to the south of the site. One of the Public Rights of Way (HMM15) extends over a railway bridge located approximately 175m to the south-east of the application site. In addition, there are two pedestrian level crossings that extend from Fosseway Avenue onto land to the east of the railway line. The level crossings are located approximately 80m and 240m respectively to the north of the application site.

The proposed new vehicular access onto the A429 will be located approximately 40m to the north of the southern boundary of the application site. The centre of the proposed access will be located 30m to the south of the entrance serving the North Cotswolds Hospital which is located on the western side of the A429. The proposed entrance has been re-located to the south in order to prevent a potential conflict with the aforementioned entrance serving the hospital. The proposed entrance will have a 6m wide carriageway. Visibility splays of 160m in both directions will be created at the new site entrance. The proposed visibility is in excess of the minimum requirements for a 30mph road and meets the requirements of a 50mph highway. The proposed access is also of sufficient width to accommodate a range of motor vehicles including the Council's refuse vehicles. A right turning lane for north bound traffic will be created on the A429. Gloucestershire County Council (GCC) Highway Officers consider that the proposed access is acceptable in highway safety terms. The pedestrian/cycle access in the north-western corner of the site is also considered to be acceptable.

The concerns of local residents regarding traffic generation and increased congestion along the A429 and at the two mini-roundabouts in the town are noted. The two mini-roundabouts also deal with traffic arising from the A44 which crosses the A429 in an east-west direction in the centre of the town. The applicant's Transport Assessment (TA) has examined existing traffic movements along both the A429 and A44 and also assessed the capacity of the existing mini-roundabouts in the town centre. The TA has also looked forward to 2023 and taken into account future growth arising from committed developments as well as potential traffic growth arising from the development now proposed.

With regard to the new entrance, the submitted Transport Assessment predicts that daily 2 way trips will total 1261 movements (621 in and 640 out). The peak AM period (0800-0900) will generate a total of 145 trips. The peak PM period (1700-1800) will generate 142 trips. The submitted traffic survey records 548 and 444 movements north and southbound in the AM peak and 406 and 627 movements in the PM peak. The TA predicts a ratio of flow to capacity figure at the proposed junction with the A429 of 0.32 during the peak AM period and 0.19 in the PM peak period. A figure of 0.85 would indicate that a junction is approaching capacity. The proposed entrance onto the A429 is predicted to operate within capacity.

With regard to the mini-roundabouts in the centre of the town, the TA predicts that the roundabouts will be operating above capacity by 2023 regardless of whether the current development goes ahead. In order to mitigate the potential impacts arising from the scheme now proposed, the applicant has put forward mitigation measures which could increase traffic flow through the two mini-roundabouts. The mitigation involves widening the approaches to the roundabouts and re-aligning existing splitter islands to increase entry width onto the roundabouts. The proposed alterations would mitigate the additional traffic movements arising from the proposed development. Such improvements can be implemented through CIL.

In considering the issue of traffic generation and highway safety, it is necessary to have particular regard to Local Plan Policy INF4 and paragraph 109 of the NPPF.

Local Plan Policy INF4 states:

*Development will be permitted that:*

- a. Is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*
- b. Creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*
- c. Provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*
- d. Avoids locations where the cumulative impact on congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*
- e. Has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.*

Paragraph 109 of the NPPF states:

*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

In considering the highway implications of this development, it is necessary to take account of the fact that the site is allocated for residential development in the Local Plan. The highway network has been deemed previously to be able to satisfactorily accommodate a development in excess of 100 dwellings. It is noted that the current proposal is for a larger number of dwellings than that set out in the Local Plan allocation. However, the additional numbers of dwelling proposed does not automatically mean that the proposed development will have a 'severe' impact on the road network or conflict with the criteria set out in Policy INF4.

In the context of Policy INF4, the application site is located adjacent to an A road/ bus stops and is within walking and cycling distance of a mainline railway station. It is considered to be well integrated with the existing transport network. The internal layout of the site provides adequate turning and manoeuvring space for service and refuse vehicles and meets GCC Highway Officer's requirements in terms of junction visibility. There is a network of footpaths around the site that will enable future residents to move around the site without conflict with road users. The network of roads within the development has also been designed to reduce vehicle speeds and to provide safe access for both pedestrians and cyclists. GCC Highway Officers are satisfied that the proposed layout meets the requirements for adoption. The internal layout and arrangement of the site is considered to meet the requirements of Policy INF4.

With regard to criterion d of Policy INF4, it is noted that the proposed scheme will introduce additional traffic onto an existing A road. The northbound approach can be subject to tailbacks extending to the south of the town at certain times. Gloucestershire County Council Highway Officers have assessed this aspect of the proposal and are satisfied with the transport data provided by the applicant and that the A429 can safely accommodate the additional vehicle movements. The impact on the road network arising from the proposal is considered not to be 'severe' especially if mitigation measures are undertaken at the town centre roundabouts in line with the recommendations in the submitted Transport

Assessment. It is therefore considered that the proposed scheme does not conflict with Local Plan Policy INF4 or paragraph 109 of the NPPF.

In addition to the above, financial contributions have also been agreed in respect of contributions to scheduled bus services, school transport and community transport (see Financial Contributions & Community Infrastructure Levy (CIL) section of this report for details). The site is also within reasonable walking and cycling distance of a range of services and facilities, including a foodstore and healthcare providers. Future residents will therefore be able to access a range of services and facilities without relying solely on the use of the private motor car.

With regard to car parking, the applicant states that the proposed development will provide 470 allocated parking spaces, 17 unallocated parking spaces and 50 visitor parking spaces. The proposed parking arrangements accord with the Council's Parking Toolkit and the requirements of Local Plan Policy INF5.

The applicant has agreed to the inclusion of a condition requiring the provision of electric vehicle plug in charging points as part of the development.

Network Rail has assessed the potential impact of the development on the operation of its level crossings to the north of the application site. It has no objection to the application subject to a condition requiring the submission of a Travel Plan which will advise future occupiers of the development about safety at level crossings and the availability of other potential pedestrian routes in the area.

Overall, it is considered that the proposed development can be undertaken without having a severe impact on the local highway network or an adverse impact on highway safety. The proposal is considered to accord with Local Plan Policies INF3, INF4 and INF5 and guidance in Section 9 of the NPPF.

### **(e) Education Capacity**

Moreton-in-Marsh is served by a primary school (St David's Primary School located off Church Street in the centre of the town) and one pre-school facility located at the St David's Centre (also on Church Street). The town does not benefit from a secondary school. Pupils of secondary school age attend Chipping Campden School which is located in the centre of Chipping Campden.

Gloucestershire County Council Community Infrastructure (GCC) has provided a response to this application (copy attached) which sets the predicted pupil yield arising from the proposed development. It also provides information on existing pre-school, primary and secondary capacity in the area. With regard to pupil yields, the consultation response predicts that the proposed development will generate 66 pre-school children, 90.2 primary school children and 68.2 secondary school children. The response also identifies that there are capacity issues in all three sectors.

With regard to pre-school/early years provision, GCC advises that *'the DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2 year olds and the 30 hours funded childcare for 3-4 year olds. The take up has been high, which has increased the demand for early years provision and as such developer contributions have a role to play in helping to fund the addition nursery places required as a result of housing growth'*. GCC is therefore requesting a financial contribution towards pre-school/early years provision.

With regard to primary school capacity, GCC advises that *it is not possible to expand St David's Primary School to accommodate the additional 90 pupils forecast to be generated by this development, and there is no other primary school provision within the statutory maximum walking distance of two miles. The nearest primary schools are located in Longborough and Blockley, which are 3.0 miles and 4.1 miles walking distance away respectively. These schools do not have capacity for the additional pupils, no do they have available land within the Council's ownership or control which could facilitate an expansion. GCC will need to seek a new primary school site to the meet the needs of this development and other proposed large developments in Moreton-in-Marsh.* It is evident that the existing primary school in the town does not have capacity to accommodate the development now proposed or any other large residential developments in the town. Notwithstanding this, the town is identified in the Local Plan as the most sustainable settlement in the north of the District and will continue to be a focus for growth in the future. GCC is therefore going to have provide a new primary school within, or near, the town in the future, regardless of whether or not this development goes ahead. GCC has requested a financial contribution which will assist in the provision of such a facility. It is noted that the provision of a new school may take a number of years to come to fruition. However, the current development will also take a number of years to complete. The predicted primary school pupil yield will not be fully realised until after the completion of the development and as such the scheme will not result in the creation of 90 primary school children in the short term. Primary pupil numbers will increase in a gradual manner over a period of years thereby allowing GCC to make provision for additional primary school facilities. Officers have sought clarification from GCC as to whether the consultation response recommends refusal of the application on the grounds on insufficient primary school capacity. However, a further response has not been received to indicate such a stance. GCC will utilise the requested financial contribution towards primary school infrastructure to address capacity issues.

With regard to secondary education, GCC has requested a financial contribution towards the improvement of existing facilities at Chipping Campden School.

The response from GCC identifies that there are capacity issues in the education sector. However, it also recommends that financial contributions are secured to mitigate the impacts of the scheme on existing education facilities. Subject to the contributions satisfying the requirements of paragraph 122 of the Community Infrastructure Levy Regulations 2010 it is considered that the proposed development will not have an unacceptable adverse impact on education services. The financial contributions arising from the proposed development will be addressed in the following section.

#### **(f) Financial Contributions & Community Infrastructure Levy (CIL)**

Financial contributions from the proposed development can be sought through the Community Infrastructure Levy (CIL) process and also through S106 legal agreements.

The CIL process will require the developer to make a financial contribution to the Council prior to the commencement of development (unless a phased payment is agreed). For CIL purposes, the Council and applicant have agreed to a phased scheme of 146 dwellings in the first phase, 92 dwellings in the second phase a subsequent phased arrangement for each of the 12 self/custom build plots. The chargeable rate for qualifying dwellings (open market units) will be £84.03 per square metre. Contributions from CIL will be used to fund infrastructure improvements. Highway works to the A429 and the provision of education infrastructure at Chipping Campden School have previously been identified by the Council as priority projects for CIL spending. It is currently calculated that the CIL contribution from this development will be approximately £1.6m, of which Moreton-in-Marsh Town Council will be entitled to receive 15% (approximately £240,000). The final figure may change but the aforementioned figures give an indication of the likely CIL contribution. Section 143 of the

Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

In addition to CIL, it is possible for financial contributions to also be sought as part of a S106 legal agreement. Such agreements are typically used for projects which fall outside the scope of CIL. In order to be acceptable, a contribution must satisfy the requirements of paragraph 122 of the Community Infrastructure Levy Regulations 2010. The contributions should therefore be directly related to the proposed development, necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to the proposed development.

In the case of this proposal, requests for financial contributions have been received from GCC in respect of pre-school, primary and secondary education, library services, public bus, school bus and community bus services.

The requested contributions are as follows:

Pre-school education - £996,006  
Primary Education - £1,361,208.20  
Secondary Education - £1,414,450.40  
Library Services - £49,000

Scheduled Bus Services - £250,000  
Community Transport - £35,000  
School Bus Services - £218,500

The applicant has agreed to the above stated primary education contribution, library services and transport services contributions. The aforementioned contributions are all considered necessary to make the application acceptable in planning terms and to meet the tests set out in paragraph 122 of the CIL Regulations 2010. In particular, the transport contributions will support school bus services to Chipping Campden School, community bus services and allow for improvements to AM commuter services.

The request for a contribution towards secondary school provision is noted. However, Officers consider that the provision of additional infrastructure at Chipping Campden School can be reasonably secured through CIL rather than through the S106 process. The aforementioned school has been identified previously by this Council as a priority project for CIL spending. The Council has not formally adopted an alternative position in respect of CIL spending and as such the school is still considered to be a priority project. It is noted that GCC has concerns that CIL money will not automatically be diverted to the school. However, it will ultimately be for GCC to make a request for the CIL money and set out how the money will be spent. GCC will also be entitled to request money from the entire CIL pot and will not therefore be limited to the CIL money generated solely by this development. GCC will also be able to apply for CIL money on an annual basis rather than as a one off payment in the case of a S106 contribution. It is considered that infrastructure requirements at Chipping Campden School can reasonably be addressed through CIL rather than through the requested S106 payment route.

The final contribution figure relates to a request by GCC for a S106 payment of £996,006 towards pre-school/early years education provision. The applicant considers that the payment request is unreasonable insofar as the request is based on a pupil yield which it considers to be too high. GCC considers that the development will yield 66 pre-school places whereas the applicant considers that the development will yield 45 places. The applicant indicated initially that GCC had not sufficiently justified its request and as such the applicant was not prepared to make any contribution to pre-school education. Following

discussions with the Case Officer, the applicant is now proposing to make a contribution of £675,855 to pre-school/early years education provision. Notwithstanding this commitment, there remains a difference of approximately £320,000 between the sum requested by GCC and that proposed by the applicant. Officers have therefore had to make a decision as to whether the amount proposed by the applicant is reasonable.

In assessing the two proposals, it is noted that GCC uses a generic pupil yield based on county wide data. The applicant has looked more specifically at the local area. The applicant has also submitted a number of letters to GCC during the course of the application seeking a rebuttal to the points raised in its correspondence. GCC has not provided a detailed rebuttal to the applicant's letters and calculations. A copy of the initial GCC consultation response letter and correspondence from the applicant are attached to this report. In addition, the applicant has also provided the following summary of its position:

*The proposed development would result in additional pre-school children in Moreton in Marsh who are likely to require childcare. There is one pre-school service operating in Moreton-in-Marsh itself, which is based at the St David's Centre on Church Street. This service requires additional capacity to accommodate children arising from the development. To provide additional childcare places to accommodate the needs arising from the development, the Applicant offers a financial contribution of £675,855 towards the provision of 45 early years childcare places within Moreton-in-Marsh. The contribution is based on the take-up of Government funded childcare places within the District amongst eligible 2, 3 and 4 year olds, as derived from Gloucestershire County Council's Childcare Sufficiency Assessment (July 2019) (Page 23 and Executive Summary) and Department of Education data on the proportion of 4 year olds attending school. GCC's current cost multiplier of £15,019 per early years place is applied to achieve the contribution of £675,855. The financial contribution would enable delivery of sufficient childcare places in Moreton to meet the needs arising from the development, minimising the need to travel and enabling childcare to be accessed via sustainable modes of travel, in accordance with the development plan.'*

In light of the lack of a detailed response by GCC to the information submitted by the applicant during the course of the application, Officers do not consider that it would be possible to sustain an objection to the contribution proposed by the applicant. It is therefore recommended that the sum of £675,855 is accepted as a contribution towards pre-school/early years provision. If Members consider that the request from GCC can be reasonably justified in the context of paragraph 122 of the CIL Regulations 2010, then they would be entitled to take a different position.

#### **(g) Impact on Residential Amenity**

The floor area of the proposed dwellings meets the minimum space standards set out in the Government's Technical Housing Standards - National Described Space Standards document. The proposal accords with Local Plan Policy H1 in this respect.

The size, position and orientation of the proposed dwellings accords with the Council's guidelines on light and privacy having regard to guidance in paragraph D.67 1 p. of the Cotswold Design Code and BRE document IP23/12 Site Layout Planning for Daylight. A landscape buffer will also be created between the northernmost dwellings in the proposed development and existing housing located on Fossey Avenue. The proposed dwellings will be set back 25-30m from the northern boundary of the site and will generally be in excess of 40m from the rear elevations of existing dwellings on the aforementioned road. The distance between windows serving habitable rooms will be in excess of the 22m minimum distance set out in the Design Code. It is noted that the rear gardens of a number of properties located at the eastern end of Fossey Avenue are set down below the level of

the application site. However, due to the separation distance between the proposed dwellings/footpaths and the existing gardens it is considered that the proposed dwellings will not have an overbearing impact on existing residents or have an unacceptable adverse impact on residential amenity.

The proposed dwellings will be provided with outdoor amenity space which is considered to be commensurate with the size of the dwellings as required by paragraph D.67.1.r and s of the Design Code.

The proposed development will include a circular pedestrian walkway around the edge of the site which will also act as a trim trail. In addition, the development will include four areas of open space within the site. Two of the areas will be equipped with play equipment which will be aimed at children of varying ages. The future maintenance/management of the open space will be covered by a private management company. The amount and type of open space is considered to be appropriate for the size of development being proposed and in accordance with Local Plan Policy INF2.

With regard to noise arising from the A429 and the railway line, the applicant has submitted a Noise and Vibration Impact Assessment (NVIA) with the application. The report recommends the introduction of additional acoustic measures in the properties fronting onto the railway line and A429 in order to minimise noise disturbance. The details of the measures (window design) can be addressed by condition. The NVIA also indicates that the vast majority of the proposed outdoor amenity space will not be subject to unacceptable levels of noise or vibration due to their positions set back from the road and railway line. The only exception is Plot 20 which is located adjacent to the main entrance into the site. The NVIA states that *'Noise levels in the external amenity area for one proposed dwelling located on the south west boundary of the development (plot 20) is likely to slightly exceed the proposed LOAEL on parts of the external amenity space, due to the orientation of the amenity area towards the A429. However, boundary treatment in the form of a 2 m high stone wall is proposed along the western boundary. Calculations indicate that this boundary treatment is likely to provide sufficient attenuation so as to reduce noise levels in the amenity area to below the proposed LOAEL.'* The LOAEL is the Lowest Observed Adverse Effect Level - the level above which adverse effects on health and quality of life can be detected. The submitted details show the provision of a stone wall along the stated boundary in order to mitigate the impact of road noise on the garden area of Plot 20. It is considered that the proposed development can be occupied without future residents being subject to unacceptable levels of noise, vibration or disturbance.

The Council's Environmental and Regulatory Services (ERS) Section consider that the proposed scheme is acceptable having regard to Local Plan Policy EN15.

ERS has also assessed the proposal in relation to contamination. In light of the proximity of the site to the railway line and its previous agricultural uses, ERS Officers recommended further investigation of the eastern field. The applicant has submitted an updated ground investigation report which states *'No significant potential sources of contamination have been identified. Slightly elevated arsenic concentrations have been locally recorded at two locations within the site. The geoenvironmental risks associated with this are considered to be Low as the concentrations were slightly elevated above the assessment criteria. All other determinants tested remained below the initial screening criteria.'* The ERS Officer has recommended the attachment of a condition requiring further investigation and remediation if necessary. Subject to the attachment of such a condition, it is considered that the proposed development is acceptable in terms of contamination matters.

Overall, it is considered that the proposed scheme can be undertaken in a manner that will not have an adverse impact on the residential amenity of existing or future residents.

Sufficient outdoor open space is also provided within the development. The proposal is considered to accord with Local Plan Policies EN2 and EN15.

#### **(h) Flooding and Drainage**

The proposed housing and gardens will be located within a Flood Zone 1 wherein residential development can be acceptable in principle. However, it is noted that the northern boundary of the site lies adjacent to a drainage ditch and that the eastern part of the northern boundary of the site has experienced flood events in the past. In addition, surface water from the proposed development will be directed towards an outlet located within a Flood Zone 3 to the south of the application site. The site is therefore located in area which has experienced drainage issues in the past.

The applicant has submitted a Flood Risk Assessment (FRA) with the application. The FRA identifies that the underlying geology of the site is such that infiltration drainage is unlikely to be viable on the site. The proposed surface water drainage strategy seeks to mitigate the effects of the development by introducing on site storage features into the development scheme. The storage will take the form of swales, attenuation basins and an attenuation pond. The water collected in these features will then be discharged via a swale to Stow Brook which is located approximately 550m to the south of the application site. The proposed scheme would limit the flow of surface water leaving the site to a level at or below existing run-off rates taking into account a 40% increase arising from climate change.

The proposed scheme has been assessed by Gloucestershire County Council (in its role as Lead Local Flood Authority) and the Environment Agency. Neither party raises an objection to the application subject to conditions. Network Rail has also raised no objection on surface water grounds subject to a condition ensuring that the drainage scheme does not have an adverse impact on its assets.

The concerns of local residents regarding flooding and drainage are noted. In particular, it is noted that the eastern part of Fossey Avenue was badly affected by the 2007 flood event. In the intervening period, the Council has implemented a flood alleviation scheme which directs surface water to the west and south of the settlement. As a result, less surface now arrives in the town and less water is diverted along the drainage ditch extending along the northern boundary of the site. Whilst there are areas of standing water in the application fields following periods of heavy rainfall, it is considered that the proposed attenuation and mitigation proposed by the applicant will ensure that the development can be undertaken without posing an unacceptable risk of flooding to the area.

With regard to foul water, Thames Water states that its network has capacity to accommodate up to 50 dwellings at the present time. The network will need to be upgraded to accommodate additional units. However, Thames Water is satisfied that this can be addressed by way of condition.

It is considered that the proposed development accords with Local Plan Policy EN14 and Section 14 of the NPPF.

#### **(i) Impact on Protected Species**

The application site primarily consists of two open agricultural fields separated by a Public Right of Way. Native species hedgerows and trees extend along the south and western boundaries of the site. The northern boundary of the site is defined by a drainage ditch, to the north of which lies the rear gardens of residential properties. The eastern boundary of the site is defined by the railway line.

The applicant commissioned ecological surveys of the site prior to the submission of the application. The results of the surveys together with an ecological assessment of the site has been submitted with the application. Additional information has also been sought by Officers during the course of the application.

The submitted ecological report states *'The Site itself is dominated by Arable, with Bare Ground, Hedgerows, Improved Grassland, Rough Grassland, Running Water, Scattered Broadleaved Trees and Standing Water. A railway line is located on the eastern boundary of the Site and the Fosse Way is located adjacent to the west of the Site'*. The report identifies the potential for the following species to be present - Badgers, Bats, Breeding Birds, Brown Hare, Hedgerows, Otter, Reptiles and Water Vole. Additional survey work was therefore undertaken in relation to the aforementioned species.

The surveys do not indicate the presence of badgers, water voles, great crested newts, reptiles or otters within the site. Evidence of otters was found in a tributary serving the river Evenlode to the south of the site. The outflow of the surface water drainage scheme into the tributary has been designed to minimise any potential impact on the aforementioned species. Brown hares were identified around the site. However, such species generally range over a wide area and the loss of the two fields is considered not to have a significant adverse impact on the species. A number of bat species were recorded around the southern boundary of the site including a bat roost in a tree in the aforementioned boundary. The southern boundary vegetation also provided the greatest diversity of breeding birds within the site. Skylarks were found to be present within and around the site. The proposed development will result in the loss of breeding areas for the skylarks. However, fields to the south of the site are also in the ownership of the applicant and a condition can be attached requiring the provision of 2 x 16sq metre skylark plots per hectare on land adjacent to the site to mitigate the loss of the existing fields.

In order to mitigate the impact of the development, the applicant has submitted a detailed landscape plan which seeks to retain and enhance existing boundary vegetation. In addition, a new orchard, wildflower planting, tree planting, new aquatic areas and wet grassland will be incorporated into the development. A wider range of habitat will be provided within the site than at present. The applicant also proposes to introduce bat lofts and bat, bird, bee and hedgehog boxes into the scheme. The proposed attenuation basins will also be planted with species which will benefit biodiversity. New green infrastructure will also be introduced through the site to encourage biodiversity within the site itself.

Having regard to the allocation of the site in the Local Plan for residential development, together with the ecological measures proposed as part of the submitted scheme, it is considered that the proposed development can be undertaken without having an unacceptable impact on biodiversity or protected species. In addition, suitable enhancement and mitigation measures are also proposed which will ensure that the scheme will have longer term biodiversity benefits. It is also proposed to add a condition requiring the submission of a Construction Environmental Management Plan which will set out measures to reduce the impact of the construction phase of the development on biodiversity. Landscaping/new planting will also be conditioned so that it is managed/retained in accordance with the submitted Landscape Management Plan. The development will also need to be undertaken in accordance with the recommendations and enhancements set out in the submitted ecological surveys and assessment report. It is considered that the proposed development accords with Local Plan Policy EN8 and guidance contained in Section 15 of the NPPF.

## **(j) Climate Emergency**

Following a Full Council meeting on 3rd July 2019, Members adopted a Motion regarding climate change. The Council has committed to reviewing the adopted Local Plan and to producing a Supplementary Planning Document where necessary to ensure that climate change is a strategic priority for new development. This is not yet an adopted policy as part of the current Development Plan, but shows the direction of travel of Council Members.

The current application has sought to introduce extensive areas of landscaping, biodiversity enhancements and measures such as electric vehicle charging points into the development. Financial contributions will also be made to public transport services. The submitted Travel Plan recommends that the first occupant of each dwelling be provided with a voucher which can be used for bus travel or towards the cost of a bicycle/safety/walking equipment/clothes. The site is also within walking and cycling distance of a number of services and facilities including bus and rail services thereby reducing car dependence. The proposed dwellings will also need to meet Building Regulations standards in terms of energy efficiency and construction materials. National and local planning policy and guidance does not currently insist on higher standards. In addition, the site is not subject to a design brief or masterplan requiring carbon neutral or low energy construction/measures. It is considered that the scheme has incorporated a sufficient range of measures aimed at addressing climate change as required by current policy and guidance.

## **Other Matters**

The application site is occupied by two trees which are subject to Tree Preservation Orders (TPOs). A protected oak tree lies in the north west corner of the site adjacent to the A429. A second oak tree lies in the hedgerow that extends in an east west direction across the site. It lies approximately 160m from the A429. The applicant has submitted an Arboricultural Method Statement which includes the introduction of tree protection fencing around the TPO'd trees as well existing hedgerows and those trees to be retained. The Council's Tree Officer has assessed the proposal and raises no objection to the proposal. The application is considered to accord with Local Plan Policy EN7.

The proposed development will result in the loss of agricultural land. However, the loss of the land for agricultural has already been deemed to be acceptable by virtue of the allocation of the site for residential development in the Local Plan.

With regard to archaeology, the applicant commissioned a field evaluation of the site in accordance with advice from Gloucestershire County Council Archaeology (GCC Archaeology). The results of the evaluation have been assessed by the GCC Archaeologist who states:

*I advise that the archaeological investigations previously undertaken on this site have confirmed the presence of widespread boundary ditches forming rectilinear and curvilinear enclosures dating to the later prehistoric and Roman periods. The enclosures appear to relate to multiple phases of agricultural activity located on the periphery of a settlement possibly located to the south.*

*It is clear from the results of the evaluation that the archaeological remains are not of the first order of preservation, since they have undergone erosion from ploughing with the result that all surfaces associated with the remains have been destroyed. For that reason it is my view that the archaeological remains are not of the highest significance, so meriting preservation in situ.*

*On that basis I am pleased to confirm that I have no objection in principle to the development of this site, with the proviso that an appropriate programme of work to record the archaeological remains should be undertaken in advance of the development proceeding.*

The programme of work can be covered by way of a planning condition.

## **9. Conclusion:**

Overall, it is considered that the proposed development accords with national and local planning policy and guidance. The application site is allocated for residential development in the Local Plan. Whilst the proposed number of dwellings exceeds the 119 figure set out in the Local Plan, it is also of note that the Local Plan Inspector acknowledged that the site could potentially accommodate a larger amount. The level of development proposed is considered to be acceptable for the site in landscape and visual terms. The layout, design and landscaping of the proposed development are also considered to be appropriate for the site given its edge of settlement location within an SLA and adjacent to the Cotswolds AONB. It is also considered that the town's infrastructure can satisfactorily accommodate the introduction of 250 dwellings given the length of time that the development will take to complete and the infrastructure improvements that can be secured through CIL or S106 contributions. The concerns of local residents are noted. However, it is considered that the scheme accords with national planning policy and guidance. The provision of affordable/self build and custom build housing are also considered to be significant benefits. It is therefore recommended that the application is granted permission.

## **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be implemented in accordance with the following drawing number(s):

13222/1003G, 13222/3221K, 13222/3230.1U, 13222/3230.2V, 13222/3231/A, 13222/3240 P, 13222/3250 Custom Build Plots, 13222/3260/E, 13222/3400E, 13222/3601F, 13222/3602B, 13222/3603B, 13222/3610G, 13222/3611G, 13222/3612F, 13222/3800C, 13222/5000.1P, 13222/5000.2N, 13222/5000.3P, 13222.SCH002.1, 13222/6090.1A, 13222/6090.2, 13222/6091.1B, 13222/6091.2A, 13222/6091.3B, 13222/6091.4A, 13222/6091.5A, 13222/6092.1, 13222/6093.1B, 13222/6093.2A, 13222/6094.1A, 13222/6094.2A, 13222/6094.3A, 13222/6095.1B, 13222/6095.2B, 13222/6095.3A, 13222/6095.4A, 13222/6095.5A, 13222/6096.1B, 13222/6096.2A, 13222/6096.3A, 13222/6096.4A, 13222/6097.1A, 13222/6097.2B, 13222/6097.3A, 13222/6097.4A, 13222/6097.5A, 13222/6098.1B, 13222/6098.2A, 13222/6098.3A, 13222/6098.4A, 13222/6098.5A, 13222/6098.6, 13222/6099.1B, 13222/6099.2A, 13222/6099.3, 13222/6099.4A, 13222/6100.1B, 13222/6100.2B, 13222/6101.1A, 13222/6101.2A, 13222/6102.1A, 13222/6102.2A, 13222/6102.3B, 13222/6103.1A, 13222/6103.2B, 13222/6104.1B, 13222/6104.2B, 13222/6104.3A, 13222/6104.4A, 13222/6104.5A, 13222/6104.6A, 13222/6104.7A, 13222/6104.8A, 13222/6105.1B, 13222/6105.2A, 13222/6105.3A, 13222/6105.4A, 13222/6105.5A, 13222/6106.1A, 13222/6106.2A, 13222/6106.3A, 13222/6107.1A, 13222/6108.1B, 13222/6109.1A, 13222/6109.2A, 13222/6109.3B, 13222/6109.4B, 13222/6109.5A, 13222/6109.6A, 13222/6109.7A, 13222/6109.8A, 13222/6110.1, 13222/6110.2, 13222/6110.3A, 13222/6110.4A, 13222/6140.1B, 13222/6140.2A, 13222/6140.3B, 13222/6140.4, 13222/6140.5A, 13222/6140.6A, 13222/6140.7A, 13222/6140.8A, 13222/6141, 13222/6141.1A,

13222/6141.2A, 13222/6141.3, 13222/6141.4B, 13222/6141.5A, 13222/6141.6A,  
13222/6141.7A, 13222/6142.1A, 13222/6142.2A, 13222/6143.1E, 13222/6144.1A,  
13222/6145.1, 13222/6145.2, 13222/6200.1B, 13222/6200.2A, 13222/6200.3B,  
13222/6200.4B, 13222/6200.5A, 13222/6201.1, 13222/6201.2, 13222/6202.1,  
13222/6203.1B, 13222/6203.2D, 13222/6204.1A, 13222/6204.2A, 13222/6204.3C,  
13222/6204.4A, 13222/6204.5A, 13222/6204.6A, 13222/6205.1B, 13222/6205.2B,  
13222/6206.1B, 13222/6206.2A, 13222/6206.3B, 13222/6207.1C, 13222/6207.2D,  
13222/6207.3C, 13222/6208.1D, 31793/5512/SK04B, 31793/5519/100 K, 31793/5519/101 H,  
31793/5519/102 H, 31793/5519/103 F, 31793/5519/104 D, 31793/5519/105 D,  
31793/5519/140 J, 31793/5519/141 K, 31793/5519/142 H.

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

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

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed brick colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

6. No bargeboards, exposed rafter feet or eaves fascias shall be used in the proposed development.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

7. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

8. No windows, external doors, garage doors, cills, lintels, verges, eaves, chimneys or porches shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:10 with cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

9. Prior to the first occupation of each dwelling hereby permitted, the windows in the respective dwelling shall be finished in their entirety in a colour that has first been agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

10. The entire landscaping scheme (including ecological enhancements) shall be completed fully in accordance with a timescale first agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

11. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

12. Prior to the erection of any external wall of the development hereby permitted a full 15-year Skylark Compensation Strategy, including copies of landowner agreements and a monitoring strategy incorporating 5-yearly review periods (with the results submitted to the local planning authority), shall be submitted to and approved in writing by the Local Planning

Authority. The approved strategy shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and compensation features thereafter shall be retained for the minimum 15-year period, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that skylarks are protected in accordance with the EC Wild Birds Directive, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. The landscaping and open space shall be managed fully in accordance with the details set out in the Landscape Management Plan reference edp2815\_r0071 dated September 2020.

**Reason:** To ensure that the landscaping is managed in a manner that that will be sympathetic to the character and appearance of the locality in accordance with Local Plan Policies EN2, EN4 and EN6.

14. A 10-year Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before first occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map
- ii. Landscape and ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. An annual work schedule/matrix;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

**Reason:** To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 170, 174 and 175 of the National Planning Policy Framework and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

15. The development hereby permitted shall be undertaken fully in accordance with Section 11 Assessment, Mitigation and Enhancement Strategy of the Update Phase II Detailed Ecological Surveys and Assessment August 2020 prepared by Five Valleys Ecology, as submitted with the planning application.

**Reason:** To ensure that the biodiversity of the site is protected and enhanced in accordance with Local Plan Policy EN8 and the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats & Species Regulation 2017 (as amended).

16. Prior to the creation of the site access onto the A429, a Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To ensure that hedgerows, trees, flora and fauna are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. Before the erection of any external walls of any of the new buildings hereby permitted, details of the provision of bat boxes, bat lofts, bird, bee, hedgehog boxes and gaps in garden fences for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a technical drawing showing the types of features, their location(s) within the site and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

**Reason:** To provide biodiversity enhancement for bats and nesting birds in accordance with the EC Wild Birds Directive, Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170 and 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

18. Before first occupation, details of external lighting outside domestic curtilages shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting outside domestic curtilages be installed without prior consent from the Local Planning Authority.

**Reason:** To protect foraging/commuting bats and other nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170 and 175 of the National Planning Policy Framework, Circular 06/2005 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19. The development hereby permitted shall be undertaken fully in accordance with the recommendations set out in the Arboricultural Method Statement produced by EDP dated September 2020 (Report Ref edp2815\_r012m). All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

20. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on the Tree Protection Plan edp2815\_d059l (Plan EDP2 Tree Protection Plan (Sheet 1 of 3), Plan EDP2 Tree Protection Plan (Sheet 2 of 3), Plan EDP2 Tree Protection Plan (Sheet 3 of 3)) as appearing in the Arboricultural Method Statement produced by EDP dated September (Report Ref edp2815\_r012m) shall be installed fully in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these works are undertaken prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

21. Prior to the first occupation of any dwelling hereby permitted, details (including a timetable for their installation) of play equipment, benches, litter bins and dog waste bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved details and the aforementioned equipment and features shall be retained fully in accordance with the agreed details thereafter.

**Reason:** In order to ensure that suitable development is installed on the site in the interests of residential amenity in accordance with Local Plan Policy INF2.

22. i) No development shall take place on the eastern field until a complete human health risk assessment has been submitted to, and approved by, the Local Planning Authority. If unacceptable risks are found at this site, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

ii) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated in accordance with Local Plan Policy EN15 and guidance in Section 15 of the NPPF.

23. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

24. No dwelling shall be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority. The Travel Plan shall include a walking route map and safety advice regarding level crossings in order to encourage the use of alternative walking routes within the local area. The Travel Plan shall be made available to each dwelling prior to its first occupation.

**Reason:** To minimise use of the level crossings in the interests of public safety.

25. No development approved by this permission shall be commenced until a scheme, including design calculations and construction details, for the disposal of surface water, which shall include the provision and implementation of a surface water regulation system and storage facility, and timetable for its implementation has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully in accordance with the approved details and agreed timetable. Note: no structure shall be within 5m of the railway boundary and no water shall be discharged on the adjacent railway land or into Network Rail's drainage system (including culverts).

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for drainage and flooding.

26. Prior to the commencement of development of any dwelling hereby permitted a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for drainage and flooding.

27. There shall be no occupation beyond the first 50 dwellings until confirmation has been provided that either:

i) All foul water network upgrades required to accommodate the additional flows from the development have been completed; or

ii). A development and infrastructure phasing plan has been agreed in writing by the Local Planning Authority to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

**Reason:** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents

28. The development shall be carried out in accordance with the submitted flood risk assessment reference 31793/5516 Rev H by Stantec dated March 2020 and the following mitigation measures it details:

(i) Finished floor levels shall be set no lower than 300mm above the 1% annual probability flood level with an appropriate allowance for climate change in accordance with Paragraph 5.1.20

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** In order to reduce the risk of flooding to the proposed development and future occupants in accordance with Local Plan Policy EN14 and guidance in Section 14 of the National Planning Policy Framework (NPPF).

29. Prior to the erection of any external walls of any dwelling hereby permitted, a scheme to protect the proposed dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 for the appropriate time period and that the external noise criteria of B8233:2014 is achieved unless otherwise first agreed in writing by the Local Planning Authority.

No dwelling hereby approved shall be occupied until the measures agreed for that respective dwelling have been completed fully in accordance with the details approved by this condition.

**Reason:** In order to ensure that future residents are not subject to an unacceptable level of noise disturbance having regard to the proximity of the application site to an A road and a railway line in accordance with Local Plan Policy EN15.

30. No dwelling hereby permitted shall be occupied until details of the proposed access off the A429 Fosseyway have been submitted to and approved in writing by the Local Planning Authority. The aforementioned highways works shall be carried out fully in accordance with the approved details before the first occupation of any dwelling.

**Reason:** In the interest of highway safety and to ensure that all road works associated with the proposed development are undertaken to a standard approved by the Local Planning Authority in accordance with Local Plan Policy INF4.

31. Prior to commencement of the development hereby permitted details of a Construction Management Plan/ Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- i) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) Routes for construction traffic;
- iii) Any temporary access to the site;
- iv) Locations for loading/unloading and storage of plant, waste and construction materials;
- v) Method of preventing mud and dust being carried onto the highway;
- vi) Arrangements for turning vehicles;
- vii) Arrangements to receive abnormal loads or unusually large vehicles; and
- viii) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

ix) Construction and delivery hours.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development both during the construction phase of the development in accordance with Local Plan Policy INF4.

32. Each dwelling hereby permitted shall be fitted with an electric vehicle charging point prior to its first occupation. The charging points shall comply with BS EN62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

**Reason:** To promote sustainable travel and healthy communities in accordance with Local Plan Policy INF2 and paragraph 110 of the National Planning Policy Framework.

33. No dwelling hereby permitted shall be occupied until details of the proposed arrangements for the future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

**Reason:** In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

34. The development shall be undertaken fully in accordance with Sections 4 Proposed Travel Plan Measures and 5 Implementation, Monitoring and Targets of the document titled Residential Travel Plan Project Ref 31793/5501 Rev Final Date: May 2019 unless alternative measures, implementation, monitoring and targets are otherwise first agreed in writing by the Local Planning Authority.

**Reason:** To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Local Plan Policy INF3 and Section 9 of the NPPF.

35. Prior to the first occupation of any dwelling hereby permitted, each dwelling shall be provided with a functioning water butt fully in accordance with details first agreed in writing by the Local Planning Authority. The water butts shall be retained in working order fully in accordance with the approved details thereafter.

**Reason:** To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff in accordance with Cotswold District Local Plan Policy EN14.

#### **Informatives:**

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at [www.cotswold.gov.uk/go/cil](http://www.cotswold.gov.uk/go/cil).

2. i) The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

ii) Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

iii) Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

3. The development hereby approved includes the carrying out of work on the adopted highway. The developer is advised that before undertaking work on the adopted highway he/she must enter into a highway agreement under Section 278 of the Highways Act 1980 with Gloucestershire County Council, which will specify the works and the terms and conditions under which the works are to be carried out.

Please contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. The developer will be required to pay fees to cover the Council's costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Please contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). The developer will be required to pay fees to cover the Council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

5. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required).

You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

6. Please note that planning permission does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992, including hedgehogs.

For information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If Tree 51 subsequently requires removal or management works, a derogation licence from Natural England is required before any works affecting the areas used by roosting bats (i.e. the dense ivy) are carried out.





- KEY**
- Site Boundary
  - Highway
  - Footpath
  - Retained Water
  - Shared Surface
  - Planting Layout/Private Drive
  - Reserve Open Space
  - Public Landscaping
  - Public Footpath (D&D)
  - Existing or Proposed Paths
  - Existing Trees
  - Existing Imagery
  - Site Collector Point
  - Existing or Proposed Paths
  - Existing Trees
  - Existing Imagery
  - Site Collector Point

# Dunstall Farm - Moreton-in-Marsh

NOTE FOR THE WIDER LANDSCAPE STRATEGY THIS DRAWING IS TO BE READ IN CONJUNCTION WITH INFORMATION PROVIDED BY EDP FOR DETAILED HIGHWAYS AND ACCESS INFORMATION THIS DRAWING IS TO BE READ IN CONJUNCTION WITH STANTEC DRAWING NO. 31778-5512-SK04 A

P. Current version updated  
 O. Highway network information updated. For more information see drawing 31778-5512-SK04 A  
 A. Approved for construction

LG 28/7/20  
 LG 19/9/20  
 LG 20/2/20  
 LG 20/2/20

12277/5003/3P  
 12277/5003/3P  
 12277/5003/3P  
 12277/5003/3P

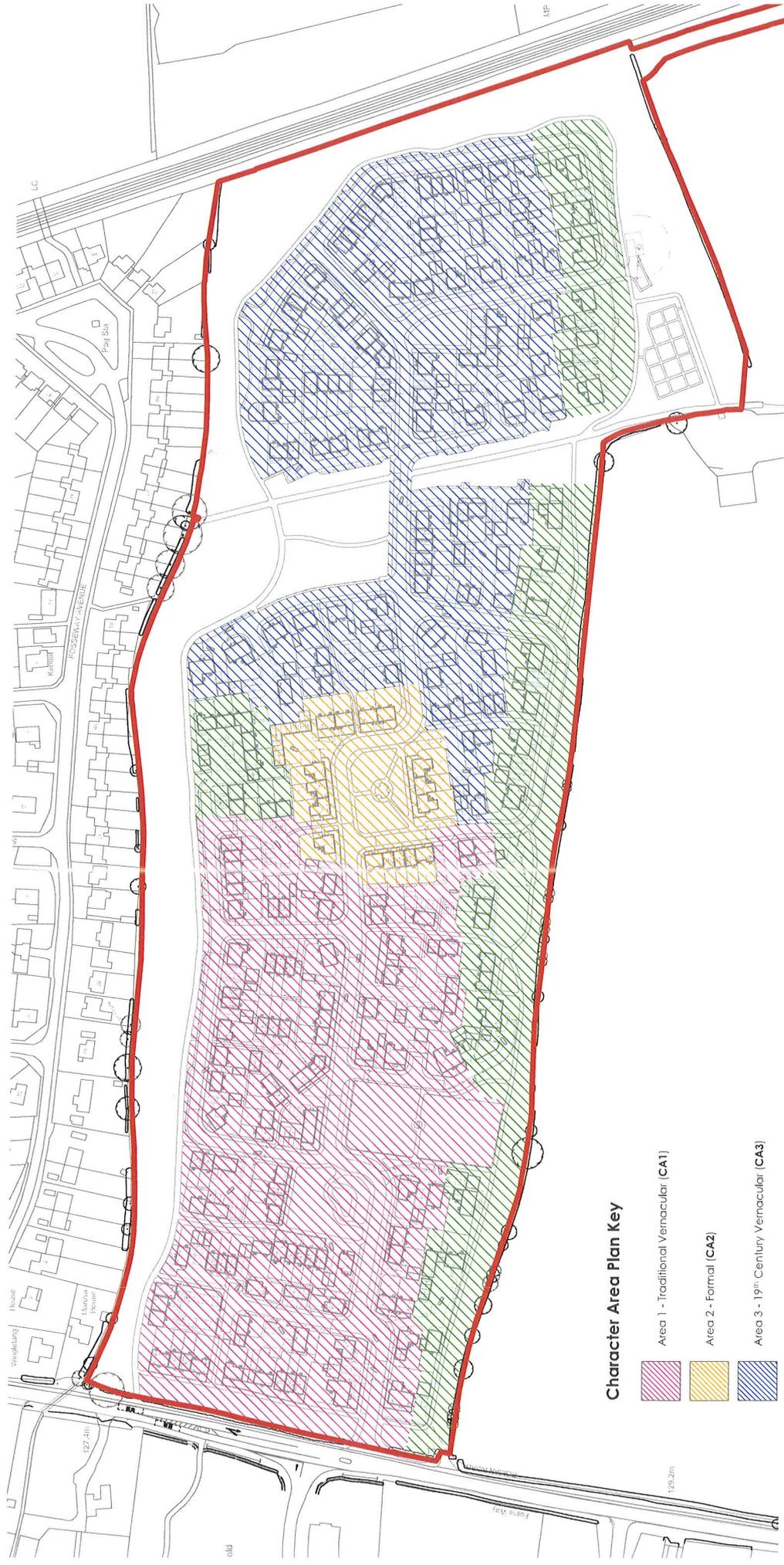
Dunstall Farm, Moreton-in-Marsh  
 Planning Consultancy  
 12277/5003/3P  
 12277/5003/3P  
 12277/5003/3P  
 12277/5003/3P

pad  
 12277/5003/3P  
 12277/5003/3P  
 12277/5003/3P









**Character Area Plan Key**

- Area 1 - Traditional Vernacular (CA1)
- Area 2 - Farmal (CA2)
- Area 3 - 19<sup>th</sup> Century Vernacular (CA3)
- Area 4 - Rural Edge (CA4)

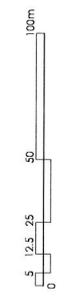
E Site access updated.  
 D Strategy amended to reflect revised planning layout.  
 Amendments

LG 14/9/20  
 LG 14/7/20  
 by Date

**PLANNING**

Job No/Drawing No	Job title
13222/3400E	Dunstall Farm, Moreton-in-Marsh
Scale	Drawing title
1:2000	Character Area Strategy Plan
Date	Drawn
10/1/19	LG
@ A3	
All Dimensions to be checked on site. OS Licence No: 100022432	
pad Design Ltd - The Tobacco Factory - Raleigh Road - Bristol BS3 1TF - tel: 0117 9530559 - www.pad-design.com	

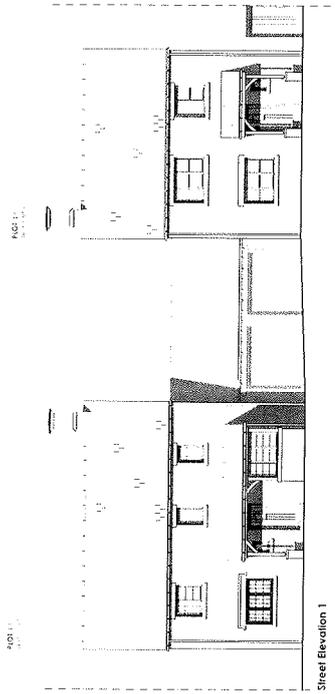
**Dunstall Farm - Moreton-in-Marsh**



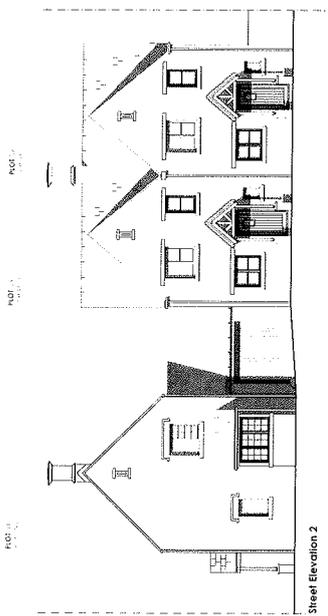




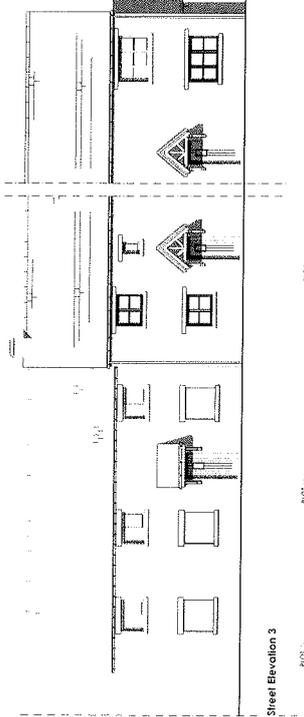




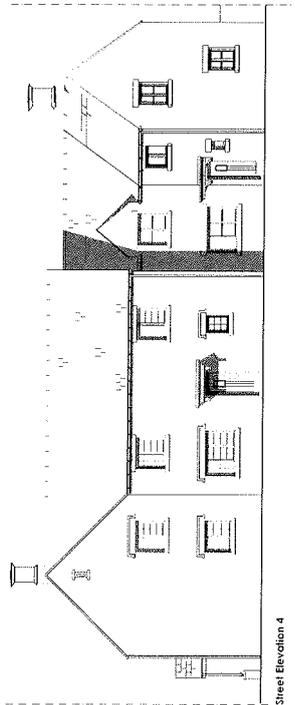
Street Elevation 1



Street Elevation 2



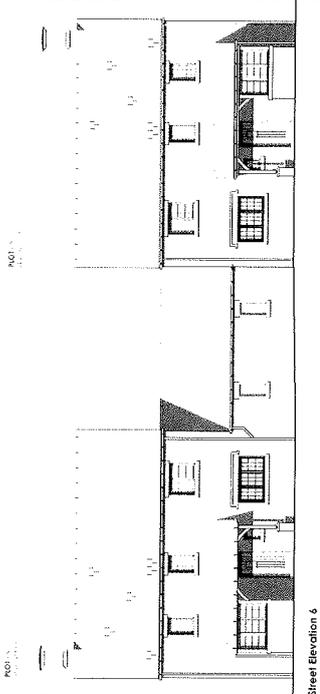
Street Elevation 3



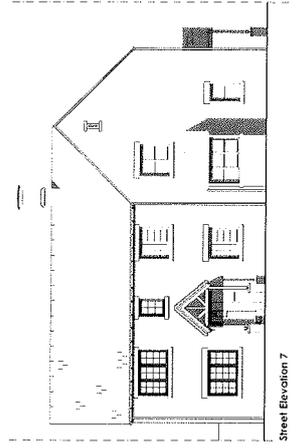
Street Elevation 4



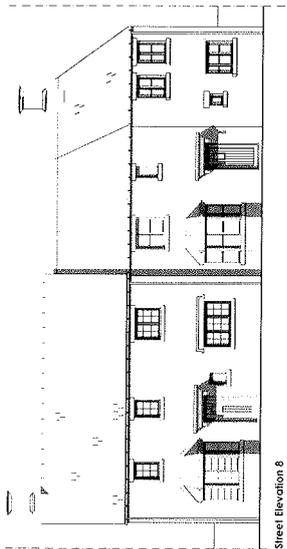
Street Elevation 5



Street Elevation 6



Street Elevation 7



Street Elevation 8

1. Plot to be replaced with residential development.
2. 40% of the plot area to be reserved for public use.
3. All buildings to be constructed to a minimum of 3 storeys.
4. All buildings to be constructed to a maximum of 4 storeys.
5. All buildings to be constructed to a maximum of 12m in height.
6. All buildings to be constructed to a maximum of 12m in height.

PLANNING

LDP/2016/021  
 Planning Application  
 Planning Department  
 City of Edinburgh Council  
 100 George Street, Edinburgh, EH2 2JH  
 Tel: 0131 275 2800  
 Fax: 0131 275 2801  
 Email: [planning@cityofedinburgh.gov.uk](mailto:planning@cityofedinburgh.gov.uk)  
 Website: [www.cityofedinburgh.gov.uk/planning](http://www.cityofedinburgh.gov.uk/planning)







- KEY:**
- INDICATIVE SITE BOUNDARY
  - HIGHWAY BOUNDARY INFORMATION RECEIVED FROM GLOUCESTERSHIRE COUNCIL 04.02.16 AND INTERPRETED BY PBA
  - 2.4M x 160M VISIBILITY SPLAY IN ACCORDANCE WITH THE RECORDED 85TH%ILE SPEED OF UP TO 50MPH. DMRB Y-DISTANCE AND WITH A X-DISTANCE RELAXATION

**NOTES:**

1. THE LAYOUT IS SUBJECT TO DETAILED DESIGN, ROAD SAFETY AUDIT, GROUND INVESTIGATIONS RESULTS & EARTHWORKS MODELLING, UTILITIES & SERVICES AND CONFIRMATION OF LAND OWNERSHIP;
2. THE DETAILED DESIGN LAYOUT WILL BE DESIGNED IN ACCORDANCE WITH ALL RELEVANT DESIGN GUIDANCE AND STANDARDS;
3. THE LAYOUT HAS BEEN BASED ON THE APPROPRIATE DESIGN SPEED FOR OUR CURRENT PROPOSALS;
4. THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT ASSOCIATED DOCUMENTS;
5. THE USE OF THE DRAWING DOES NOT ABSOLVE THE CLIENT FROM THEIR RESPONSIBILITIES IN REGARDS TO HEALTH & SAFETY AND CDM REGULATIONS;
6. TOPOGRAPHIC SURVEY PRODUCED BY MK SURVEYS ON 04.04.2016; AND
7. GEOMETRY FOR SITE ACCESS / HOSPITAL JUNCTION (STAGGERED RIGHT TURN GHOST PRIORITY JUNCTION) PROVIDED IN ACCORDANCE WITH DMRB CD 123 FOR A 50MPH (AS RECORDED SPEEDS). THE KEY GEOMETRY PROVIDED BELOW:

TURNING LENGTH - 10.0M  
 DECELERATION LENGTH - 55.0M  
 THROUGH LANE WIDTH - 3.0M  
 TURNING LANE WIDTH - 3.5M  
 DIRECT TAPER LENGTH - 15.0M  
 CENTRAL ISLAND TAPER - 65.0M

EXISTING NORTH COTSWOLD HOSPITAL ACCESS

SIGN TO BE RELOCATED OUTSIDE OF VISIBILITY SPLAY

VEGETATION WILL BE REQUIRED TO BE REMOVED FROM THE VISIBILITY SPLAY

PROPOSED TRAFFIC ISLAND BETWEEN ACCESSES

PROPOSED 3M SHARED FOOT / CYCLEWAY

SITE ACCESS JUNCTION

FOOTWAY AND CROSSING TO BE PROVIDED BY OTHERS

EXISTING FIELD ACCESS UTILISED AS AN EMERGENCY ACCESS

WIDENING OF A429 REQUIRED TO PROVIDE RIGHT TURN GHOST ISLAND JUNCTION TO THE SITE

VEGETATION WILL BE REQUIRED TO BE REMOVED FROM THE VISIBILITY SPLAY

WIDENING OF A429 WILL IMPACT ON THE EXISTING INFORMAL FOOTWAY. LAND TO BE RESERVED FOR THE PROVISION OF A POTENTIAL FORMAL FOOTWAY, TO BE DELIVERED BY OTHERS

30M STAGGER DISTANCE PROVIDED BETWEEN THE HOSPITAL ACCESS AND THE PROPOSED ACCESS JUNCTION

PROPOSED ILLUMINATED BOLLARDS TO INCREASE CONSPICUITY OF THE TRAFFIC ISLAND

EXISTING GARDEN CENTRE ACCESS

Mark	Revision	Date	Drawn	Chkd	Appd
B	ADDED ILLUMINATED BOLLARD TO TRAFFIC ISLAND	04.03.20	JHo	PC	MW
A	CORRECTED DRAWING NUMBER, ADDED FOOTWAY COMMENT	22.01.20	JHo	PC	-

SCALING NOTE: Do not scale this drawing - any errors or omissions shall be reported to Stantec without delay.  
 UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake their own investigation where the presence of any existing sewers, services, plant or apparatus may affect their operations.

Drawing Issue Status  
**CONCEPT**

**DUNSTALL FARM, MORETON-IN-MARSH  
 PROPOSED NORTHERN ACCESS  
 WITH A 30M STAGGER**

Client <b>SPITFIRE BESPOKE HOMES LTD</b>		 <b>stantec.com/uk</b> <small>Copyright reserved        The copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.</small>
Date of 1st Issue 12.12.2019	Designed JHo	
A3 Scale 1:1000	Checked PC	Approved MW
Drawing Number <b>31793/5512/SK04</b>		Revision <b>B</b>

## Gloucestershire County Council Community Infrastructure Planning Application Representations - Updated

<b>Date:</b> 05 June 2020
<b>To Case Officer:</b> Martin Perks
<b>From:</b> GCC Developer Contributions Investment Team
<b>Application Ref:</b> 19/02248/FUL
<b>Proposal:</b> Erection of 250 dwellings (to include 150 Market Housing and 100 Affordable Housing) with associated vehicular access, landscaping, drainage and public open space (phased development of 149 dwellings in phase 1, 89 dwellings in phase 2 and 12 dwellings in separate phases thereafter).
<b>Site:</b> Land At Dunstall Farm Fosseyway Moreton-In-Marsh Gloucestershire
<b>Summary:</b> Contributions will be required to make the development acceptable in planning terms

### SECTION 1 – General Information

This application has been assessed for impact on various GCC community infrastructures in accordance with the “Local Developer Guide” (LDG) adopted 2014 and revised 2016. The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure.

<https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-developer-guide-infrastructure-and-services-with-new-development/>

The LDG is currently being updated and will be available for public consultation Spring 2020.

The assessment also takes account of CIL Regulations 2010 (as amended)

In support of the data provided please note the following: -

#### Education

- The School Place Strategy (SPS) is a document that sets out the pupil place needs in mainstream schools in Gloucestershire between 2018 and 2023. The SPS examines the duties placed upon GCC by the Department for Education(DfE) and it explains how school places are planned and developed. This document is currently being reviewed and updated.

<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>

- Cost Multipliers - The DfE have not produced cost multipliers since 2008/09, so in the subsequent years we have applied the annual percentage increase or decrease in the BCIS Public Sector Tender Price Index (BCIS All-In TPI from 2019/20) during the previous 12 months to produce a revised annual cost multiplier in line with current building costs, as per the wording of the s106 legal agreements. We calculate the percentage increase using the BCIS indices published at the start of the financial year and use this for all indexation calculations during the year for consistency and transparency.

Pupil Yields – GCC is using the updated Pupil Yields supported by two studies in 2018 and 2019. The updated pupil product ratios for new housing are; 30 pre-school children, 41 primary pupils, 20 secondary pupils and 11 post-16 pupils per 100 dwellings. All data/research produced is available from:

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

- The new LDG will include the most up-to-date PPR.
- This assessment is valid for 1 year, except in cases where a contribution was not previously sought because there were surplus school places and where subsequent additional development has affected schools in the same area, GCC will reassess the Education requirement.
- Any contributions agreed in a S106 Agreement will be subject to the appropriate indices.

#### **Libraries:**

- Gloucestershire County Council has a statutory duty to provide a comprehensive and efficient library service to all who live, work or study in the County.
- New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA).
- The nationally recommended benchmark is now available in the following publication: Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) It sets out a recommended library space provision standard of 30 sq metres per 1,000 population. This is costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010.
- A Strategy for Library Services in Gloucester 2012. This strategy for providing library services is set in the context of two main drivers for change; the technological revolution and the financial situation.

<https://www.gloucestershire.gov.uk/libraries/library-strategy-and-policies/>

[https://www.gloucestershire.gov.uk/media/3413/updated\\_strategy1\\_-64623.pdf](https://www.gloucestershire.gov.uk/media/3413/updated_strategy1_-64623.pdf)

**SECTION 2 – Education and Library Impact - Site Specific Assessment**

SUMMARY: Developer Contributions for: 19/02248/FUL-Land At Dunstall Farm Fosseyway Moreton-In-Marsh Gloucestershire

A summary of the likely contributions is found below ( these figures can be subject to change over time because of for example; updated multipliers and education forecasts).

Please note that on the potential granting of planning permission a decision will be made between the LPA and Gloucestershire County Council (GCC) as to whether the contributions will be secured via S106 or via CIL.

This is an updated assessment based on the new Pupil Yield data.

**Education:**

Please also see attached documents showing full summary table as below and pdf evidencing:

- pupil forecasts,
- school census totals by year group,
- published admission numbers,
- school capacities,
- school walking distances,
- pupil yield calculators, and
- pupil place cost calculators.

The attached evidence forms the basis for the contributions requested towards additional education provision to meet the needs of the additional demand forecast to be generated by the proposed housing development.

**SUMMARY: S106 Developer Contributions - for 19/02248/FUL Dunstall Farm**

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings	Pupil Yield	Max Contribution (£)	
Pre-school	<b>N/A (Chipping Campden Primary Planning Area)</b>	220	66.00	£996,006.00	Full cont
Primary	<b>Primary provision in the Chipping Campden Primary Planning Area</b>	220	90.20	£1,361,208.20	Full cont
Secondary - 11-18	<b>Chipping Campden School</b>	220	68.20	£1,414,450.40	Full cont

Calculation: Multiplier\* x Pupil Yield = Maximum Contribution)

\*Multipliers 2019 (DfE per pupil):

£15,091.00 – Pre-school/Primary

£19,490.00 – Secondary 11-16yrs

£23,012.00 – Secondary 16-18yrs

GCC has included the planning area for each of the phases of education as without further investigation of the schools, an appropriate project may not be achievable on a particular site.

**Pre-school:** Towards additional pre-school places arising from the impact of the development.

Pre-school provision is a very complex area. It is far more open to market forces and parental choice than the Primary and Secondary education sectors and some providers consider certain information proprietary, so they may not share the full picture. Whilst the Education Authority has a statutory obligation to ensure there is adequate provision to enable parents to take up their free entitlement, it is not possible to say definitively that children arising from a development will go to the available provision.

In updated DfE Guidance on securing developer contributions for education provision, GCC has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. The DfE has scaled up state-funded early years places since 2010, including the introduction of funding for eligible 2 year olds and the 30 hours funded childcare offer for 3-4 year olds. The take-up has been high, which has increased the demand for early years provision and as such developer contributions have a role to play in helping to fund additional nursery places required as a result of housing growth .

**Primary:** It is not possible to expand St David's Primary School to accommodate the additional 90 pupils forecast to be generated by this development, and there is no other primary school provision within the statutory maximum walking distance of two miles. The nearest primary schools are located in Longborough and Blockley, which are 3.0 miles and 4.1 miles walking distance away respectively. These schools do not have capacity for the additional pupils, nor do they have available land within the Council's ownership of control which could facilitate an expansion. GCC will need to seek a new primary school site to meet the needs of this development and other proposed large developments in Moreton in Marsh.

**Secondary:** Chipping Campden secondary school is already being expanded to accommodate additional pupils already in the community. This development will give rise to additional pupil places being required which will need to be funded by a contribution from this development .

In support of the increased yields, GCC commissioned an independent review of pupil yields from housing developments in 2018 and the findings of this report were supported by a second review funded by housing developers carried out in 2019. Prior to these reviews pupil yields had remained unchanged for a number of years.

#### **Library :**

The nearest Library is Moreton in Marsh Library

Detailed guidance within the GCC Developer Guide states that:

*"New development will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA)".*

The scheme will generate additional need for Library resources calculated on the basis of £196.00 per dwelling. A contribution of £49,000.00 (250 dwellings x £196) is therefore required to make this application acceptable in planning terms, in accordance with the GCC LDG.

The nationally recommended benchmark is now available in the publication Public Libraries, Archives and New Development A Standard Charge Approach (May 2010). It sets out a recommended library space

provision standard of 30 sq metres per 1,000 population. This is costed at £105 per person. The current GCC figure of £196 reflects the uplift in costs since 2010.

In accordance with the Library Strategy ("A Strategy for Library Services in Gloucestershire 2012, and any updates), where development occurs it will be assessed by the County Council to determine whether it will adversely impact on the existing provision of local library services. In this case the proposed development and increase in population will have an impact on resources at the local library and a contribution is required.

### **SECTION 3 – Compliance with CIL Regulation 122 and paragraph 204 of the NPPF (2019)**

The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area.

Where planning applications are capable of being charged the levy, they must comply with the tests set out in the Regulation 122 of the CIL Regulations. These tests are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change in the amendments is the 'lifting' of the 'pooling restriction' and the 'lifting' of the prohibition on section 106 obligations in respect of the provision of the funding or provisions of infrastructure listed on an authority's published 'regulation 123 list' as infrastructure that it intends will be, or may be, wholly or partly funded by CIL (as a result of the deletion of Regulation 123).

Any development granted planning permission on or after 1 September 2019 may now be subject to section 106 obligations contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 6 April 2010 and authorities are allowed to use funds from both section 106 contributions and CIL for the same infrastructure. However, the tests in Regulation 122 continue to apply.

The Department for Education has updated its guidance in the form a of document entitled "Securing developer contributions for education (November 2019), paragraph 4 (page 6) states that:

*"In two-tier areas where education and planning responsibility are not held within the same local authority, planning obligations may be the most effective*

*mechanism for securing developer contributions for education, subject to the tests outlined in paragraph 1 [ the 3 statutory tests set out in 1.3 above]. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding you need to deliver sufficient school places. We recommend that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified)”*

Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure. Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

The education contributions which are based on up to date pupil yield data are necessary to fund the provision of the additional pre-school, primary and secondary school places generated by this development because there is a lack of capacity in the relevant education sectors to address the increase in the numbers of children needing a place at a local school arising directly from this development. There will be an additional 66 pupils in the pre-school sector, 90 pupils in the primary sector and 68 pupils in the 11-18 secondary sector all needing a place at a local school.

The developer contributions are directly related to the proposed development in that the contributions have been calculated based on specific formulas relative to the numbers of children generated by this development and will be allocated and spent towards improving capacity at the local schools/or in the planning area to enable children from this development to attend a local school .

The contributions are fair and reasonable to mitigate the impacts of the proposed development because they only relate to the additional pupils arising directly from this development to cover the costs of the extra places that will be required. The scale of growth is based only on the numbers of additional pupils arising from the proposed qualified dwellings.

**Libraries:**

The contribution towards the nearest library which is Moreton in Marsh Library is necessary to make this development acceptable in planning terms.

The contribution is directly related to the development in that it would be used towards expansion, increased opening hours/stock and improved facilities to mitigate the impact of increasing numbers of users directly arising from this development.

The contribution is reasonable and fair in scale being calculated by reference to the Public Libraries, Archives and New Development A Standard Charge Approach (May 2010).

**SECTION 4 – CIL/S106 Funding Position**

There are currently no mechanisms or mutually agreed financial arrangements in place between the LPA as CIL Charging Authority and GCC to fund GCC strategic infrastructure from the CIL regime to mitigate the impact of this development as it occurs.

The level of CIL charged on a development is unlikely to cover the amount of developer contributions that would be required to contribute towards the strategic infrastructure necessary to mitigate the impact of this development.

Requested	Update 05/05/2020	District:	Cotswold
Development:	Dunstall Farm, Fosseyway, Moreton in Marsh		
Dev. Postcode:	GL56 0DS	Planning Application:	19/02248/FUL
		Number of dwellings:	250 (220 qualifying dwellings)

	Pupil Yield (2020)	Maximum Contribution	Contribution
Pre-school	66.00	£995,006.00	Full
Primary	90.20	£1,361,208.20	Full
Sec (11-18)	68.20	£1,414,450.40	Full

Planning Area 916	Estab N°	Closest School Name (non-selective)	Distance (Miles/Walking route)	PAN	Building Capacity	Current NOR Jan 2020	Forecast 2020							
							2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
1400	5213	St. Davids CofE Primary School	0.5	45	315	291	284	304	316	326				
2300	5414	Chipping Campden School	7	208	1250	1344	1398	1396	1397	1379	1370	1337	1331	

Secondary Catchment: Chipping Campden School  
 Transport Catchment: Chipping Campden School

Current Census Data - Jan 2020													
Primary planning Area 916	Estab N°	Primary School Name	Distance (Miles/Walking route)	PAN	Building Capacity	Current NOR Jan 2020	R	Y1	Y2	Y3	Y4	Y5	Y6
1400	5213	St. Davids CofE Primary School	0.5	45	315	291	49	42	34	37	46	34	49
Secondary Planning Area 916	Estab N°	Secondary School Name	Distance (Miles/Walking route)	PAN <th>Building Capacity</th> <th>Current NOR Jan 2020</th> <th>Y7</th> <th>Y8</th> <th>Y9</th> <th>Y10</th> <th>Y11</th> <th>Y12</th> <th>Y13</th>	Building Capacity	Current NOR Jan 2020	Y7	Y8	Y9	Y10	Y11	Y12	Y13
2300	5414	Chipping Campden School	7	208	1250	1344	220	215	226	214	199	150	120

**SUMMARY: S106 Developer Contributions - for 19/02248/FUL Dunstall Farm**

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings	Pupil Yield	Max Contribution (£)	Contribution
Pre-school	N/A (Chipping Campden Primary Planning Area)	220	66.00	£996,006.00	Full contribution required
Primary	Primary provision in the Chipping Campden Primary Planning Area	220	90.20	£1,361,208.20	Full contribution required
Secondary - 11-18	Chipping Campden School	220	68.20	£1,414,450.40	Full contribution required



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**Martin Perks**  
**Cotswold District Council**  
**BY EMAIL ONLY**

**15<sup>th</sup> July 2020**

**Cc. Sophie Thomas, Gloucestershire County Council**

Dear Martin,

**REF: EDUCATION AT DUNSTALL FARM, MORETON-IN-MARSH, GLOUCESTERSHIRE  
(19/02248/FUL)**

I hope you are well.

EFM is working on behalf of the developers of the current, submitted planning application detailed above. You will recall we met last year to discuss the development and the implications for education. Since this last meeting, Gloucestershire County Council ("GCC") has responded stating that planning obligations are required in order to mitigate the impact of the development. All planning obligation requests must fulfil the tests of CIL Reg 122. On that basis, the purpose of this note is to explain our review of the planning obligation request from GCC and set out the appropriate way forward for agreeing a level of planning obligations which is consistent with Regulation 122.

In reporting Consultee responses and providing advice to the Planning Committee, you will be aware that the County Council as education and children's services authority (GCC) is, whilst a de facto technical consultee providing advice, an 'other Consultation Body'<sup>1</sup> in the determination of a planning application. You will note that the GCC response relies on a formulaic approach that is based upon matters that GCC is presently consulting on and not its adopted approach. We are troubled by this as it goes beyond the position to that which GCC officers are bound by. This, by virtue of its own adopted procedures, is beyond the powers delegated to its officers. We trust that you will take this into consideration when reporting to your Committee. At all times any planning obligation must satisfy the tests of CIL Reg 122 and should be fully justified when challenged. I set out below our concerns.

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<sup>1</sup> Cotswold Statement of Community Involvement Appendix A



## Current Consultation Response

GCC provided a consultation response to the above development on 5<sup>th</sup> June 2020. This included a request for contributions towards Pre-School, Primary, Secondary, and Sixth Form infrastructure provision. This is summarised below:

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings	Pupil Yield	Max Contribution (£)
Pre-school	<b>N/A (Chipping Campden Primary Planning Area)</b>	220	66.00	£996,006.0
Primary	<b>Primary provision in the Chipping Campden Primary Planning Area</b>	220	90.20	£1,361,208.0
Secondary - 11-18	<b>Chipping Campden School</b>	220	68.20	£1,414,450.0

The figures in Table 1 utilise updated pupil yield figures that GCC state are from survey<sup>2</sup> research of children living on new developments in the GCC area (the Pupil Product Ratio ("PPR") Study). The cost multipliers have been updated<sup>3</sup> also.

GCC state the following:

*In support of the increased yields, GCC commissioned an independent review of pupil yields from housing developments in 2018 and the findings of this report were supported by a second review funded by housing developers carried out in 2019. Prior to these reviews pupil yields had remained unchanged for a number of years.*

The indication from the statement above is that GCC has been seeking a higher child yield from new developments than that which corresponds with their existing Policy and have therefore looked for evidence to justify requesting higher contributions from new developments. The Local Developer Guide that is expected to include these multipliers has now ended its consultation. GCC stated:

*This refresh of the Local Developer Guide will reflect a number of policy changes both nationally and locally. The original consultation period of 1 May 2020 to 29 May 2020 has been extended to 19 June 2020. It is currently proposed that the final version of the Local Developer Guide will be put forward for adoption at GCC's October 2020 Cabinet meeting.*

<sup>2</sup> <https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

<sup>3</sup> <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-developer-guide-infrastructure-and-services-with-new-development/>



EFM has responded to this Consultation with a number of issues, including how the Pupil Product Ratios are worked out. These include, and are not limited to:

- GCC propose that the child yield by number and age is the same for a 2-bed flat and a 5-bed house, which is clearly nonsensical. The likelihood of a 2 bed flat accommodating pupils of school age is slim, whereas a 5-bed house accommodating (often multiple) children of school age is significantly more likely, as it is considered to be “family housing”. This is evident in areas such as Cambridgeshire, who utilise a multiplier of 0.05 Primary age pupils per 2-bed market dwelling, and 0.4 Primary age pupils per 4-bed market dwelling or larger, suggesting the child yield is eight times higher in the larger dwelling. GCC has not taken this into account in their calculations;
- No “small” developments of fewer than 300 dwellings (such as this development) were subject to the study, which will undoubtedly skew the results. Urban Extensions have higher child yields than smaller developments, as they are often designed to appeal to young families;
- GCC’s child yield multipliers are considerably higher than that of their neighbouring Authorities figures. For example:
  - Worcestershire utilise 0.35 Primary aged pupils per dwelling;
  - Oxfordshire differ per District, but average 0.3 Primary aged pupils per dwelling;
  - Somerset utilise 0.32 Primary age pupils per dwelling;
  - Wiltshire utilise 0.31 Primary age pupils per dwelling
  - Warwickshire differ per District, and in some areas request funding for as few as 0.275 Primary pupils per dwelling.
- There is a lack of transparency as to how children attending Independent Schools (approximately 5%), Special Schools, and receive Home Schooling (combined approximately 8%) have been dealt with in the figures.

Along with the issues of inflated Primary School child yields, the same is true of the Pre School child yield multiplier. Government run Early Years provision only accounts for approximately 13.5% of the total places, with the remaining places provided by businesses, charities/trusts, and individuals. A more nuanced approach, in which the implications of the scale of a development and the available local facilities are incorporated into any calculation of need, is necessary before any request is made to a developer for funding.



Furthermore, the GCC Highways response noted that 26.4% of Moreton's population are over 65, and the development is expected to accommodate 139 people of this age. This again calls in to question the appropriateness of a very high child yield, based on large new developments across Gloucester, Tewksbury, and Cotswold, which will have a disproportionately higher child yield than this development.

You are no doubt aware that the current consultation by GCC has received much criticism over methodology and proposals. They are and will remain just proposals for some time. The consultation period was extended and the resulting report and proposals to its Committee will again take some time. National planning policy guidance from MHCLG, supported by DfE guidance, recommends that planning obligations for education are based on recent local experience.

As a result, there are a number of issues with GCC's current approach to requesting planning obligations. They are based on formulae likely to inflate the number of children that will be resident on this development site and will therefore fail the tests of CIL Reg 122 – fairly and reasonably related in scale and kind to the development.

As set out above, that the proposed revised and updated Local Developer Guide is not adopted and is not yet fit for proper scrutiny by the GCC Cabinet. As a result, it is beyond the delegated authority of Officers to apply the updated Local Developer Guide and its pupil yield when requesting planning obligations. It does not form part of the CDC statutory development plan and very limited weight should be afforded to the LDG and child yields in light of the draft status of the document and the extent of unresolved objections pertaining to the document.

For all of the above reasons, CDC should revert to the adopted Guidance<sup>4</sup>, adopted by GCC Cabinet in December 2016 in order to determine the pupil yield from the development proposals

### **Current Adopted Policy**

The child yield that is currently approved by GCC Cabinet can be seen below in Table 2:

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<sup>4</sup> <https://www.gloucestershire.gov.uk/media/14820/gcc-local-developer-guide-update-dec-2016.pdf>



	Houses (developments <90 dwellings)		Houses (developments of 90+ dwellings)		Flats	
	No. Children	Pupil Product	No. Children	Pupil Product	No. Children	Pupil Product
Pre-school*	0.24	0.07	0.271	0.0813	0.074	0.022
Primary School	0.29	0.27	0.30	0.2802	0.029	0.0271

Table 2: Adopted GCC Pupil Yield Multipliers

When applying this pupil yield to the number of qualifying dwellings on this site, you get the following:

- 220 houses x 0.0813 = 17.886 Early Years Pupils;
- 220 houses x 0.2802 = 61.644 Primary School Pupils;
- 220 houses x 0.1698 = 37.356 Secondary School Pupils.

When applying these pupil yield figures to the updated cost multipliers detailed on the GCC website, you get the following:

- 17.886 x £15,091 = £269,917.63 Early Years Contribution;
- 61.644 x £15,091 = £930,269.60 Primary School Contribution;
- 31.13 x £19,490 = £606,723.70 Secondary School Contribution;
- 6.226 x £23,012 = £143,272.71 Post 16 Contribution.

Whilst these multipliers are again not specific to housing type, they are likely to be more in line with the actual pupil yield of this scale of development at this location.

Based on the adopted Policy for pupil yield and the latest cost multiplier, the development proposals should be considered within the context of a potential planning obligation request of **£1,950,183.64** (adopted Policy), rather than the **£3,771,664.60** (currently requested).

We trust that you will come to the same conclusion.



### **Evidence for Primary School Planning Obligations**

Whilst the headline figures appear to indicate that there would be pressure on primary school places within the Chipping Campden Planning Area between 2020-2022, this would precede the occupation of new homes delivered from this development proposal. A general decline in population growth in future years indicates that capacity would become available which could accommodate new pupils. A greater depth of evidence is needed to clarify the capacity which could be available to accommodate pupils from this development.

### **Evidence for Early Years Planning Obligations**

GCC's planning obligation consultation response of 5<sup>th</sup> June 2020 includes a request for contributions towards Early Years provision. However, evidence of need for this element has not been properly demonstrated. Without evidence presented that a) the currently operating Early Years providers do not have sufficient capacity to accommodate the children this development is forecast to accommodate, and b) the PVI sector cannot accommodate any further children without extended facilities, then planning obligations cannot be considered to be required.

GCC produced a Childcare Sufficiency Statement<sup>5</sup> in July 2019. This document states for the Cotswolds area:

*In the Cotswolds, the number of early years providers in this area has remained static over the last year for both childminders and daycare providers.*

*There is an even split between childminders and daycare providers, with daycare providers offering the highest number of registered places.*

There is no suggestion in the document that additional provision is required to accommodate the growing population, or that there is forecast to be any future pressure that cannot be dealt with without the need for expansion.

On that basis, the request cannot be considered to be necessary to make the development acceptable in planning terms, and should be disregarded.

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<sup>5</sup> <https://www.gloucestershire.gov.uk/media/2093666/gloucestershire-childcare-sufficiency-assessment-summary-2019.pdf>



### **Community Infrastructure Levy**

Additionally, there is the implication of the Community Infrastructure Levy (“CIL”). The Cotswold District Council (“CDC”) Regulation 123 List includes the following:

***Chipping Campden – Expansion to Chipping Campden secondary school. Solution to be defined later in the plan period***

Chipping Campden Secondary School is the closest school to this development. Accordingly, it is inappropriate for GCC to request S106 funding for expansion of this school (as per Table 1) when funding is allocated to this project via the CIL; it is double-counting. To seek financial contributions via S106 would not comply with R122 on the basis that it is not necessary to make the development acceptable.

When the CIL Regulation 123 Lists were examined in public and the CIL charging rates approved by the Inspector, lower rates per m<sup>2</sup> were approved for strategic sites than for other sites on the basis that strategic sites provided schools, etc. This, and all the implications for viability, appear to have been forgotten. For GCC to then seek an additional sum, equivalent to the total cost of places required, cannot then be considered to be “fairly and reasonably related in scale and kind”, as required by CIL Regulation 122 – as the scale of funding sought would be disproportionate. Accordingly, this element of the planning obligation request should be removed.

It should also be noted that GCC requested funding towards Secondary Education from the Evenlode development (19/00086/OUT); however, nothing was secured in the Section 106 agreement. We trust that the rationale for this decision are consistent with the reasons outlined above, and that you will take the same pragmatic approach to this development when considering what is required to be secured in the Section 106 agreement.

### **Conclusions**

The LPA is required to determine applications in accordance with the Development Plan unless there are material considerations indicating otherwise. There are significant issues with the Consultation Response from GCC in both scale and type. It is to be noted that the MHCLG and the DfE have put in place planning guidance that confirms a fallback position for funding school places so that the LPA is allowed to determine residential applications in accordance with the Development Plan and the government priority for housing delivery. Any response from GCC education is not a material consideration.



First, to be CIL Regulation 122 compliant the determination of this application must respect the child yield figures in the GCC adopted Local Development Guide (2016). In addition, whilst the headline figures appear to indicate a current pressure on primary school places within the planning area, a greater depth of evidence is necessary to understand the available capacity in future years, which could identify capacity to accommodate a significant proportion of the pupil yield from this development proposal.

Secondly, expansion of Chipping Campden Secondary School is covered by the Community Infrastructure Levy R123 list and therefore, Section 106 contributions are not necessary to make the development acceptable, nor fairly and reasonably related to the development in scale and kind.

Finally, it is evident that GCC has not fully justified the need for Early Years planning obligations, as there has been no evidence provided that the existing facilities could not accommodate the children on this development, or that Private Entities are unable to accommodate the current or future demand for places.

The developers of this development are willing to offer a contribution that is justified and CIL Reg 122 compliant, and would support the application being determined subject to a Section 106. It is clear from our research that the S106 planning obligation due should be based around Primary Education only (**up to a maximum of £930,269.60** as per the fifth bullet point on page 5 and subject to a greater depth of evidence of forecast capacity).

I would be very grateful for your feedback on these matters at your earliest convenience. Please let me know if anything is not clear, or you wanted to discuss further.

Kind regards,

**Ben Hunter**  
Education Consultant  
EFM

## Martin Perks

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**From:** George Yates <George.Yates@knightfrank.com>  
**Sent:** 15 September 2020 16:57  
**To:** Martin Perks  
**Cc:** Sophie Smith; Tom Stanley  
**Subject:** RE: 19/02248/FUL Dunstall Farm - Pre-school contributions  
**Attachments:** CEYSP\_2019\_Report (1).pdf

Dear Martin

Thank you for your email of 14 September regarding pre-school contributions. We have taken the opportunity to review your response and with the lack of any further update or evidence from GCC we felt it would be useful to set out the evidence that we have collated in reference to the requested pre school contribution. We hope this provides you with the information you need to make a conclusive decision on this contribution with the evidence before you.

With reference to EFM's briefing note of 28 August attached to my email of 1 September, it is evident from GCC's own data that the take up by eligible children of early years childcare is lower than the child yield proposed within GCC's consultation response.

The draft LDG applies a yield of 30 children per 100 eligible dwellings. This equates to 66 children of pre-school age based on 220 eligible dwellings on the application site. However, the Gloucestershire CC's Childcare Sufficiency Assessment (2019) (<https://www.gloucestershire.gov.uk/media/2093666/gloucestershire-childcare-sufficiency-assessment-summary-2019.pdf>) clarifies the proportion of those children who are eligible for and take-up early years funded childcare in Gloucestershire and for which the LEA is responsible for ensuring adequate provision (see Executive Summary and Page 23).

In respect of 2 year olds, only 43% are eligible for funded places, of which 76% take up to 100% of the funded hours available. For the remaining year groups, the combined figure for 3-4 year olds of 96.4% is applied. Of those aged 4, 28% are in reception class at primary school according to the attached survey of childcare and early years undertaken by the Department of Education (**see attached, Section 1, third paragraph**).

Based on this data, the number of pre-school children yielded from the proposed development which would take-up some early years childcare is as follows:

66 children aged 2, 3 and 4, split evenly across the 3 years, equates to 22 children per year.

2 year olds = 22 x 43% eligible for funded places of which 76% take up = (22 x 43%) x 76% = 7.2

3 year olds = 22 x 96.4% = 21.21

4 year olds = (22 x 96.4%) x 78% = 16.5

### **TOTAL PRE-SCHOOL TAKE UP BASED ON GCC CHILDCARE SUFFICIENCY ASSESSMENT = 44.91**

Based on a demand for 45 pre-school places (rounded up) arising from Dunstall Farm, a maximum contribution of £675,855 is calculated, based on the up to date cost multiplier (£15,091).

Therefore, notwithstanding the available capacity within the early years sector within the wider Chipping Campden Planning Area, **we are proposing a contribution towards pre-school of £675,855** on the basis the forecast take up of early years provision to ensure the provision of adequate places in the Moreton area.

We hope the evidence above is clear and that we can agree on this contribution in order to allow you to support the application and move towards the 14<sup>th</sup> October committee date.

If you have any queries or concerns, please do let me know.

Kind regards  
George

## COTSWOLD DISTRICT COUNCIL

### REGISTER OF MOTIONS

*Motion 1/2020*

Meeting: Council

Date: 15 July 2020

Submitted by: Councillor Rachel Coxcoon and Councillor Nick Maunder

Motion:

Prior to 2011, public open spaces, dog waste bins, litter bins and play facilities on new housing developments were generally taken on by Parish or Town Councils for management.

As average development size (and thus the scale of associated landscaping) has greatly increased since 2011, there has been an increasing tendency for parish and town councils to decline to take on the management of public open spaces, bins, street furniture and play equipment.

It is now common practice for developers to hand over the long term management of public facilities on new housing estates to private management companies, for which new residents must pay a surcharge over and above their council tax. These charges vary, but an example is the Moreton Park estate, where each dwelling contributes an average of £181 per year.

Combined, the residents of new housing in the Cotswolds, constructed since 2011, are therefore likely to be paying in the region of £770k per annum, over and above council tax, for public open space management. With a government imposed housing target of over 400 homes per year, this figure will only increase.

**Council believes that the situation as it stands is:**

**Unfair:** New residents pay full council tax, but pay an excess over and above this for the public open spaces nearest to their homes to be maintained. Other local residents can, and do, use these spaces free of charge.

**Divisive:** The move away from parish and town council delivery of public open space management has created an 'us and them' atmosphere. New residents feel aggrieved that they are treated as outsiders and must contribute more than residents of older parts of town.

**Unethical:** Residents on new estates repeatedly tell ward members that they cannot get redress or response from private management companies or developers where they pay a standard service charge. Worse still, in situations where an 'Embedded Management Company' (EMC) is imposed, annual costs can rise without cap, and EMCs can interfere with the sale of homes where back-payments are due.

**Uneconomical:** In towns with several estates built by different developers, there are limited economies of scale in the delivery of services. Different personnel, driving different vehicles, turn up on different days of the week to mow grass and empty bins within very short distances of each other. As much as 25% of the management fee is devoted to 'administration'; managing mailings and address lists that could be centralised. CDC customer service staff deal with repeated enquiries about green spaces the council cannot control, wasting CDC time and money.

**Of limited environmental and social benefit:** Multiple vehicles visit towns, where one would suffice. Private management companies often employ least-cost management techniques, rather than those that would maximise biodiversity, actively sequester carbon, and deliver a high quality

green environment. Opportunities for community events and community access to funding for green space initiatives are limited by the private delivery structure.

**Council therefore commits to instruct officers to:**

1. Carry out an evidence review and satisfaction survey, to produce an accurate picture of:
  - (a) the sums being paid for public open space management by residents on new housing estates across the district;
  - (b) the levels of service they are receiving for the fees paid, and the variation in service cost between developments;
  - (c) the levels of resident satisfaction with the services being provided by private management companies or other forms of site management;
  - (d) the identity and operating location of the management companies and contractors delivering the services, to better understand the economic value to the district of the services being delivered (i.e. how much money is leaking out of the local economy to contractors based elsewhere);
  - (e) the biodiversity and environmental value of the green space management practices generally applied across the district's new estates, and whether these are in line with agreed management plans;
  - (f) how green space management in the district compares with other Council areas, to establish best-practice from elsewhere.
2. Produce a report to Cabinet for April 2021 outlining the range of options open to the District that that would allow the Council to ensure that new public open spaces are managed effectively and to a high quality, in a way that:
  - (a) is fair to all residents, existing and new;
  - (b) produces high quality outcomes for biodiversity, climate emergency response, and the quality of the public realm;
  - (c) strengthens the local economy, by keeping money local and creating local employment opportunities;
  - (d) creates opportunities for bringing existing housing estates out of private management;
  - (e) sets out the level of provision and management expected of a high quality public open space;
  - (f) promotes inclusive communities and the use of public open space by all sectors of the community, to deliver health and wellbeing benefits;
  - (g) identifies costs, commercialisation opportunities, and potential funding sources.
3. Establish what mechanisms the council can use to prevent future use of 'Embedded Management Companies' and similar arrangements that limit accountability to residents on new developments.

**Council also commits to** allocate a sum of up to £25,000 from the Council Priorities Fund for additional resources (increased internal capacity and/or external consultants and specialist advice) to support the delivery of this work. Officers to investigate grants and whether there are existing partnerships of local authorities and green space experts actively looking into these issues, and partner where possible to minimise this spend.

Council decision:

**RESOLVED that the Motion be supported.**

**Record of Voting - for 33, against 0, abstentions 0, absent 1.**

Minute Reference:- CL.XX

(END)

## SCHEDULE 6

### COMMUNITY MANAGEMENT TRUST

<b>“Articles of Association”</b>	means the Articles of Association (the CMT’s governing document) to be generally in accordance with the draft heads of terms attached at Appendix 8 that include the Special Voting Arrangements for the Special Decisions and that set out the CMT’s responsibilities in relation to the Development
<b>“Build Cost”</b>	means the build costs (to include cost per sq m, externals costs, professional fees and contingency costs) approved for the purposes of the benchmark appraisal attached at Appendix 10
<b>“Construction Cost Appraisal”</b>	means an appraisal using the same assumptions and inputs described in the benchmark appraisal at Appendix 10 but with updated Build Costs to assess whether the overall cost to the Development of delivering the Housing for Rent Units will be equivalent to the cost of delivering the Indoor Sports Centre taking into account the Housing for Rent Benefits
<b>“Community Management Trust (‘CMT’)”</b>	means the organisation to be established by the Owner in accordance with the provisions of this Schedule 6
<b>“CMT Board of Trustees”</b>	means a board of trustees comprising those persons appointed pursuant to the Articles of Association PROVIDED ALWAYS that the Council trustees shall be appointed by the Council and the Cirencester Town Council trustees shall be appointed by Cirencester Town Council
<b>“CMT Business Plan”</b>	<p>means a business plan to be generally in accordance with the draft outline business plan at Appendix 7 and that includes the following:</p> <ul style="list-style-type: none"><li>• the duration of the Business Plan</li><li>• proposals for subsequent monitoring and review of the Business Plan including the frequency of such monitoring and review</li><li>• projected sources of income for the duration of the Business Plan</li><li>• the CMT’s proposed operations and responsibilities including detailed proposals for the first four years of the CMT and outline proposals up to the Occupation of 2,350 Dwellings</li><li>• details of the Estate Rentcharge Scheme including the initial charges for each type of property to which the Estate Rentcharge Scheme will be applicable and arrangements for monitoring and review of the Estate Rentcharge Scheme between first Occupation of the Development and the Occupation of 2,350 Dwellings</li><li>• projected expenditure for the duration of the Business Plan; and</li><li>• the estate services to be provided by the CMT including detailed proposals for the first four years of the CMT (i.e. covering the first transfers of Green Infrastructure Features) and outline proposals up to the Occupation of</li></ul>

2,360 Dwellings

- a detailed implementation plan and timetable for establishing the CMT's initial governance structure and operational arrangements (i.e. following approval of the Articles of Association and Business Plan) including the proposed process by which the Owner, the Council and Cirencester Town Council will appoint the first five trustees of the CMT and the core of the Management Group
- the terms of reference of the Management Group, and its delegated powers that must be consistent with the Special Voting Arrangements

and such other matters as may be agreed between the parties.

**"CMT Endowment Scheme"**

means a scheme to provide a long-term source of income for the CMT from the Development over and above the income derived from the Estate Rentcharge Scheme, such scheme to provide for one of the Endowment Assets to be chosen at the discretion of the CMT. The submitted scheme shall include a financial appraisal for each of the Endowment Assets (to allow the costs to the Owner of delivering the Endowment Assets to be compared) and any interim funding arrangements for the CMT pending Transfer of the chosen Endowment Asset to the CMT

**"CMT Establishment Sum"**

means £200,000 (TWO HUNDRED THOUSAND POUNDS) Index-Linked

**"CMT Management Group"**

means a formal sub-committee of the CMT Board of Trustees with its own terms of reference that is responsible for the day to day running of the CMT as described within the Business Plan and delegated powers consistent with the Special Voting Arrangements

**"CMT Offices"**

means permanent office space and associated ancillary facilities (e.g. meeting room(s), breakout and storage space) for the use of the CMT of a minimum area of 120 sqm to be located within the Community Centre (as defined in Schedule 4)

**"CMT Temporary Offices 1"**

means temporary office space within or within the vicinity of the Site to include as a minimum either 20 sq m of floor space or such office accommodation as may be agreed with the Council once the CMT's proposed operations and responsibilities have been clarified in the Business Plan to be submitted for approval pursuant to paragraph 2.1 of this Schedule 6.

**"CMT Temporary Offices 2"**

means temporary office space within the Temporary Meeting Space as defined in Schedule 4 to include as a minimum either 50 sq m of office, meeting and storage space or such office accommodation as may be agreed with the Council once the CMT's proposed operations and responsibilities have been clarified in the Business Plan to be submitted for approval pursuant to paragraph 2.1 of this Schedule 6.

**Endowment Asset**

means either:

- a) the freehold or long leasehold (of at least 125 years) Transfer of the Indoor Sports Centre to the CMT; or
- b) the freehold or long leasehold (of at least 125 years)

Transfer of the Housing for Rent to the CMT; or

- c) such other assets to be transferred to the CMT as may be proposed by the Owner that shall deliver an annual income for the CMT of at least £86,000 (EIGHTY SIX THOUSAND POUNDS) Index-Linked at the time of Transfer to the CMT

**Elected Endowment Asset Scheme**

means a scheme for the Endowment Asset elected pursuant to paragraph 3.2 of this Schedule 6 that includes detailed information (as a minimum) regarding all of the matters (which are applicable) described in Appendix 11

**"Estate Rentcharge Scheme"**

means the service charge regime under which occupiers of the Development will be required to pay an annual contribution towards the cost of maintenance and management services provided by the CMT across the Development

**"Housing for Rent Units"**

means subject to paragraph 3.4 of this Schedule 6 18 apartments to be provided on the Development comprising 10 x 1-bedroomed apartments of a maximum 50 sqm GIA and 8 x 2-bedroomed apartments of a maximum 70 sqm GIA being part of the Open Market Dwellings (as defined in Schedule 1) and to be constructed to the specification included within the approved Elected Endowment Asset Scheme (which will be developed with regard to other similar Dwelling types adjacent to the Housing for Rent Units

**"Housing for Rent Benefits"**

means any benefits including receipts from the sale of developable land within the Development (commercial or residential) that may accrue to the Development in the event that the Housing for Rent Units option is elected by the CMT which are further described in Appendix 10

**"Indoor Sports Centre"**

means the Indoor Sports Centre as defined in Schedule 4

**"Special Decisions"**

means the decisions to be made by the CMT listed at Appendix 9

**Special Voting Arrangements**

means the decision-making process (e.g. concerning quorum, voting, a sufficient majority) set out in the Articles of Association for the Special Decisions and includes:

(i) the decision-making arrangements for Special Decisions set out in the Articles of Association to be made by the CMT Board of Trustees); and

(ii) any proposals contained within the Articles of Association that enable the CMT Board of Trustees to delegate Special Decisions to a Sub-Committee of the CMT Board of Trustees subject to the prior written approval of the Council

**1 PART 1 – COMMUNITY MANAGEMENT TRUST**

**THE OWNER'S COVENANTS**

The Owner covenants with the Council with the intent that these are planning obligations for the purposes of section 106 of the 1990 Act:

**2 ESTABLISHMENT OF THE CMT**

- 2.1 Not to Commence the Development unless and until the Owner has submitted to and obtained the Council's approval to the:
- 2.1.1 The CMT Business Plan
  - 2.1.2 The CMT Articles of Association;
- 2.2 Not to Occupy or permit Occupation of any Dwelling until the Owner has established the Community Management Trust as an incorporated registered charity and company limited by guarantee with associated financial accounting and transparency requirements in accordance with the following (unless otherwise agreed in writing with the Council):
- 2.2.1 The CMT Business Plan;
  - 2.2.2 The CMT Articles of Association;
- 2.3 In respect of the CMT Establishment Sum the Owner covenants:
- 2.3.1 Not to Occupy or permit Occupation of any Dwelling until £80,000 (EIGHTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.
  - 2.3.2 Not to Occupy or permit Occupation of more than 300 Dwellings until a further £40,000 (FORTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.
  - 2.3.3 Not to Transfer the freehold or long leasehold of the Community Centre to the Community Management Trust until the final £80,000 (EIGHTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.

**3 CMT ENDOWMENT SCHEME**

- 3.1 Not to Occupy or permit Occupation of more than 200 Dwellings until it has secured the Council's written approval to the CMT Endowment Scheme PROVIDED ALWAYS that the Council shall be permitted to reject the submitted Endowment Scheme in the event that it considers (acting reasonably) that any Endowment Assets under option c) proposed within the CMT Endowment Scheme would not be equivalent to options a) and b) in terms of its overall cost to the Development; or would not provide the CMT with an annual income of £86,000 (EIGHTY SIX THOUSAND POUNDS) Index-Linked at the time of the Transfer to the CMT
- 3.2 Not to Occupy or permit Occupation of more than 300 Dwellings until the Council has confirmed to the Owner in writing which Endowment Asset the CMT has elected from the approved CMT Endowment Scheme
- 3.3 Any time prior to the Occupation of the 200th Dwelling the Owner may submit the Construction Cost Appraisal to the Council for its approval.
- 3.4 In the event the Construction Cost Appraisal (as approved) confirms:
- 3.4.1 that the Build Cost for the Housing for Rent is greater than the Build Cost for the Indoor Sports Centre; and
  - 3.4.2 the Council confirms in writing (acting reasonably) that the Housing for Rent Benefits do not offset any greater Build Costs for the Housing for Rent Units as compared to the Build Costs for the Indoor Sports Centre

the Owner and the Council may agree to reduce the number of Housing for Rent Units to be provided pursuant to the CMT Endowment Scheme to a number which ensures that the cost to the Development of providing the Housing for Rent does not exceed the cost to the Development of providing the Indoor Sports Centre (taking into account the Housing for Rent Benefits) PROVIDING ALWAYS that a minimum of sixteen (16) Housing for Rent Units shall be provided.

- 3.5 Any dispute in respect of the Construction Cost Appraisal shall be determined in accordance with Clause 8.
- 3.6 Not to Occupy or permit Occupation of more than 450 Dwellings until the Owner has secured the written approval of the Council to the Elected Endowment Asset Scheme
- 3.7 Not to Occupy or permit Occupation of more than 1,000 Dwellings (or such other number as may be agreed with the Council) until the Owner has implemented the Elected Endowment Asset Scheme and Transferred the relevant Endowment Asset to the CMT or provided the required interim funding in accordance with the approved CMT Endowment Scheme until the relevant Endowment Asset has been Transferred.
- 3.8 The Owner confirms that the Transfer of any Endowment Asset or any Green Infrastructure Features or any element of the Neighbourhood Centre or the Temporary Meeting Space and Temporary Community Coffee Bar to the CMT shall be:
- 3.8.1 at nil cost and not subject to any outstanding liabilities (financial or otherwise) at the time of Transfer to the CMT; and
- 3.8.2 pursuant to a form of transfer or leasehold document that has received the prior written approval of the Council

#### **4 MANAGEMENT OF THE CMT**

- 4.1 The CMT Board of Trustees shall be appointed in accordance with the Articles of Association PROVIDED ALWAYS that the Council and Cirencester Town Council shall appoint their own trustees.
- 4.2 In the event the circumstance in paragraph 4.4 of this Schedule 6 occurs the Council may issue a written notice to the CMT Board of Trustees to specify its concerns and to identify the actions that the Council requires to be undertaken to address those concerns
- 4.3 Within six months of receipt of a notice pursuant to paragraph 4.2 of this Schedule 6 the Council and the Owner shall use reasonable endeavours to agree with the CMT Board of Trustees a remedial action plan to identify the actions that will be taken by the CMT Board of Trustees to address the concerns identified by the Council in its notice and shall thereafter comply with the approved remedial action to the reasonable satisfaction of the Council.
- 4.4 The circumstances referred to in paragraph 4.2 of this Schedule 6 are:
- 4.4.1 in the reasonable opinion of the Council, the CMT is materially and persistently failing to fulfil its obligations contained within the CMT Business Plan; or
- 4.4.2 all of the trustees of the CMT Board of Trustees resign or are unwilling or unable to continue in their role as trustees.
- 4.5 The members of the CMT Management Group shall be appointed in accordance with the approach set out in the Business Plan and Articles of Association.
- 4.6 The Articles of Association shall include the Special Voting Arrangements
- 4.7 The Articles of Association and the Business Plan shall not delegate any of the Special Decisions to the CMT Management Group or to any other Sub-Committee of the CMT Board of Trustees unless the Council has first given its prior written approval to Special Voting Arrangements that will govern any such delegation of the decision-making process for the said Special Decisions.

#### **5 CMT Offices**

- 5.1 The Owner shall make the CMT Temporary Offices 1 available for use by the CMT from the date that the CMT is established pursuant to paragraph 2.2 of this Schedule 6
- 5.2 Not to Occupy or permit the Occupation of more than 300 Dwellings prior to making the CMT Temporary Offices 2 available for use by the CMT within the Temporary Meeting Space

- 5.3 Not to Occupy or permit the Occupation of more than 650 Dwellings prior to making the CMT Offices available for use by the CMT

## **6 FUNCTIONS OF THE CMT**

- 6.1 The Transfer to the CMT shall ensure that from the date the CMT shall carry out its functions as set out within this Agreement with the overarching aim of providing a public benefit to local residents within and in the immediate vicinity of the Site
- 6.2 The Transfer to the CMT shall ensure that from the date when any of the Green Infrastructure Features (as defined in Schedule 2) are transferred to the Community Management Trust the Community Management Trust shall maintain the relevant item in accordance with the relevant Additional Green Infrastructure Areas Scheme, Play Space Scheme, Primary Green Infrastructure Areas Scheme or Secondary Green Infrastructure Areas Scheme (all defined in Schedule 2)
- 6.3 The Transfer to the CMT shall ensure that from the date when any of the elements of the Neighbourhood Centre (as defined in Schedule 4) are Transferred to the Community Management Trust the Community Management Trust shall maintain the elements of the Neighbourhood Centre in accordance with the relevant schemes (all defined in Schedule 5),
- 6.4 The Transfer to the CMT shall ensure that from the date when the Endowment Asset is Transferred to the Community Management Trust the Community Management Trust shall maintain the Endowment Asset in accordance with the Elected Endowment Asset Scheme
- 6.5 In complying with the obligations set out in paragraphs 6.2 to 6.4 of this Schedule 6 the CMT may directly commission and fund suitable providers to assist with the delivery of these services or employ its own staff to deliver these services itself.

## **7 REVISIONS TO THE CMT**

The Owner and the Community Management Trust shall be entitled to vary the CMT Endowment Scheme and the CMT Business Plan from time to time with the written approval of the Council PROVIDED ALWAYS that any variation to the CMT Endowment Scheme shall only be approved by the Council in the event that the value of and revenue from the Endowment Asset that has been elected by the CMT pursuant to paragraph 3.2 of this Schedule 6 will be equal to or increased as a result of the proposed variation.

## **8 ENDOWMENT ASSET**

- 8.1 In the event the Endowment Asset is or includes a building (or buildings) notify the Council at least ten Working Days prior to the date on which it intends to Commence Construction of the Endowment Asset.
- 8.2 Following Commencement of Construction of the Endowment Asset allow the Council to enter onto the Endowment Asset (together with personnel professional advisers and equipment) to inspect the site from time to time upon reasonable written notice in advance for the purpose of investigating and deciding whether the progress and construction is in accordance with the approved specification within the Elected Endowment Asset Scheme
- 8.3 To write to the Council and invite it to inspect the Endowment Asset within 10 (ten) Working Days of the completion of the construction of the Endowment Asset
- 8.4 In the event Defects are identified by the Council following its inspection pursuant to paragraph 8.3 of this Schedule 6 to rectify such Defects.
- 8.5 Within 10 (ten) Working Days of rectifying the Defects pursuant to paragraph 8.4 of this Schedule 6 to invite the Council to inspect the Endowment Asset and identify any Defects requiring attention following which the steps set out in paragraphs 8.3 to 8.4 and this paragraph 8.5 shall be repeated provided that in the event no Defects are identified following an inspection by the Council and the Certificate of Practical Completion is issued no further repeat of the steps will be required.
- 8.6 To be responsible for repairing any Defects which occur in relation to the Endowment Asset during the Defects Period.

- 8.7 Within 10 (ten) Working Days of the expiry of the Defects Period to write to the Council and invite them to conduct a final inspection of the Endowment Asset and identify any Defects requiring attention within 10 (ten) Working Days.
- 8.8 In the event Defects are identified by the Council following its inspection pursuant to paragraph 8.7 of this Schedule 6 to rectify such Defects
- 8.9 Within 10 (ten) Working Days of rectifying the Defects pursuant to paragraph 8.8 of this Schedule 6 to invite the Council to inspect the Endowment Asset and identify any Defects requiring attention following which the steps set out in paragraph 8.7 to 8.8 and this paragraph 8.9 shall be repeated provided that in the event no Defects are identified following an inspection by the Council and the Final Certificate is issued no further repeat of the steps will be required.
- 8.10 Once constructed to arrange for the Endowment Asset to be maintained in accordance with the Elected Endowment Asset Scheme until such time as the Endowment Asset is Transferred to the Community Management Trust
- 8.11 In the event that the Endowment Asset to be transferred to the CMT is the Indoor Sports Centre such Transfer shall contain a restrictive covenant that the said building shall only be used for the purposes set out in this Agreement as an Indoor Sports Centre.

## **9 THE COUNCIL'S COVENANTS**

- 9.1 Following approval of the CMT Endowment Scheme pursuant to paragraph 3.1 of this Schedule 6 the Council shall provide details of the CMT Endowment Scheme to the CMT Board of Trustees to enable the CMT Board of Trustees to determine which Endowment Asset it wishes to elect
- 9.2 The Council covenants to use reasonable endeavours to respond to a request for approval of the CMT Endowment Scheme and/or CMT Business Plan and/or Articles of Association (or any variations to them) within 40 (forty) Working Days
- 9.3 Further to the requirement of paragraph 9.2 of this Schedule 6 in the event that the Council does not provide written confirmation of either
- 9.3.1 the approval of the CMT Endowment Scheme or the CMT Business Plan or the Articles of Association; or
- 9.3.2 its reasons for not approving the CMT Endowment Scheme or the CMT Business Plan or the Articles of Association
- within 40 (forty) Working Days the Owner shall be entitled to proceed as if written approval of the relevant CMT Endowment Scheme or CMT Business Plan had been provided.
- 9.4 To transfer any instalment of the CMT Establishment Sum to the CMT within 30 days of receipt from the Owner
- 9.5 The Council covenants to use reasonable endeavours to respond to a request for approval of the Construction Cost Appraisal (or any variations to the Construction Cost Appraisal) within 30 (thirty) Working Days.
- 9.6 Further to the requirements of paragraph 9.5 of this Schedule 6 in the event that the Council do not agree an extension to the time period for consideration of the Construction Cost Appraisal or provide written confirmation of
- 9.6.1 the approval of the Construction Cost Appraisal; or
- 9.6.2 their reasons for not approving the Construction Cost Appraisal
- within 40 (forty) Working Days the Owner shall be entitled to proceed as if written approval of the Construction Cost Appraisal had been provided.

## SCHEDULE 6

### COMMUNITY MANAGEMENT TRUST

<b>“Articles of Association”</b>	means the Articles of Association (the CMT’s governing document) to be generally in accordance with the draft heads of terms attached at Appendix 8 that include the Special Voting Arrangements for the Special Decisions and that set out the CMT’s responsibilities in relation to the Development
<b>“Build Cost”</b>	means the build costs (to include cost per sq m, externals costs, professional fees and contingency costs) approved for the purposes of the benchmark appraisal attached at Appendix 10
<b>“Construction Cost Appraisal”</b>	means an appraisal using the same assumptions and inputs described in the benchmark appraisal at Appendix 10 but with updated Build Costs to assess whether the overall cost to the Development of delivering the Housing for Rent Units will be equivalent to the cost of delivering the Indoor Sports Centre taking into account the Housing for Rent Benefits
<b>“Community Management Trust (‘CMT’)”</b>	means the organisation to be established by the Owner in accordance with the provisions of this Schedule 6
<b>“CMT Board of Trustees”</b>	means a board of trustees comprising those persons appointed pursuant to the Articles of Association PROVIDED ALWAYS that the Council trustees shall be appointed by the Council and the Cirencester Town Council trustees shall be appointed by Cirencester Town Council
<b>“CMT Business Plan”</b>	means a business plan to be generally in accordance with the draft outline business plan at Appendix 7 and that includes the following: <ul style="list-style-type: none"><li>• the duration of the Business Plan</li><li>• proposals for subsequent monitoring and review of the Business Plan including the frequency of such monitoring and review</li><li>• projected sources of income for the duration of the Business Plan</li><li>• the CMT’s proposed operations and responsibilities including detailed proposals for the first four years of the CMT and outline proposals up to the Occupation of 2,350 Dwellings</li><li>• details of the Estate Rentcharge Scheme including the initial charges for each type of property to which the Estate Rentcharge Scheme will be applicable and arrangements for monitoring and review of the Estate Rentcharge Scheme between first Occupation of the Development and the Occupation of 2,350 Dwellings</li><li>• projected expenditure for the duration of the Business Plan; and</li><li>• the estate services to be provided by the CMT including detailed proposals for the first four years of the CMT (i.e. covering the first transfers of Green Infrastructure Features) and outline proposals up to the Occupation of</li></ul>

2,350 Dwellings

- a detailed implementation plan and timetable for establishing the CMT's initial governance structure and operational arrangements (i.e. following approval of the Articles of Association and Business Plan) including the proposed process by which the Owner, the Council and Cirencester Town Council will appoint the first five trustees of the CMT and the core of the Management Group
- the terms of reference of the Management Group, and its delegated powers that must be consistent with the Special Voting Arrangements

and such other matters as may be agreed between the parties.

**"CMT Endowment Scheme"**

means a scheme to provide a long-term source of income for the CMT from the Development over and above the income derived from the Estate Rentcharge Scheme, such scheme to provide for one of the Endowment Assets to be chosen at the discretion of the CMT. The submitted scheme shall include a financial appraisal for each of the Endowment Assets (to allow the costs to the Owner of delivering the Endowment Assets to be compared) and any interim funding arrangements for the CMT pending Transfer of the chosen Endowment Asset to the CMT

**"CMT Establishment Sum"**

means £200,000 (TWO HUNDRED THOUSAND POUNDS) Index-Linked

**"CMT Management Group"**

means a formal sub-committee of the CMT Board of Trustees with its own terms of reference that is responsible for the day to day running of the CMT as described within the Business Plan and delegated powers consistent with the Special Voting Arrangements

**"CMT Offices"**

means permanent office space and associated ancillary facilities (e.g. meeting room(s), breakout and storage space) for the use of the CMT of a minimum area of 120 sqm to be located within the Community Centre (as defined in Schedule 4)

**"CMT Temporary Offices 1"**

means temporary office space within within or within the vicinity of the Site to include as a minimum either 20 sq m of floor space or such office accommodation as may be agreed with the Council once the CMT's proposed operations and responsibilities have been clarified in the Business Plan to be submitted for approval pursuant to paragraph 2.1 of this Schedule 6.

**"CMT Temporary Offices 2"**

means temporary office space within the Temporary Meeting Space as defined in Schedule 4 to include as a minimum either 50 sq m of office, meeting and storage space or such office accommodation as may be agreed with the Council once the CMT's proposed operations and responsibilities have been clarified in the Business Plan to be submitted for approval pursuant to paragraph 2.1 of this Schedule 6.

**Endowment Asset**

means either:

- a) the freehold or long leasehold (of at least 125 years) Transfer of the Indoor Sports Centre to the CMT; or
- b) the freehold or long leasehold (of at least 125 years)

Transfer of the Housing for Rent to the CMT; or

- c) such other assets to be transferred to the CMT as may be proposed by the Owner that shall deliver an annual income for the CMT of at least £86,000 (EIGHTY SIX THOUSAND POUNDS) Index-Linked at the time of Transfer to the CMT

**Elected Endowment Asset Scheme**

means a scheme for the Endowment Asset elected pursuant to paragraph 3.2 of this Schedule 6 that includes detailed information (as a minimum) regarding all of the matters (which are applicable) described in Appendix 11

**“Estate Rentcharge Scheme”**

means the service charge regime under which occupiers of the Development will be required to pay an annual contribution towards the cost of maintenance and management services provided by the CMT across the Development

**“Housing for Rent Units”**

means subject to paragraph 3.4 of this Schedule 6 18 apartments to be provided on the Development comprising 10 x 1-bedroomed apartments of a maximum 50 sqm GIA and 8 x 2-bedroomed apartments of a maximum 70 sqm GIA being part of the Open Market Dwellings (as defined in Schedule 1) and to be constructed to the specification included within the approved Elected Endowment Asset Scheme (which will be developed with regard to other similar Dwelling types adjacent to the Housing for Rent Units

**“Housing for Rent Benefits”**

means any benefits including receipts from the sale of developable land within the Development (commercial or residential) that may accrue to the Development in the event that the Housing for Rent Units option is elected by the CMT which are further described in Appendix 10

**“Indoor Sports Centre”**

means the Indoor Sports Centre as defined in Schedule 4

**“Special Decisions”**

means the decisions to be made by the CMT listed at Appendix 9

**Special Voting Arrangements**

means the decision-making process (e.g. concerning quorum, voting, a sufficient majority) set out in the Articles of Association for the Special Decisions and includes:

(i) the decision-making arrangements for Special Decisions set out in the Articles of Association to be made by the CMT Board of Trustees); and

(ii) any proposals contained within the Articles of Association that enable the CMT Board of Trustees to delegate Special Decisions to a Sub-Committee of the CMT Board of Trustees subject to the prior written approval of the Council

1 **PART 1 – COMMUNITY MANAGEMENT TRUST**

**THE OWNER’S COVENANTS**

The Owner covenants with the Council with the intent that these are planning obligations for the purposes of section 106 of the 1990 Act:

**2 ESTABLISHMENT OF THE CMT**

- 2.1 Not to Commence the Development unless and until the Owner has submitted to and obtained the Council's approval to the:
- 2.1.1 The CMT Business Plan
  - 2.1.2 The CMT Articles of Association;
- 2.2 Not to Occupy or permit Occupation of any Dwelling until the Owner has established the Community Management Trust as an incorporated registered charity and company limited by guarantee with associated financial accounting and transparency requirements in accordance with the following (unless otherwise agreed in writing with the Council):
- 2.2.1 The CMT Business Plan;
  - 2.2.2 The CMT Articles of Association;
- 2.3 In respect of the CMT Establishment Sum the Owner covenants:
- 2.3.1 Not to Occupy or permit Occupation of any Dwelling until £80,000 (EIGHTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.
  - 2.3.2 Not to Occupy or permit Occupation of more than 300 Dwellings until a further £40,000 (FORTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.
  - 2.3.3 Not to Transfer the freehold or long leasehold of the Community Centre to the Community Management Trust until the final £80,000 (EIGHTY THOUSAND POUNDS) of the CMT Establishment Sum has been paid to the Council.

**3 CMT ENDOWMENT SCHEME**

- 3.1 Not to Occupy or permit Occupation of more than 200 Dwellings until it has secured the Council's written approval to the CMT Endowment Scheme PROVIDED ALWAYS that the Council shall be permitted to reject the submitted Endowment Scheme in the event that it considers (acting reasonably) that any Endowment Assets under option c) proposed within the CMT Endowment Scheme would not be equivalent to options a) and b) in terms of its overall cost to the Development; or would not provide the CMT with an annual income of £86,000 (EIGHTY SIX THOUSAND POUNDS) Index-Linked at the time of the Transfer to the CMT
- 3.2 Not to Occupy or permit Occupation of more than 300 Dwellings until the Council has confirmed to the Owner in writing which Endowment Asset the CMT has elected from the approved CMT Endowment Scheme
- 3.3 Any time prior to the Occupation of the 200th Dwelling the Owner may submit the Construction Cost Appraisal to the Council for its approval.
- 3.4 In the event the Construction Cost Appraisal (as approved) confirms:
- 3.4.1 that the Build Cost for the Housing for Rent is greater than the Build Cost for the Indoor Sports Centre; and
  - 3.4.2 the Council confirms in writing (acting reasonably) that the Housing for Rent Benefits do not offset any greater Build Costs for the Housing for Rent Units as compared to the Build Costs for the Indoor Sports Centre

the Owner and the Council may agree to reduce the number of Housing for Rent Units to be provided pursuant to the CMT Endowment Scheme to a number which ensures that the cost to the Development of providing the Housing for Rent does not exceed the cost to the Development of providing the Indoor Sports Centre (taking into account the Housing for Rent Benefits) PROVIDING ALWAYS that a minimum of sixteen (16) Housing for Rent Units shall be provided.

- 3.5 Any dispute in respect of the Construction Cost Appraisal shall be determined in accordance with Clause 8.
- 3.6 Not to Occupy or permit Occupation of more than 450 Dwellings until the Owner has secured the written approval of the Council to the Elected Endowment Asset Scheme
- 3.7 Not to Occupy or permit Occupation of more than 1,000 Dwellings (or such other number as may be agreed with the Council) until the Owner has implemented the Elected Endowment Asset Scheme and Transferred the relevant Endowment Asset to the CMT or provided the required interim funding in accordance with the approved CMT Endowment Scheme until the relevant Endowment Asset has been Transferred.
- 3.8 The Owner confirms that the Transfer of any Endowment Asset or any Green Infrastructure Features or any element of the Neighbourhood Centre or the Temporary Meeting Space and Temporary Community Coffee Bar to the CMT shall be:
- 3.8.1 at nil cost and not subject to any outstanding liabilities (financial or otherwise) at the time of Transfer to the CMT; and
- 3.8.2 pursuant to a form of transfer or leasehold document that has received the prior written approval of the Council

#### **4 MANAGEMENT OF THE CMT**

- 4.1 The CMT Board of Trustees shall be appointed in accordance with the Articles of Association PROVIDED ALWAYS that the Council and Cirencester Town Council shall appoint their own trustees.
- 4.2 In the event the circumstance in paragraph 4.4 of this Schedule 6 occurs the Council may issue a written notice to the CMT Board of Trustees to specify its concerns and to identify the actions that the Council requires to be undertaken to address those concerns.
- 4.3 Within six months of receipt of a notice pursuant to paragraph 4.2 of this Schedule 6 the Council and the Owner shall use reasonable endeavours to agree with the CMT Board of Trustees a remedial action plan to identify the actions that will be taken by the CMT Board of Trustees to address the concerns identified by the Council in its notice and shall thereafter comply with the approved remedial action to the reasonable satisfaction of the Council.
- 4.4 The circumstances referred to in paragraph 4.2 of this Schedule 6 are:
- 4.4.1 in the reasonable opinion of the Council, the CMT is materially and persistently failing to fulfil its obligations contained within the CMT Business Plan; or
- 4.4.2 all of the trustees of the CMT Board of Trustees resign or are unwilling or unable to continue in their role as trustees.
- 4.5 The members of the CMT Management Group shall be appointed in accordance with the approach set out in the Business Plan and Articles of Association.
- 4.6 The Articles of Association shall include the Special Voting Arrangements
- 4.7 The Articles of Association and the Business Plan shall not delegate any of the Special Decisions to the CMT Management Group or to any other Sub-Committee of the CMT Board of Trustees unless the Council has first given its prior written approval to Special Voting Arrangements that will govern any such delegation of the decision-making process for the said Special Decisions.

#### **5 CMT Offices**

- 5.1 The Owner shall make the CMT Temporary Offices 1 available for use by the CMT from the date that the CMT is established pursuant to paragraph 2.2 of this Schedule 6
- 5.2 Not to Occupy or permit the Occupation of more than 300 Dwellings prior to making the CMT Temporary Offices 2 available for use by the CMT within the Temporary Meeting Space

- 5.3 Not to Occupy or permit the Occupation of more than 650 Dwellings prior to making the CMT Offices available for use by the CMT

## **6 FUNCTIONS OF THE CMT**

- 6.1 The Transfer to the CMT shall ensure that from the date the CMT shall carry out its functions as set out within this Agreement with the overarching aim of providing a public benefit to local residents within and in the immediate vicinity of the Site
- 6.2 The Transfer to the CMT shall ensure that from the date when any of the Green Infrastructure Features (as defined in Schedule 2) are transferred to the Community Management Trust the Community Management Trust shall maintain the relevant item in accordance with the relevant Additional Green Infrastructure Areas Scheme, Play Space Scheme, Primary Green Infrastructure Areas Scheme or Secondary Green Infrastructure Areas Scheme (all defined in Schedule 2)
- 6.3 The Transfer to the CMT shall ensure that from the date when any of the elements of the Neighbourhood Centre (as defined in Schedule 4) are Transferred to the Community Management Trust the Community Management Trust shall maintain the elements of the Neighbourhood Centre in accordance with the relevant schemes (all defined in Schedule 5),
- 6.4 The Transfer to the CMT shall ensure that from the date when the Endowment Asset is Transferred to the Community Management Trust the Community Management Trust shall maintain the Endowment Asset in accordance with the Elected Endowment Asset Scheme
- 6.5 In complying with the obligations set out in paragraphs 6.2 to 6.4 of this Schedule 6 the CMT may directly commission and fund suitable providers to assist with the delivery of these services or employ its own staff to deliver these services itself.

## **7 REVISIONS TO THE CMT**

The Owner and the Community Management Trust shall be entitled to vary the CMT Endowment Scheme and the CMT Business Plan from time to time with the written approval of the Council PROVIDED ALWAYS that any variation to the CMT Endowment Scheme shall only be approved by the Council in the event that the value of and revenue from the Endowment Asset that has been elected by the CMT pursuant to paragraph 3.2 of this Schedule 6 will be equal to or increased as a result of the proposed variation.

## **8 ENDOWMENT ASSET**

- 8.1 In the event the Endowment Asset is or includes a building (or buildings) notify the Council at least ten Working Days prior to the date on which it intends to Commence Construction of the Endowment Asset.
- 8.2 Following Commencement of Construction of the Endowment Asset allow the Council to enter onto the Endowment Asset (together with personnel professional advisers and equipment) to inspect the site from time to time upon reasonable written notice in advance for the purpose of investigating and deciding whether the progress and construction is in accordance with the approved specification within the Elected Endowment Asset Scheme
- 8.3 To write to the Council and invite it to inspect the Endowment Asset within 10 (ten) Working Days of the completion of the construction of the Endowment Asset
- 8.4 In the event Defects are identified by the Council following its inspection pursuant to paragraph 8.3 of this Schedule 6 to rectify such Defects.
- 8.5 Within 10 (ten) Working Days of rectifying the Defects pursuant to paragraph 8.4 of this Schedule 6 to invite the Council to inspect the Endowment Asset and identify any Defects requiring attention following which the steps set out in paragraphs 8.3 to 8.4 and this paragraph 8.5 shall be repeated provided that in the event no Defects are identified following an inspection by the Council and the Certificate of Practical Completion is issued no further repeat of the steps will be required.
- 8.6 To be responsible for repairing any Defects which occur in relation to the Endowment Asset during the Defects Period.

- 8.7 Within 10 (ten) Working Days of the expiry of the Defects Period to write to the Council and invite them to conduct a final inspection of the Endowment Asset and identify any Defects requiring attention within 10 (ten) Working Days.
- 8.8 In the event Defects are identified by the Council following its inspection pursuant to paragraph 8.7 of this Schedule 6 to rectify such Defects
- 8.9 Within 10 (ten) Working Days of rectifying the Defects pursuant to paragraph 8.8 of this Schedule 6 to invite the Council to inspect the Endowment Asset and identify any Defects requiring attention following which the steps set out in paragraph 8.7 to 8.8 and this paragraph 8.9 shall be repeated provided that in the event no Defects are identified following an inspection by the Council and the Final Certificate is issued no further repeat of the steps will be required.
- 8.10 Once constructed to arrange for the Endowment Asset to be maintained in accordance with the Elected Endowment Asset Scheme until such time as the Endowment Asset is Transferred to the Community Management Trust
- 8.11 In the event that the Endowment Asset to be transferred to the CMT is the Indoor Sports Centre such Transfer shall contain a restrictive covenant that the said building shall only be used for the purposes set out in this Agreement as an Indoor Sports Centre.

## **9 THE COUNCIL'S COVENANTS**

- 9.1 Following approval of the CMT Endowment Scheme pursuant to paragraph 3.1 of this Schedule 6 the Council shall provide details of the CMT Endowment Scheme to the CMT Board of Trustees to enable the CMT Board of Trustees to determine which Endowment Asset it wishes to elect
- 9.2 The Council covenants to use reasonable endeavours to respond to a request for approval of the CMT Endowment Scheme and/or CMT Business Plan and/or Articles of Association (or any variations to them) within 40 (forty) Working Days
- 9.3 Further to the requirement of paragraph 9.2 of this Schedule 6 in the event that the Council does not provide written confirmation of either
- 9.3.1 the approval of the CMT Endowment Scheme or the CMT Business Plan or the Articles of Association; or
- 9.3.2 its reasons for not approving the CMT Endowment Scheme or the CMT Business Plan or the Articles of Association
- within 40 (forty) Working Days the Owner shall be entitled to proceed as if written approval of the relevant CMT Endowment Scheme or CMT Business Plan had been provided.
- 9.4 To transfer any instalment of the CMT Establishment Sum to the CMT within 30 days of receipt from the Owner
- 9.5 The Council covenants to use reasonable endeavours to respond to a request for approval of the Construction Cost Appraisal (or any variations to the Construction Cost Appraisal) within 30 (thirty) Working Days.
- 9.6 Further to the requirements of paragraph 9.5 of this Schedule 6 in the event that the Council do not agree an extension to the time period for consideration of the Construction Cost Appraisal or provide written confirmation of
- 9.6.1 the approval of the Construction Cost Appraisal; or
- 9.6.2 their reasons for not approving the Construction Cost Appraisal
- within 40 (forty) Working Days the Owner shall be entitled to proceed as if written approval of the Construction Cost Appraisal had been provided.

## Martin Perks

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**From:** George Yates <George.Yates@knightfrank.com>  
**Sent:** 22 October 2020 17:14  
**To:** Martin Perks  
**Subject:** 19/02248/FUL - Education and Landscape Management  
**Attachments:** 19-02248-FUL - Primary Education at Dunstall Farm.pdf; Management Company Note - SBH.pdf

Dear Martin,

Following on from our discussions, we welcome your efforts to ensure the application is re-considered at the planning committee meeting on 11<sup>th</sup> November. Following on from the comments made by Members we trust this additional information will assist in reaching a positive determination.

### Local Education Provision

We acknowledge Members' points about the need for a wider strategy for education provision in Moreton-in-Marsh. On this basis, discussions have been on-going with the LPA and Gloucestershire County Council, which is the Local Education Authority (LEA) since the application submission in June 2019.

It is noted that the LEA has a statutory obligation to provide school accommodation for all children resident in its area. As Applicant, Spitfire Bespoke Homes has agreed to make the Section 106 contributions requested of them by the LEA in respect of pre-school and primary education, whilst it has been agreed that secondary education will be covered through CIL.

The attached letter from EFM makes clear that the LEA has a funded strategy to meet the needs arising from new housing in Moreton through the expansion of St. David's School. The EFM letter provides evidence that the expansion of St. David's to two-form entry will be sufficient to deal with the existing children in Moreton along with the children from new homes being built, including those from Dunstall Farm. The planning obligations provided by this application will help ensure the primary school spaces are sufficient and will be delivered in a timely manner.

This application follows the same approach as other consented schemes in the town, which have also made proportionate Section 106 contributions to help fund the expansion of St David's along with other local education provision. Legal advice by Paul Tucker QC has previously been presented to the Officer and GCC during this application process. This confirms the approach by Spitfire is a conventional one that would meet the tests in CIL regulation 122(2) and has been upheld on numerous occasions at appeal.

We hope the extra information provides Members the assurance that education provision, and in particular primary school spaces, is being dealt with in a co-ordinated manner by the LEA. Furthermore, the approach being taken by Spitfire is justified and will contribute towards the delivery of the LEA's strategy for education in Moreton-in-Marsh.

### Landscape Management

We acknowledge the Council's motion in July which set out a requirement for an investigation into the management of existing open spaces in the District. This report is due to be presented to the cabinet in April 2021 and so the findings of this investigation are not yet known and are not enshrined in adopted planning policy for Cotswold District.

We acknowledge the proposals at The Steadings, Cirencester have put forward a Community Management Trust. We would point out the material difference in land ownership arrangement which makes this possible at The Steadings. It is our understanding that the land here is and will continue to be owned by the Bathurst Estate. The application site at Dunstall Farm does not benefit from this type of land ownership arrangement and an alternative management strategy is required.

The attached document sets out how Spitfire Bespoke Homes approach the management of open spaces and landscaping within their schemes, which fundamentally is a community-led approach where a Resident Led Management Company is formed. This gives all residents the ability to vote on all matters and the power to appoint managing agents/contractors as they see fit, whilst ensuring the Landscape and Ecology Management Plans for the proposal are maintained in accordance with the agreed planning condition.

We trust this gives Members' sufficient comfort about the future arrangements for the resident-led management of the generous areas of open space and landscaping proposed at Dunstall Farm.

Should you required anything further do please let me know.

Kind regards  
George



**George Yates, MRTPI**  
Senior Planner

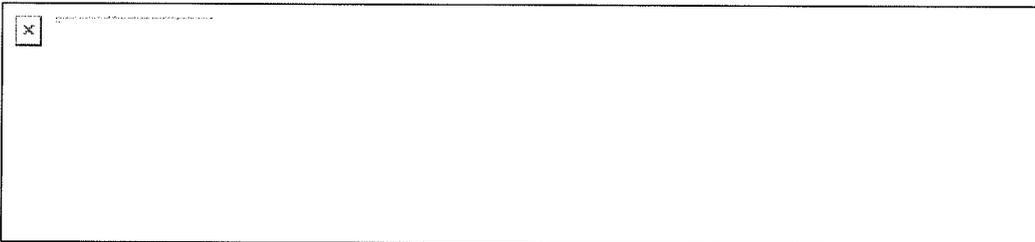
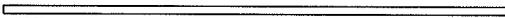
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**22<sup>nd</sup> October 2020**

**Martin Perks**  
**Cotswold District Council**  
**BY EMAIL ONLY**

Dear Martin,

**REF: PRIMARY EDUCATION AT DUNSTALL FARM, MORETON-IN-MARSH, GLOUCESTERSHIRE  
(19/02248/FUL)**

Following the Planning Committee Meeting on 14<sup>th</sup> October 2020, Spitfire Bespoke Homes Ltd ("the developers") wishes to demonstrate that the capacity of the existing and planned Primary Education provision in Moreton-in-Marsh will meet the projected primary school age pupils arising from the development in Moreton-in-Marsh known as Land at Dunstall Farm, and other previously committed development.

At the Planning Committee, Members were seeking a strategy for primary school provision. GCC has a funded strategy to meet the needs arising from housing developments at Moreton, including Dunstall Farm, through the expansion of St. David's School.

The St David's Primary School expansion project to 2FE will, on Gloucestershire County Council's forecasts, be sufficient to accommodate the primary school aged pupils that will be located on this development site.

St David's Primary School is the only school in the town of Moreton-in-Marsh. The School is currently a 1.5FE (315 places) primary school with, at January 2020, 291 pupils.

As 1.5FE, it has a Pupil Admission Number (PAN) of 45 into each year group. An expansion to 2.0FE (420 places) is identified through the GCC Primary and Secondary School Places Planning Strategy 2018-2023 (page 88) which confirms that plans for expansion are underway.



Of the 291 pupils currently on roll, a Freedom of Information response from October 2019 confirmed that only 246 are resident in Moreton. This means that over 15% of the school's roll comes from other parts of the Planning Area.

This FOI response also showed that not all of the primary age pupils that will be living on this development site will attend the local school. Some parents living in the new development will choose not to send their primary aged child or children to St David's. The breakdown is shown below:

Category	No.	%age
Resident Population (aged 4-10)	349	100%
Resident and attending St David's PS	246	70.5%
Resident and attending other State Funded PS in GCC area	66	19%
Resident and not attending a state funded GCC primary school	37	10.5%

Table 1: GCC FOI Results

This movement of pupils both in and out of Moreton shows why it is important for GCC and CDC to consider the wider school place planning area when considering the impact of the development and its required mitigation. The relevance of such pupil movements is a position that is well supported by planning appeal decisions at Malpas, Audlem, Knaresborough and Tetsworth.

Two recent developments now completed in Moreton-in-Marsh known as Fire College and Todenham Road will have paid £730,750 and £409,220 respectively pursuant to Section 106 Agreements, and a further payment of £260,245 will be payable when the approved development at Evenlode Road is undertaken. These three developments are forecast to generate 19.5, 35, and 18 primary school places respectively, as outlined in their Section 106 agreements, and from calculations undertaken at the time of their submission as planning applications by GCC. Both the Fire College and the Todenham Road developments are complete and the GCC forecast figure for St David's of 291 pupils for 2020/21 exactly matches the pupils in the school in January 2020.

GCC has produced projections for the Chipping Camden primary school planning area which forecasts the roll at schools up to 2023/24. These projections include the pupil yield of the Fire College and Todenham Road developments, and show that St. David's School is expected to have a roll of 326 places in the 2023/24 academic year. GCC's School Places Strategy 2018 – 2023, which sets out the forecast position also states that the table:



*“uses figures calculated by projecting forward the birth rate and the likely take up of places based on past trends”*

Planning Area : Chipping Campden Primary School Details			Pupil Number on Roll													Forecast Pupil Numbers																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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It was therefore appropriate for GCC to request planning obligations to meet the cost of additional primary school places and this funding supports GCC's strategy to deliver adequate primary school places in a timely manner.

I trust that this is clear and sufficient for your requirements, but please let me know if you need any further clarification, or wish to discuss.

Sincerely,

**Ben Hunter**

Education Consultant

EFM (on behalf of Spitfire Bespoke Homes)

# SPITFIRE

bespoke homes

## Spitfire Bespoke Homes – Preferred Management Company Strategy

Spitfire Bespoke Homes (SBH) has significant experience in delivering schemes with management companies and managing agents in place. We are increasingly finding that local authorities do not have the appetite or resource to take on the management of the open space and infrastructure across our schemes and are therefore having to source alternative arrangements.

In this instance, given the scale of the development and areas that require maintenance, SBH would propose that the resident-led management company employ the services of a managing agent. The process for this is set out below:

**Resident Management Company formed with two Spitfire directors appointed as first directors of the company**



**Spitfire employ a managing agent to manage the common parts of the estate on behalf of future residents. The managing agents fees are paid from the service charge funds collected from each residential dwelling and the managing agent therefore works for the Residents Management Company**



**Spitfire and the managing agent will agree an appropriate time (this could be when the site is 70% occupied, 100% occupied, etc) for the managing agent to take a handover of the development and start to manage the common parts. Until such time, Spitfire are responsible for maintaining the open space.**



**Following sale and registration of the last plot at Land Registry, Spitfire transfer the common parts (eg estate road, landscaped areas, etc) into the name of the Residents Management Company. Residents will be asked to volunteer to stand as a director of the Management Company, a minimum of two volunteer directors required.**



**Spitfire directors resign from the Management Company and the volunteer resident directors are appointed as new directors of the Management Company with the relevant forms being lodged at Companies House. The managing agent may be appointed as company secretary on behalf of the Residents Management Company to enable them to carry out day to day duties on behalf of the residents**



**Statutory books for the Management Company are sent to the residents or the managing agent on behalf of the residents**

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## SPITFIRE BESPOKE HOMES LTD

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# SPITFIRE

bespoke homes

Currently SBH has 14 active sites all of which will be handed over to a management company on completion, with around 70% of these sites also having a managing agent in place to carry out the onsite maintenance work. The management agent will be selected from a trusted list of partners. The managing agents will tender for the work based on the Landscape and Habitat Management Plan, as explained in further detail below. A party will then be selected as the preferred managing agent for the site.

During the planning process a Landscape and Habitat Management Plan is produced which will provide a framework for long term landscape and habitat management and maintenance of the open space and landscaping associated with the development. The plan is usually controlled by planning conditions to ensure landscape and ecology mitigation measures are maintained for the required period to achieve the sustainability credentials of the scheme. The Management Plan covers all areas of open space and landscaping within the site but excludes the residential gardens within plot curtilages as these will be maintained by the individual occupiers.

The Management Plan provides information on managing landscape elements within the site boundary to enhance amenity and biodiversity value and strengthen its connectivity to the wider landscape. The Management Plan describes the site in terms of landscape elements and management operations and provides recommendations for a set duration.

The managing agent will require the necessary experience and ensure that they employ contractors with certificates of competence to undertake landscape management operations on site. Where practical, contractors with experience in biodiversity management will be sought.

The long term management objectives of the Plan are:

- To safeguard the biological and physical integrity of the Site;
- To safeguard and maintain existing on site features including existing hedgerows and trees;
- To provide suitable habitat on Site for the benefit of notable species including birds and bats;
- To successfully establish proposed landscape features including trees, hedges, grassland and drainage attenuation basins and swales; and
- To comply with legal obligations and constraints.

The benefit of the Resident Led Management Company is the inclusion of all residents being listed as members of the company and therefore all entitled to vote on all matters. It gives greater responsibility and control to the residents for the area in which they live. If they are unhappy with the level of service provided by the selected managing agent, the cost, or would prefer to just appoint a different contractor then they have the ability to terminate their contract and appoint a new agent.

To summarise, we recognise that the ongoing management and maintenance of the open space at Dunstall Farm is important, not only for the new residents but also for the existing community. We therefore feel the best way for this to occur is by appointing a managing agent and once the site is completed to an agreed standard it would be handed over to the resident led management company. The advantage of this being that the residents would manage the maintenance of the public open space to the benefit of the local community.

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## Martin Perks

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**From:** THOMAS, Sophie <Sophie.Thomas@gloucestershire.gov.uk>  
**Sent:** 21 October 2020 14:49  
**To:** Martin Perks  
**Cc:** CHANDLER, Stephen  
**Subject:** 19/02248/FUL Dunstall Farm - Amended contribution request for Post 16 pupils

Dear Martin,

Please accept this email on behalf of GCC Education and note the amended contribution request for Post 16 pupils for your report/addendum for Nov Committee as highlighted below .

In November 2019 GCC updated its calculation of the numbers of pupils generated by new housing developments, following a population forecasting study of new dwellings built in Gloucestershire, which was published on our website at <https://www.gloucestershire.gov.uk/media/2100485/gloucestershire-new-build-ppr-report-final.pdf>. It has recently come to our attention that the research on Post 16 school places was based upon three year groups of children, including 19 year olds, rather than two year groups of 16-18 year olds. This means that the calculator of 11 additional Post 16 pupils per 100 qualifying dwellings shown in Table 11 of the report should be reduced to 7 additional Post 16 pupils per 100 qualifying dwellings. I would like to clarify that there are no concerns with the methodology used by our consultants in the calculation of these figures, this was due to an oversight in GCC's specification of the survey questionnaire which should have clearly set out two year groups.

We apologise for this error and we are taking the earliest opportunity to correct all requests for contributions towards Post 16 places that have been made between November 2019 and September 2020. We confirm that this error related only to the calculation of Post 16 places, and that calculations for the number of primary school and secondary school 11-16 year old places remain unchanged.

We responded to a planning application consultation for Dunstall Farm (Reference 19/02248/FUL) and requested a S106 financial contribution towards the provision of additional school places for Post 16 pupils. This application for 220 qualifying dwellings was calculated to generate a requirement for 24.2 additional Post 16 places and we requested a contribution of £556,890.40.

Consequently we now calculate that this application for 220 qualifying dwellings is forecast to generate a requirement for 15.4 additional Post 16 places and a reduced contribution of £354,384.80 towards providing them.

Kind regards

Stephen

**Stephen Chandler**  
**Place Planning Manager**  
**Commissioning for Learning**

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