



30 September 2025

Tel: 01285 623226

e-mail: democratic@cotswold.gov.uk

PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 8 October 2025 at 2.00 pm.**

Jane Portman
Interim Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Dilys Neill, Ian Watson, Ray Brassington, Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Andrew Maclean, Michael Vann and Tristan Wilkinson)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**

To receive any apologies for absence. The quorum for the Planning and Licensing Committee is 3 members.

2. **Substitute Members**

To note details of any substitution arrangements in place for the meeting.

3. **Declarations of Interest**

To receive any declarations of interest from Members relating to items to be considered at the meeting.

4. **Minutes** (Pages 7 - 16)

To confirm the minutes of the meeting of the Committee held on 10 September 2025.

5. **Chair's Announcements**

To receive any announcements from the Chair of the Planning and Licensing Committee.

6. **Public questions**

A maximum of 15 minutes is allocated for an "open forum" of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be one minute. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Member questions**

A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the Committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order in which they were received but the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Question 1 from Councillor Andrew Maclean to Councillor Dilys Neill (Chair).

Please could you explain the decision making process behind the decision not to bring 25/01431/FUL to the committee but instead approve the application by delegated responsibility?

Having studied the plans, I completely understand the officers' approval of this much improved application and why it has been allowed when the previous application was refused. I therefore am not asking for any explanation as to the planning reasons behind the approval of this much improved scheme.

However, in my opinion, the process followed shows a complete contempt for the democratic process, for this committee and the amount of time that myself and my fellow councillors give to supporting the planning process in this district. Having visited the site, listened to the officer's opinions and carefully studied the plans for the first application I believe it would have far more appropriate for the revised application to have also been brought before the committee too.

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

8. **25/01036/OUT - Land East Of Cotswold Business Village** (Pages 53 - 168)

Proposal

Outline application for up to 195 dwellings.

Case Officer

Martin Perks

Ward Member
Councillor Angus Jenkinson

Recommendation
REFUSE

9. **25/01970/PLP - Land At Ethans Orchard** (Pages 169 - 196)
Proposal
Permission in Principle for the erection of 1 self-build dwelling.

Case Officer
Amy Hill

Ward Member
Councillor Paul Hodgkinson

Recommendation
PERMIT

10. **25/02584/TPO - Abbey Grounds** (Pages 197 - 206)
Proposal
Tree T32 - London Plane. Reduce back to previous pruning points and crown thin by 10%. To be repeated every three years.

Case Officer
Jordan Hawes

Ward Member
Councillor Mark Harris

Recommendation
PERMIT

11. **25/00002 - Tree Preservation Order - Mill Close, Blockley** (Pages 207 - 242)
Purpose
To consider the Tree Preservation Order (TPO) made on trees at 5 Mill Close, Blockley. To determine whether the TPO should be confirmed, confirmed subject to modification, or not confirmed.

12. **Sites Inspection Briefing**
Members for 5 November 2025 (if required)

Councillors Dilys Neill (Chair), Ray Brassington, Patrick Coleman, David Fowles, Julia Judd.

13. **Licensing Sub-Committee**

Members for 28 October 2025 (if required)

Councillors Dilys Neill (Chair), David Fowles, Ray Brassington.

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Planning and Licensing Committee
10/September2025



COTSWOLD
District Council

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 10 September 2025

Members present:

Dilys Neill (Chair)	Julia Judd (Vice-Chair)	Daryl Corps
Nick Bridges	David Fowles	Michael Vann
Patrick Coleman	Juliet Layton	Tristan Wilkinson

Officers present:

Leonie Woodward, Head of Legal	Jasper Lamoon, Principal Planning Policy Officer
Harrison Bowley, Head of Planning Services	Julia Gibson, Democratic Services Officer
Martin Perks, Principal Planning Officer	Kira Thompson, Election and Democratic Services Support Assistant
Amy Hill, Senior Planning Officer	Tyler Jardine, Trainee Democratic Services Officer

176 Apologies

There were apologies for absence from Councillors Ian Watson, Ray Brassington and Andrew Maclean.

177 Substitute Members

Councillor Juliet Layton substituted for Councillor Ian Watson. Councillor Julia Judd acted as Vice-Chair.

178 Declarations of Interest

Councillor David Fowles declared non-pecuniary interests in relation to Item 8, as the Clerk, John Dooley, was a parish councillor in one of the parishes they represented. Councillors David Fowles and Julia Judd declared that in relation to Item 11, Councillor Bella Amory was a friend. The Members confirmed that, having taken advice from the Legal Representative, they would take part in the debate.

179 Minutes

The minutes of the meeting held on 13 August 2025 were discussed. Councillor David Fowles proposed accepting the minutes and Councillor Patrick Coleman seconded the proposal which was put to the vote and agreed by the Committee.

RESOLVED: To APPROVE the minutes of the meeting held on 13 August 2025.

180 Chair's Announcements

It was announced that the first item on the schedule of applications, relating to land north-east of Mickleton, had been withdrawn.

181 Public questions

There were no public questions.

182 Member questions

A Member noted that the Planning and Licensing Committee had always operated on a non-political basis and suggested mixing the seating of groups at the next meeting.

183 25/01621/OUT - Land North East of Mickleton

This application had been withdrawn.

184 25/01194/OUT - Land Parcel North of Olimpik Drive

The proposal was for outline application for residential development of up to 30 dwellings.

Case Officer: Martin Perks

Ward Members: Cllrs Gina Blomefield and Tom Stowe

Original recommendation: REFUSE

The Chair invited the Case Officer to introduce the application who made the following points:

- Additional pages included confirmation that the concerns in Refusal Reason 3, relating to Great Crested Newts, had been addressed through the applicant's licensing report reviewed by Nature Space, and that this refusal reason was no longer pursued.
- It was confirmed that County Council Highways raised no objection to the application, subject to conditions.

- One additional objection had been received, relating to the loss of greenfield land and drainage.
- Site location maps, photographs of the site and the indicative layout were shared.

Public Speakers

Speaker 1 - Chipping Campden Town Council

John Dooley (Town Council Clerk) explained that Chipping Campden Town Council opposed the application due to ongoing flooding concerns, noting that previous development at the site had inadequate flood mitigation measures that were not resolved, and they sought guarantees that the existing flooding issues would be properly addressed.

Speaker 2 – Objector

David Jennings-Riley raised concerns that the Sequential Test omitted guidance on cumulative flood risk, noting that previous development at Leasows One had increased flood risk to nearby areas, and that the proposed cut-off ditches for Leasows Two could worsen downstream flooding due to omissions in the plans. These concerns were supported by the 2023 Cotswold District Council Level 1 Strategic Flood Risk Assessment and local flooding evidence.

Speaker 3 - Agent

Wendy Hopkins noted that the Council's five-year housing land supply shortfall was the key consideration. She stated that landscape impact concerns were likely exaggerated, and that previous refusals were outdated or untested. She argued that applying the tilted balance meant the landscape harm was insufficient to justify refusal.

Speaker 4 – Ward Member

Councillor Tom Stowe, the Ward Member, supported refusal of the application, citing inadequate flood mitigation, significant landscape harm within the Cotswold National Landscape, and conflict with Local Plan policies and statutory duties. They concluded that adverse impacts outweighed any benefits.

Member questions

Members asked questions of the officers, who responded in the following way:

- The detailed drainage scheme would be secured by condition if approved in order to manage hillside flooding. Indicative proposals included a capture trench to control flows and protect existing properties. Previous drainage issues at Olimpik Drive had been addressed, and technical consultees were satisfied that, the measures would prevent flooding to the development and surrounding areas, including Park Road.
- The Officer explained that the assessment drew on experience, site history, and an independent landscape consultant's review, resulting in a refusal recommendation. The decision also reflected changes in legislation, which

placed weight on conserving and enhancing the natural beauty of national landscapes.

- The Officer explained that the site itself did not flood, as it was sloping and water flowed over it to lower areas, where flooding has occurred in the past. A potential issue was whether development would exacerbate these problems by diverting water or increasing surface runoff. With the proposed drainage measures, including capture drains and attenuation features requested by the Lead Local Flood Authority, such impacts could be managed.
- The Officer explained that, under paragraph 11(d)(i) of the NPPF, a lack of a five-year housing land supply required weight to be given to housing supply, but harm to a nationally designated landscape could provide a reason to refuse a planning application.
- The Officer explained that previous flooding to properties backing onto the River Cam was caused by surface water, not the river itself. The proposed development would include on-site attenuation to store and release water at controlled rates.
- The Officer explained that the public right-of-way crossed the site and formed part of a route linking Chipping Campden to the surrounding area. Whilst it was not part of the Cotswold Way, the footpath is used by pedestrians, and the proposed development would affect users.
- It was clarified that the proposed development would not extend onto the Olimpik Drive site, except for use of the access road. However, the development would impact the intended function of the green corridor north of Stickler Place.

Member Comments

In discussing the application, Members made the following comments:

- Concerns were expressed regarding the agent's comments on housing targets, emphasising that government targets do not allow unrestricted development and that the Committee had a duty to ensure housing is directed to suitable locations whilst protecting the National Landscape.
- The site was highly sensitive, elevated, and visually prominent. They considered that the development would cause unacceptable harm to the landscape, local character, and tourism value, and noted a potential flooding risk.
- The refusal reasons were supported by the National Landscape Trust policies and stated that the application provided no public benefit under the tilted balance.

Councillor David Fowles proposed REFUSING the application and Councillor Julia Judd seconded the proposal. This proposal was put to the vote and agreed by the Committee.

RESOLVED: to REFUSE the application.

25/01194/OUT - Land Parcel North of Olimpick Drive - REFUSE (Resolution)		
For	Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Juliet Layton, Dilys Neill, Michael Vann and Tristan Wilkinson	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

185 25/01717/FUL - Land West of Hatherop Road

The proposal was for erection of 98 dwellings.

Case Officer: Martin Perks

Ward Members: Cllr Michael Vann

Original recommendation: PERMIT

The Chair invited the Case Officer to introduce the application.

- The Officer explained that there was sufficient water supply capacity for up to 50 dwellings without reinforcement, with a condition restricting occupation above this until works were completed. For sewage infrastructure, a condition was recommended that no more than 87 dwellings should be occupied until capacity was in place, to be agreed with Thames Water, based on the fall back position of the 87 dwellings already permitted.
- The Lead Local Flood Authority had raised no objection subject to conditions incorporated into the decision. The Case Officer requested delegated authority to amend a few conditions, such as access and a construction management plan.
- The Case Officer shared maps, photographs including the Public Right of Way, Site and Elevation plans.

Public Speaker 1 – Fairford Town Council

Councillor Richard Harrison noted that the proposal aligned with the Fairford Neighbourhood Plan, would meet local housing needs sustainably, and offered improved housing mix and energy efficiency. He claimed that minor tree-planting concerns could be addressed via the Biodiversity Gain Plan, while sewage treatment capacity must prevent pollution or flooding.

Public Speaker 2 - Objector

Rod Hill raised concerns over sewage capacity, potential illumination of Lovers Lane, and insufficient car parking, particularly given school-related congestion. The increase from 86 to 98 dwellings was considered likely to worsen these issues.

Matthew Jeal highlighted the community engagement undertaken and noted that the site already had planning consent. The application proposed 11 additional units, including four affordable homes, along with an improved housing mix and footpath upgrades. He confirmed that conditions on foul and water connections, as well as additional tree planting along the northern boundary, were accepted. Upgrades to Lovers Lane and sensitive lighting would be carefully managed to protect bat habitats, and the proposal provided over 150 car parking spaces, meeting County Council standards.

Public Speaker 4 – Ward Member

Councillor Michael Vann noted that the site lay outside of the Conservation Area and the Cotswold National Landscape and was allocated for housing in the Fairford Neighbourhood Plan. He explained that the plan required connection to the sewer network only where capacity exists or is planned, and Thames Water had confirmed capacity for 50 dwellings now, with reinforcement works needed for additional units.

Members Questions

Members asked questions of the officers, which were responded to in the following way:

- The Case Officer confirmed there was sufficient school capacity, with no education contribution required other than £19,208 for libraries. No issues had been raised by the NHS regarding GP capacity.
- It was confirmed that the Environment Agency was not a statutory consultee; any discharge into watercourses would fall under their separate licensing and permit controls.
- The Case Officer explained that assurances on upgrades rested with Thames Water under the Water Industry Act. The developer must secure agreement from Thames Water for connection, and if upgrades are delayed, occupation of the houses could not proceed as it would potentially conflict with building regulations.
- The Case Officer explained that solar panels had not been proposed as the applicant was pursuing a "fabric first" approach, focusing on insulation and other thermal efficiency measures.
- In response to concerns about parking capacity, the Case Officer confirmed that the scheme provided around 225 spaces.

Members comments

In discussing the application, Members made the following comments:

- Members welcomed the developer's comments about landscaping, noting that additional planting would enhance the approach into Fairford.

- Concern was expressed about the lack of a response from the County Council on the impact on schools and queried whether the Town Council was confident that the local school and doctor's surgery could cope with additional demand.
- Support was given to ongoing engagement with Thames Water, highlighting the need for firm commitments to safeguard local infrastructure schemes.
- Members commended the developer and Fairford Town Council for their cooperative and constructive approach.
- Members recognised the strengths of the scheme, including its provision of smaller units and affordable housing.

Councillor David Fowles proposed accepting the Case Officer's recommendations to ACCEPT the application with Delegated authority to amend conditions and Councillor Julia Judd seconded the proposal. This proposal was put to the vote and agreed by the Committee.

RESOLVED: to PERMIT the application subject to the completion of S106 legal agreement(s) covering affordable housing, custom/self-building housing, Biodiversity Net Gain monitoring, financial contribution to North Meadow and Clattinger Farm Special Area of Conservation, provision of public open space, access connection to field to west, financial contributions to library services, public transport and travel plan.

15:55 – 16:08 break

25/01717/FUL - Land West of Hatherop Road - PERMIT (Resolution)		
For	Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Juliet Layton, Dilys Neill, Michael Vann and Tristan Wilkinson	8
Against	None	0
Conflict Of Interests	None	0
Abstain	Nick Bridges	1
Carried		

186 25/01970/PLP - Land At Ethans Orchard

The proposal was Permission in Principle for the erection of 1 self-build dwelling.

Case Officer-Amy Hill

Ward Member-Cllr Paul Hodgkinson

Original Recommendation - PERMIT subject to agreement of appropriate assessment by Natural England.

The Case Officer introduced the report explaining that additional pages contained comments in support and objection and also acceptance of the appropriate assessment from Natural England.

Comments from the Parish Council had been received which raised concerns about limited facilities in Chedworth and poor bus services. There were also concerns about the site being outside of the village envelope. The Case Officer clarified that Chedworth is a non-principal settlement and that the conservation area was not the village envelope.

The Case Officer highlighted the principles behind a Planning in Principle planning decision for Committee Members.

Public speaker 1

Councillor Bella Amory from Chedworth Parish Council explained that there was strong local opposition, citing harm to the conservation area, National Landscape, and settlement character. There were also concerns raised over the lack of facilities, the reliance on private cars, and minimal housing need.

Public speaker 2 - Objector

Jenny Wigley argued that the site was highly sensitive being within the conservation area and National Landscape and the close setting of listed buildings. She felt that the Case Officer recommendation relied on mitigation outside the application site, which she stated was undeliverable and legally flawed.

Public speaker 3 – Applicant

Mr George Charnick explained that the proposal sought a modest, carefully designed self-build dwelling, with removal of the garage and improvements such as a treatment plant, landscaping, and restored orchard.

Speaker 4 – Ward Member

Councillor Paul Hodgekinson stated that the site lay within the Chedworth Conservation Area and the Cotswold National Landscape, both of which were highly protected, and that there was a history of refusals. There were concerns raised that development would cause harm to heritage and landscape, including the loss of an important rural gap and intrusion into key views. It was noted that the proposal conflicted with statutory duties, national and local policies, with no clear public benefit to outweigh the identified harm.

Member Questions

Members asked questions of the officers, which were responded to in the following way:

- In clarifying what was being considered in this application, the Case Officer explained that the application asked whether residential development could be justified on this site but not to approve detailed design or layout. As the site was located within a conservation area, the National Landscape, and close to listed buildings, any future development would require careful design.

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- In a response to a question regarding the value of the hedging and stone wall, the Case Officer explained that the existing hedgerows contained some native species and provided ecological value but also limited views across the valley.
- The Conservation Officer explained that the eastern part of the site was dominated by a garage, hard standing, and altered topography. The key heritage benefit would be removing these structures and restoring the land to a rural paddock/orchard.

Recommendation

The recommendation was changed to DEFER the application due to a Site Inspection Briefing being requested. The basis for the Site Inspection Briefing was to judge the setting and surroundings.

Councillor Tristan Wilkinson proposed deferring the application and Councillor David Fowles seconded the proposal. This proposal was put to the vote and agreed by the Committee.

RESOLVED: to DEFER the application.

25/01970/PLP - Land At Ethans Orchard - DEFER (Resolution)		
For	Nick Bridges, Patrick Coleman, Daryl Corps, David Fowles, Julia Judd, Juliet Layton, Dilys Neill, Michael Vann and Tristan Wilkinson	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

187 Sites Inspection Briefing

An all-Member Site Inspection Briefing was required for 1 October 2025.

188 Licensing Sub-Committee

There were no licensing sub-committees planned.

Chair

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PLANNING AND LICENSING COMMITTEE 8 October 2025

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 8 October 2025
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No.
Moreton In Marsh	Land East Of Cotswold Business Village South Of London Road London Road Moreton-In-Marsh Gloucestershire 25/01036/OUT Outline Application	1
Chedworth	Land At Ethans Orchard Middle Chedworth Gloucestershire GL54 4AL 25/01970/PLP Permission in Principle	2
Cirencester	Abbey Grounds Dugdale Road Cirencester Gloucestershire GL7 2EG 25/02584/TPO Works to trees with a TPO	3

PLANNING AND LICENSING COMMITTEE
8 October 2025
ADDITIONAL PAGES (*Published 06.10.2025*)

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS : Pages 1 - 34		
Agenda No:	Ref No:	Content:
8	25/01036/OUT <i>(Land East of Cotswold Business Village Moreton-In-Marsh)</i>	<p>Case Officer Update:</p> <p>Biodiversity Net Gain:</p> <p>The applicant has confirmed that it is their intention to 'secure any BNG deficit, providing on-site mitigation cannot be achieved, through purchasing units from a suitable provider.' The Council's Biodiversity Officer accepts such an approach. However, due to the size of the proposed development and the type of habitats present on site, it will be necessary to secure its delivery through a S106 legal agreement. At present, no such mechanism is in place. It is therefore recommended that the refusal reason relating to BNG is changed to:</p> <p><i>An appropriate mechanism, such as a S106 legal agreement, is not in place in order to ensure that the biodiversity gain objective can be met and that the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).</i></p> <p>Consultations and Representations Received:</p> <p>Representation received from Cllr Angus Jenkinson (Ward Councillor, Moreton East & Todenham) – please see attached</p>

		<p>Gloucestershire County Council Highways:</p> <p>Final consultation response received - please see attached dated 30 September 2025</p> <p>Environment Agency:</p> <p>Consultation response received - please see attached dated 30 July 2025</p> <p>1 further objection comment received:</p> <p><i>'Sewerage System Capacity</i></p> <p><i>The current treatment works capacity is insufficient for the existing dwellings in the town and the upgrade currently planned would not accommodate an additional 195 new homes. Any planning permission must make resolution of the sewerage capacity a pre-commencement condition.</i></p> <p><i>Highways</i></p> <p><i>The removal of traffic lanes for cycle lanes is not acceptable. The London Road cannot cope with the traffic levels as is and an additional 195 new homes will make an already dreadful road network even worse. The size of HGVs using the road would I'd suggest impinge on the cycle lanes in day to day usage. The plans will need to address the bottleneck that arises at the Railway Bridge and the impact on the town centre which on an almost daily basis is at gridlock for part of the day. The vast majority of people will argue that the site is walkable to the Town Centre, shops and supermarkets and, of course it is. BUT it's at least a 20-minute walk to the Town Centre and local shops and more to the supermarkets and health centre/MIU - people will drive! The impact on the roads needs to be fully considered and addressed.</i></p>
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		<p><i>Infrastructure</i></p> <p><i>The proposal is outside of the Local Plan and the application does not adequately deal with the requirement for infrastructure required for those who will live in the new homes including - Education, both primary and secondary; car parking in the Town Centre will be further pressurised with additional homes and there are no real facilities within the town centre; health facilities require improvement - the current wait time for a GP appointment, other than urgent, is too long and there are no NHS dentists in the area; there are no facilities, shops, cafes, eateries, pubs, etc. to the East of the Railway and a further 195 new homes will put additional pressure on the town centre. Infrastructure needs to precede development.'</i></p>
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Bloor Homes (25-01036-OUT)

Cllr Angus Jenkinson, ward councillor. Moreton East and Todenham

I am obligated to object to this project because it has inherent limitations, does not integrate with the town, and will cause significant problems. It would form a significant eastwards enclave, a disconnected residential extension that does not contribute to a cohesive development of a functional market town. Existing infrastructure constraints make it non-viable and prejudicial to resolution of key issues.

Having had a number of ongoing discussions with the Mr Martin Perks, the principal planning officer, I am unsurprised that the recommendation is REFUSE. I note the issues he cites:

- (a) Residential Development Outside a Development Boundary
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage
- (h) Contamination

I accept the concerns he raises.

I shall first briefly summarise my case for refusal and then provide some town context for you, along with further detail on some issues, including major medical constraints.

I am aware that Government decisions mean the Planning Committee is dealing with circumstances that have changed since last autumn. Nevertheless, this is a development that should not expediently be approved. In the unlikely event that you feel required to approve, I have therefore also proposed some recommended conditions for you to consider, in that unlikely event, but I urge you to refuse.

The summary objections and case for refusal

This application fails since:

- a) The location is isolated and far from the town centre, divided from residential development by a large business park, cemetery, and football ground. The application notes these weaknesses by proposing two transport features, a bus stop that would principally serve the development, so a mitigation rather than enhanced factor, and unprotected lanes way in a busy road. These do not comply

with guidance given by *Active Travel England's Standing Advice Note* for cycle safety on busy roadways like this one. Detail is provided in a later section.

- b) Since 2011, the town has built or is in the process of completing 1,324 dwellings. That is the second largest in the District in raw numbers and proportional to the original size by far the largest. My ward has borne the brunt of these and for much of the time the development was not managed by an operational Area Plan. Too much was piecemeal and lacking in corresponding infrastructure development. This development cannot put right that history but it must deal with their consequences, which include critical infrastructure limitations already at or beyond the edge. This application is unlikely to be incremental but rather catastrophic in such circumstances.
- c) It does not meet the conditions of Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements. It is a speculative ad-hoc project that is not needed for strategic reasons and does not provide strategic resolution of the town's development: it does not resolve various issues in the town including traffic and foul water management, discussed below. It may block strategic resolution of a key issue.
- d) It also fails the existing SHELAA on these and other grounds. The SHELAA considered this a possible location for a primary school when one was deemed necessary. It is not now, a matter I have investigated. Instead, it is a development a long way from the primary school, compounding problems since it will be too far for many youngsters to walk, would take too long for many parents, and to go by car would create massive traffic and parking issues given the physical location and approaches to the school in its corner of the old town.
- e) The SHELAA considered that the site is a candidate for further consideration for allocation within the Local Plan, *subject to overcoming the infrastructure capacity issues*, which this project would need to address. The SHELAA states:
 - i. Part of the site is unsuitable for housing due to the odour issue from the adjacent wastewater treatment works. The present application does not resolve this.
 - ii. The development of this site is reliant on the delivery of off-site infrastructure, namely sewage and wastewater infrastructure and town centre highway capacity issues through the town centre.
 - iii. It considered a development of around 162 homes (based on the density multiplier assumption) would probably be appropriate (when part of an integrated plan).
 - iv. The masterplanning of the site should reference the historic field pattern.
 - v. Problems of potential flooding need management.
- f) It remains a possible site for development at some point but only in the context of an integrated whole system strategic plan with associated infrastructure improvements that resolve issues of the town if it is to grow. This isolated enclave

is a development that does not provide these benefits. (I suspect the necessary conditions would exceed the financial model of the project.)

- g) The town centre highways are at capacity now. Already in 2011, the Planning Inspectorate recognised the problems of traffic in the town in a judgement that refused a proposed development. The mini roundabouts were already determined at the time of the adopted Local Plan as having limited additional capacity. That has now been exceeded. Capacity cannot be locally increased given the built form. Significant alternative infrastructure will be required to support any further growth in Moreton. That is a key reason for an integrated approach to any significant development in the town.
- h) This development would already breach capacity. It may also prejudice further strategic development that might be needed to meet Government targets. For this, a new link road to ease congestion in the town's centre is required. I am hopeful that the existing feasibility study that is due to report soon will show possible options but further investigation and then implementation would need the integrated approach noted above. This site is a potential option for that link, so accepting a speculative isolated project would not only create large problems now but also be counterproductive to the town, Cotswold District Council obligations, and the Government's ambitions for the future.
- i) The decision by the principal planner to refuse notes that the 2011 Inspectorate judgement (noted above) considered it inappropriate to prejudice emerging Development Plan document policies. The same is true today.
- j) It does not accord with CDC's up-to-date adopted development plan. The adopted Local Plan focuses large scale strategic growth in Cirencester "complemented by smaller site-specific allocations in the Principal Settlements." That was also true in 2011 and a reason to refuse as the present proposal also prejudices better allocations. Where the Moreton settlement will be in this depends on the link road, sewage works, and other resolutions.
- k) These include the absolute constraint in medical services in the town. I report from the town's two medical centres: they have already exceeded capacity. They advise: "...it is highly likely that further development in the town will actually induce medical poverty in the community here." The adjustment would not be incremental. They cannot obtain funds for physical infrastructure from the NHS. If the development was accepted it would require a considerable contribution to provide resource for the increased capacity needed for those who take up residence. See details below.
- l) This project is therefore inconsistent with the present and future needs of the town and the recommendation for this site in the SHELAA is not a reason to accept it. I urge you to refuse.

Background

The town is a classic Cotswold market town with origins in the middle ages, a wide centre roadway and trees suitable for horse and buggy and with an imposing Corn Exchange. Development was slow. Properties were varied but mostly terraced and conforming to the Cotswold vernacular. Pictures show varied roof lines, textures, colours. They meet the test of being interesting from a distance and close-up. It has 96 listed buildings.



Town centre diversity and interest

In 2003, almost all of the land east of the railway station consisted of fields. The exception was ribbon development along the A44, Evenlode Road, Todenham Road and at the Fire Service College. The quality of this build varied, but the developments that were most representative continued this market town vernacular.



Evenlode Road

The first development (in 2003-4) continued this, as in the picture below, albeit with better parking arrangements. Note the terrace, trees, and grass, good build quality, and Cotswold feel.



Blenheim Way

Until the recent Area Plan was approved, the town then developed without a Plan, piecemeal, without proper infrastructure. My ward as of 2023 election had grown 6x faster than the District average since 2011. A different spatial organisation, density

and appearance was generally followed. Traffic grew and both developments and utility upgrades led to months of excessive town centre traffic blocks, harming retail businesses. The town centre became a car park and throughway for traffic, much of it heavy goods vehicles. The A429 Fosseway railway bridge is listed, dangerous (especially for pedestrians visiting from that side of town), and physically vulnerable.

There have undoubtedly been a number of positive contributions to the town that are enjoyed by owners, including four public open spaces featuring meadows, attenuation ponds, swales, woodland and streams. Apart from one adopted by the town council, they all have legacy compliance issues. However, they can and could offer attractive features. Many people have moved to the town and live in properties that they are happy to live in. But the balance of the town is disturbed. The “Transport Hub” and railway are considered a reason for development, but this implies that people will work elsewhere. A market town is not a commuter suburb: it needs a proper centre and a thriving local economy. “Transport Hub” is a misnomer and likely to remain so, since the cost is high, additional parking low, and a prime site in the centre of town would be lost when better alternatives for parking exist.

The town partly owes its existence to being at the meeting of two main routes, the A44 and the A429, now forming a bottle neck with traffic mostly just passing through and taking value from the town. Planners are aware of these issues and are undertaking feasibility studies with the county, which have not yet been resolved. Approving this development now would add both uncertainty and potentially conflict with a major opportunity to sort out town problems.

The application proposal

General comments

It is noted that the present planning situation means that adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused. They do.

The site has been described by the principal planner. It is a large agricultural field 1.5km from the centre of town. It is a standalone residential development detached from other housing, primary school, shops, pubs, and supermarket and beyond the current eastern edge of the town (outside the Development Boundary). It is more like a village without a centre that will put a strain on the town. It is off the A44, a busy road with many cars, trade and HGVs. Part of the land is within the risky Flood Zones 2 and 3. The masterplan includes an attractive surrounding public green space but there is little indication of trees in the interior, which are so helpful in urban and rural development. Developing the surrounding land as green space would need improvement of the soil matrix, a noted problem with other Moreton developments.

Houses that face the busy A44 will be affected by high road noise. I counted 56 passing vehicles, many trade or HGVs, in a random late morning 5-minute period (not rush hour). The noise is very apparent inside the field.

The applicant reports that the town's retail centre "ranks fourth in the District". That does not make it a large thriving retail centre. Perhaps additional customers will help, but additional cars will contribute to the bottlenecks.

Additional features

Integration with the town

The development is outside the town, separated by a large cemetery, business park, and football ground. It is therefore isolated and far from the centre. Recognising this problem, the developer is proposing a cycle way and bus stop, discussed below.

They provide suggested walking times to the centre or railway (18-19 minutes) but these would not apply to many older citizens or children going to school. This would be well in excess of an hour's return walk for a parent with child going to school.

The development is not part of any integrated plan for the town. A masterplan for the town was called for (in O&S) at onset of the recent Area Plan consultation and this is guiding forward planners. This development is not part of any integrated master plan and indeed could well undercut key elements, which the forward planners are aware of, including the feasibility of a much-discussed bypass. The committee will be aware of the rules governing such possibilities, but they are urged nevertheless consider these matters in the overall balance.

Transport, Cycle lane and Bus stop

The location is on a busy arterial road and exiting/entering might not be easy (see "56 passing vehicles" above) and traffic will be heavy. Speedwatch data and experience shows over 10% will exceed the speed limit discretionary zone, some considerably. This is context for the applicant proposals. The Planning Statement refers to "significant Active Travel Measures." There are two offered: a bus stop and a cycle lane.

The bus stop

A bus stop would mainly be useful for people living in the development. It is therefore a mitigation exercise not a reason to build.

Cycle lanes

A successful safe cycle pathway would be an asset for the town and assist active travel. Sadly, the proposed cycle lanes (DESIGN_AND_ACCESS_STATEMENT-2170939) do not comply with the guidance given by *Active Travel England's Standing Advice Note* for cycle safety on busy roadways like this one. I have consulted with the local cycling club leadership (at the fine cycle shop and café in the neighbouring business park)

and they do not believe it is fit for purpose. See *Active travel and sustainable development recommendations* at Cycle infrastructure design, LTN 1/20. Guidance for local authorities on designing high-quality, safe cycle infrastructure.

Excerpts from SECTION 6: Space for cycling within highways

“On busier and faster roads, which are usually the most direct routes between places, it will be necessary to provide **dedicated space for cycling**. Facilities that provide **physical protection for cyclists are preferable to cycle lanes**. It might be necessary to reallocate some road space from moving and/or parked motor vehicles to allow good quality cycle facilities to be installed. Dedicated space for cycling should continue past bus and tram stops but here and in other places it is essential that the needs of pedestrians are taken into account, particularly disabled people. Cycle facilities should preferably be located between parked and service vehicles and the footway. Access for these vehicles will need to be considered in any design.”

“**6.1.4** Figure 4.1 shows that protected space for cycling is generally required to create inclusive cycling conditions on busier or faster highway. This can take the form of: Fully kerbed cycle tracks; Stepped cycle tracks; or Light segregation (protected mandatory cycle lane).”

“6.1.9 Creating space for cycling may require the reallocation of space within the highway boundary. Wherever possible, this should be achieved by reallocating carriageway space, not reducing the level of service for pedestrians.”

“**6.1.11** Space may be taken from motor vehicles by reducing the carriageway’s width and/or number of lanes. UK practice has generally adopted a standard carriageway lane width of 3.65m (12 feet).” [Note that this is a busy road with HGVs.)

“6.2.1 Cycle tracks within the highway may be:

- Fully kerbed cycle tracks, protected from motor traffic by a full-height kerb, preferably with some buffer space between the cycle track and carriageway; and
- Stepped cycle tracks set below footway level, typically protected from the carriageway by a lower height kerb and usually directly next to it.”

I am advised that regular cyclists would consider the proposed plan dangerous. If it is required to accept the proposal a requirement to create such a safe cycle way should be mandated.

<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>.

<https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>).

Travel to school

Many children walk to school, young ones with a parent. This site would require a very considerable journey if walked and, as noted by the planner, this would be

difficult at times. I estimate a round trip for parents taking perhaps an hour given child and pram speeds. Access to the school by car is very awkward because of its location in the old town, so cars bringing children would exacerbate traffic and parking problems. Cars would generally have to park some way away and then pupils (with parent) would need to walk to the school. This is likely to increase congestion at a critical time. The proposed cycle path and effects on the narrow railway bridge will be affected by and increase this problem.

Constraints in the present town situation

Water and Sewage

This development will be serviced by Thames Water (TW), which improperly transfers treated and untreated water into the River Evenlode. This project is assessed to add 58.5 tonnes/day of additional foul water! Thames Water is overloaded. No further pressure should be put on an overloaded system until the system is no longer overloaded.

The ability of Thames Water to meet its obligations is suspect given history and the present situation. Ofwat issued Thames Water a record £122.7 million penalty in May 2025 for environmental breaches and dividend rule violations, with £104.5 million specifically for failing to deliver over 100 environmental improvement schemes, including at Moreton-in-Marsh.

The problem is that the total TW system and each part is inadequate. The system is not just the sewage treatment works (STW). It also includes Primrose Court Sewage Pumping Station (SPS), and the connecting network. Foul water first flows to the SPS and then is pumped back up the hill to the STW. Each part of the system currently fails and the whole system is recognised as inadequate with ongoing illegal and/or non-compliant consequences reported by the authorities (see below) and the citizen scientists, who now play such an active part in the process of restoring Britain's water to its proper health.

During the preparation for the 2024 Sewage Summit, CDC met frequently with Thames Water and it was clear that the sewage treatment works (STW) in Moreton-in-Marsh are grossly inadequate and a completely new STW (not an upgrade) and improved pumping station nodes are required along with improvements to the network. This was also reflected in the Grampian conditions place on the Ellenbrook development by Spitfire Homes. The CDC team did not expect more than 50 homes to be occupied before the STW was significantly upgraded or replaced. Due to a semantic anomaly, the development went ahead with only limited network improvements as a holding operation. This development therefore increased pressure on an already overloaded system which is in process of being further extended by a development by Backhouse on the Evenlode Road.

This has serious effects on water quality. The town is one of the sites noted by Ofwat and the EA as having a problem. The Evenlode Catchment Partnership (ECP) have raised serious and urgent concerns regarding the deteriorating ecological health of the River Evenlode and its tributaries (<https://earthwatch.org.uk/report/evenlode-catchment-partnership-2024-water-quality-report/>). Several years of monitoring and data collection (led by ECP partner organisation Earthwatch Europe) as part of the Thames Water-funded Smarter Water Catchment initiative shows that there has been no measurable improvement in water quality. They note:

- “water quality in some headwater streams was also poor, for example near Moreton-in-Marsh.”
- “It is generally assumed that the population of the Evenlode catchment is increasing, and housing is observably being developed throughout the catchment and particularly in Moreton-in-Marsh”
- “There has been significant housing development pressure in Moreton in Marsh since 2024 with a proposed population increase ~20% served by the STW, but it is not possible to quantify this impact until the 2025 data is released.” (It is likely to have got worse. This is on top of annual average daily flows of around 2000 in the period up to 2023.)
- They note low storm overflows from the STW. However, the MiM system

This development would add further unacceptable pressure to an overloaded system. The applicant proposes a sewage pumping station close to the attenuation basin, and concerns of the town council are noted. But even if this perfectly deals with transmission to the STW and adds no further pressure on other parts of the system it will add to the load on the STW. Either it must not be approved, or it requires a Grampian condition that will delay occupancy until the system meets a good standard, in which case it is unlikely to meet the five-year land supply requirement.

The Sustainable Drainage Strategy (SDS) must therefore take note of the interlinked STW and Primrose Court Sewage Pumping Station (SPS) to treat and discharge the additional sewage in a legal manner compliant with its statutory Environment Agency permit. No further pressure should be put on an accepted overloaded system until the whole system meets the standard that all water in the Evenlode meets a “good” standard after processing.

It should also be of concern that a problem of odour from the STW is noted in the application but not dealt with. OBJECT

Pollutants

There are acknowledged PFOS chemicals in the soil and PFAS persistent pollution in the water. Adding a large development with hard infrastructure is a real concern.

Medical resources

As ward councillor for the larger part of the town population, In May, I met with the leaders of the town's two medical practices to understand their situation. The town is blessed with an excellent small local hospital that provides various supportive services but the medical practices, which share a single building which was financed and developed relatively recently, are the front line, serving also local parishes.

They informed me of the history and the present situation. The development in the town over the last decade has produced a situation in which their building, expected to give decades of capacity, is already overloaded. Services and staff to do it already exceed physical capacity — they gave graphic examples of such as sessions in the photocopy room. They confirmed that the NHS does not have financial resources available for a physical upgrade and both agreed and advised in person and by letter that their common situation should be factored into any planning scenario:

"I would work on the basis that there is zero prospect for further development of the medical infrastructure in the community for the foreseeable future and as such we would advise against pushing forward any major development in the town for the foreseeable future on the basis that this need will not be met. This does need to be visualised and factored into any type of development plan for obvious reasons. Obviously if there is a change in the NHS or it collapses the situation may change over the decades, but it is highly likely that further development in the town will actually induce medical poverty in the community here." (14TH May 2025)

This is a serious matter and means that any new development would need to meet an obligation to provide a substantial financial resource for an extension of infrastructure to meet its additional load.

Conclusion

Accept the planner's recommendation to refuse.

Conditions required if the Council concludes it must accept a project that is neither timely nor fully fit for purpose

In addition to any other conditions that would be considered necessary, I advise:

1. The conditions already specified by various utilities and authorities.
2. Require safe cycle lanes to provide security such as a physically separated lanes according to the relevant guidelines for busy roadways with HGVs and consult the local cycle club.
3. A Grampian condition whereby the developer must agree with TW an enabling path to ensure all foul water input through the total system only discharges such that all water exiting the system and entering the Evenlode or other land meets a

“good” standard. The Sustainable Drainage Strategy (SDS) must take note of the interlinked STW and Primrose Court Sewage Pumping Station (SPS) to treat and discharge the additional sewage in a legal manner compliant with its statutory Environment Agency (or equivalent future body) permit.

4. Provide a financial contribution sufficient to enable extension(s) of the Four Shires Medical Centre to meet additional case load.
5. Protect all mature woodland.
6. Ensure sufficient good topsoil to support the proposed green spaces to alleviate poor current soil and ensure that construction material is not buried on site.
7. A condition that ensures that the process of landscape compliance and transfer of maintenance responsibilities to the community or town council is properly carried out with a sufficient grant to provide for replacement and care while the development matures.
8. Condition roads to be developed and adopted by Highways.

Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

Highways Development
Management
Economy Environment and
Infrastructure
Shire Hall
Westgate Street
Gloucester
GL1 2TG

30 September 2025
Your ref: 25/01036/OUT
Ask for: Ian Hunt

Dear Martin Perks

**TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

PROPOSAL: Outline application for up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including active travel measures along London Road
LOCATION: Land Parcel At E421906 N232182 London Road Moreton-In-Marsh Gloucestershire
APPLICANT: Bloor Homes Western

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has **no objection subject to conditions and financial obligations**.

The justification for this decision is provided below.

25/01036/OUT

Summary

No objection subject to conditions and financial contributions

Comments

Background

The application is sited along London Road and is proposed to be accessed by a ghost island right turn facility. The application is for 195 dwellings, with access and Highways Works details provided.

Tel: 01452 42
Email: ian.hunt@gloucestershire.gov.uk

The applicant proposes to provide a cycle/pedestrian route from the site along London Road including a signalised crossing to a point where it meets a route used by cyclists and pedestrians that provides a connection to the station through the existing development area.

Location / Sustainability

The site is located within a 17 min walk to both the mainline railway station and the High Street. This would be the same for the allocated commercial site at the fire station and comparable to :-

Cotswolds Link Business Park and Lysander Way, 15 min, High Street, 15 min Station

Evenlode Road Development 15 min High Street, 16 min Station

Ellenbrook (Spitfire Homes) 12 min High Street, 19 min Station

The development also provides enhanced facilities for walking and cycling as well as an extension for the 801 hourly service, new bus stops and a contribution to the future Moreton in Marsh Transport Hub.

Traffic Impact

In terms of the impact of the traffic associated with the development the predicted numbers have been agreed using both a calculation using figures from the TRICS Database and a nearby development as a “donor” site.

There are long standing issues at the two mini-roundabout junctions in Moreton in Marsh, both of which experience queuing on a regular basis. Many potential solutions have been considered over the years but none have been found to offer a practical solution to the problems.

It is acknowledged that a development of this size and in this location will inevitably worsen the situation but under the requirements of the NPPF any such impact needs to be considered “severe” in order to justify a refusal of planning permission.

The modelling that has been carried out to determine the impact of the development traffic shows that the access junction would operate within its theoretical capacity in all scenarios in 2028.

2028 Scenario at A44 / High Street

For the avoidance of doubt, GCC have based its decision upon the “Worst Case Scenario”, based on Trics and a Donor site. The trip rates from the donor site, from “the Avenue” were 0.468 in the am and 0.412 in the pm. This resulted in 91 and 81 two way movements in the am and pm respectively. These are discussed below:-

2028 opening year, No Development allowing for Committed development using Temprow

High Street North shows a “worst case” average delay of 159 seconds in the am and 128 seconds in the pm

A44 Oxford Street 45 secs am and 216 sec pm

High Street South 44 sec am and 22 sec pm

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

2028 Opening Year with development allowing for Committed development using Temprow

High Street North shows a “worst case” average delay of 178 seconds (+19 seconds) in the am and 185 seconds (+57 seconds) in the pm

A44 Oxford Street 101 secs am (+56 sec)and 272 sec (+56 sec) pm

High Street South 52 sec (+8 sec) am and 30 sec (+8sec) pm

These modelling results show an increase in average worst case delay, but GCC do not consider such delay would be enough to sustain a severe cumulative impact reason for refusal.

Testing of Allocated Sites, Robustness Testing (Commercial Site Previously Approved)

As a further test, GCC required further testing of the allocated site within the Local Plan of the commercial area at the Fire Station. This was based on the previously approved commercial application now lapsed. The forecast traffic associated with this site was some 150 two way movements in both the am and pm, however, the flow of traffic would be opposite to a residential development and would put greater strain on A44 East arm in the pm peak.

2028 results with the allocation but without the application site forecast a delay of :-

High Street North shows a “worst case” average delay of 381 seconds (+222 secs) in the am and 94 seconds in the pm

A44 Oxford Street 31 secs am and 677 sec (+ 461 sec) pm

High Street South 80 sec am (+36 sec) and 20 sec pm

The results of this test clearly show the additional impact of the allocated site with notable increased delays on A44 Oxford Street in the pm and High Street North and South in the am as compared to the 2028 scenario with no developments.

These increased delays have effectively been accepted as the commercial site is part of CDC allocated sites and was previously granted approval.

Traffic Impact of the development in Consideration of the Allocated Commercial Site (Should it come forward)

Based on the modelling results for the two mini-roundabouts (High Street (North) / A44 Oxford Street / High Street South & High Street (South) / East Street / A429 / Bourton Road mini-roundabout junctions), it can be seen, all scenarios show increases in junction delays, RFC (capacity) and vehicle queuing when comparing scenarios with and without development traffic in 2028.

Without the proposed development, the High Street north arm illustrates a future potential capacity issue, with delays of 381 seconds and a queue length of 64 vehicles during AM peak, while the A44 Oxford Street arm forecasts delays of 677 seconds and queues of 99 vehicles in 2028.

With the proposed development in 2028, the worst-case scenario predicts larger impacts, with delays increasing up to 46 seconds on High Street north during AM

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

peak and 106 seconds on the A44 Oxford Street during PM peak hour compared to the 2028 baseline without the development. The longest queue may occur on the A44 Oxford Street during PM peak. Scenario 4 shows smaller development impacts, with delays increasing up to 25 seconds on High Street north during AM peak and 65 seconds on A44 Oxford Street during PM peak.

Overall, the modelling results indicate that the proposed development would add further delay and queueing on already constrained arms at the two mini-roundabouts in the 2028 baseline scenario. It is acknowledged that a drone survey undertaken to record the existing junction operation observed queues comprising both 'rolling' and 'Stationary' vehicles. It was noted that traffic was only truly stationary within 30 m of the give way lines.

An increase in delay and queueing does not in itself justify a refusal of planning permission. The predicted traffic with appropriate allowances for the impact of the Travel Plan and the cycleway/footway being provided show a 25 second additional delay on High Street and an existing delay of 381 seconds which represents a 7% increase, with a 65 second delay on Oxford Street in addition to the existing 677 second delay which represents a 10% increase.

Traffic Impact Conclusion

The scenario testing including the commercial allocated site without this development shows a notable increase in delay over the 2028 no development scenario. However, the development site itself adds additional "worst case" average delays of under a minute on High Street North and over a minute on A44 Oxford Street. This is based on traffic flows from the development with no allowance for reduction based on active travel initiatives.

The forecast traffic increases due to the application site are approximately 1.5 vehicles a minute two way in both the am and pm peaks. The modelling is based on a fixed traffic demand in the peak hours, however, in reality, people will choose to travel at different times to avoid queues or choose sustainable transport options. This is likely to result in a reduced traffic impact in the peak hours than forecast, but could lead to busier periods either side of the peak hours. On balance, these increases, whilst undoubtedly inconvenient, are not considered to represent the required "severe" impact to justify an objection that could be sustained at a planning appeal.

Accidents

An assessment of accidents occurring in the last 5 years in the vicinity of the site and High street, indicated there were 14 accidents.

The majority of these, 11 accidents were slight, 1 serious and 2 fatal.

3 involved motorcyclists, 5 pedestrians and 2 were cyclists, the rest were vehicles.

The causations included, speed, failure to look properly, misjudging speed. The fatal accidents involved a pedestrian at a controlled crossing facility and a motorcyclist at high speed and overtaking. It was noted only two of all of these accidents occurred in the peak hours, the period of the highest traffic generated from the application site.

The causations of these accidents indicates driver error or poor driver behaviour, with pedestrians also failing to look properly. The area is not included as a priority location for GCC for accident remedial measures and there is no evidence, given the accident record, that the development would have an impact on the existing accident record.

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

Public Transport

In terms of connection to the public transport network the developer had stated that they wanted the bus stop within the development as indicated in the developers indicative masterplan. It is understood that this view has now changed, and they are aligned with the opinion of the GCCs Integrated Transport Unit (ITU) in that bus stops need to be provided on both sides of the A44 with a suitable crossing method to connect an eastbound stop to the development. Both Pulhams and the ITU now agree that requiring buses to depart the A44 into the development would result in unnecessary delay to bus services which contradicts with the LTP and BSIP aspiration to improve bus journey times. The details of the positions of the stops, the facilities provided and the type of crossing to be provided are yet to be agreed but have been conditioned below.

In addition, the 801 service currently operates an hourly service, however, this is currently not financially viable and a financial contribution is sought to extend this service, without it the service would reduce to a 2 hourly service.

Connections to Future Moreton Transport Hub

Connections to the station are enhanced by the proposed Footway / Cycleway making access to the rail network easier and safer without the need to use the private car. A £50,000 contribution to the Moreton Transport Hub has been agreed, which would help to contribute to facilities that would be used by residents of the site, such as ancillary walking and cycling facilities and parking spaces.

Home to School Transport

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD
Contribution Requested (£)	Number of places requested		

Primary	St David's CofE Primary and/or Chipping Campden Primary Planning Area	195	58.500	£0.00	0 places
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Secondary - 11-16	Chipping Campden School and/or the Cotswold (N) Secondary Planning Area	195	28.665	£0.00	0 places *
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Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

Secondary - 16-18 The Cotswold (N) Secondary Planning Area 195
9.750 £270,722.79 9.750 places

Details are shown above of GCCs calculation of the total pupil yield from the site and results in a contribution to provide bus services for secondary school pupils from the site to the Cotswolds N, Secondary Planning Area.

Financial Contributions

Moreton in Marsh Future Transport Hub

£50,000, to provide ancillary facilities for walkers and cyclists and a contribution towards parking spaces that may be used by residents of the development.

Public Transport Infrastructure 2 Bus Stops with :-

A shelter with power - £25,000

A bus stop clear way - £2,000

RTPI - £10,000

Hard Standing 6mx2m - £5,000

Total £84,000

Home to School Transport

£270,722.79

Travel Plan

GCCs guidance on Residential Travel Plans requires a contribution based on 195 dwellings of £58,230, inclusive of a £5,000 monitoring fee.

Extension of the 801 Hourly Service

£135,000

Conclusion

The existing congestion in Moreton in Marsh is a concern, however, without major Highway infrastructure improvements this can not be resolved. In consideration of the impact of vehicles generated by this development, in a worst case scenario, based on local donor site trip rates, there is an increase in congestion and this has been considered in GCCs conclusions and not the applicants vision scenarios.

Noting NPPF Para 116 :-

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

In terms of Highway safety, given the accident history, there is no evidence that the development would exacerbate the existing situation. Noting that only 2 accidents that occurred in the last 5 years were in the peak hours. Indeed, additional congestion in the peak hours results in average lower speeds which would reduce the severity of an accident or even result in slights to damage only accidents.

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

It is the view of GCC that this increase in congestion arising from the development cannot be considered severe that would meet the above test and could be sustained at an appeal.

The sites location / sustainable characteristics are also noted and are comparable with the allocated commercial site at the fire station and new developments at Evenlode Road and Ellenbrook.

The proposal also provides for sustainable and active travel improvements, Footway / Cycleways, Toucan crossing, extension of the hourly 801 service, bus facilities with real time information and a contribution to the future transport hub, which may help mitigate the impacts of traffic from the development.

It is therefore recommended that on balance, if the application is to be approved it should be subject to the above financial contributions and the conditions below :-

Conditions :-

Access and Highways Works

No part of the development shall be occupied until the Access Road and Highways Works details based on drawings

- 210431-TP-3200 P10 – Access Arrangements
- 210431-TP-6011 P06 – London Road Active Travel Route (1-4)
- 210431-TP-6012 P05 – London Road Active Travel Route (2-4)
- 210431-TP-6013 P03 – London Road Active Travel Route (3-4)
- 210431-TP-6014 P03 – London Road Active Travel Route (4-4)

Including, lines, widths, levels, gradients, cross sections, lighting, drainage, crossing points with refuges either side of the site access, 3m wide shared Footway/Cycleway(Excluding buffer), dropped kerbs, tactile paving, toucan crossing and a Traffic Regulation Order for the Prohibition of Waiting, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the access and Highways Works shall have been implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Provision of Bus Stops

Notwithstanding the approved Highways drawings, details of bus stops including, their locations on the A46, shelters and real time information systems shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation these shall be implemented in accordance with the approved details and shall be retained and maintained for no other purpose for the life of the development.

Reason, To promote public transport

Visibility Splay

No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 129 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to: -

- 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);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway, including wheel wash facilities;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan shall achieve modeshift stars accreditation and will thereafter be implemented and updated for the life of the development.

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

REASON: To reduce vehicle movements and promote sustainable access.

No Drainage to Discharge to Highway

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason; In the interests of Highway safety

Cycle / Pedestrian Signing

Prior to first occupation details of cycle and pedestrian signing from the site to the railway station shall be submitted and approved in writing by the Local Planning Authority. Prior to first occupation, these signs shall be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason; To promote sustainable travel

Informatives :-

Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

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.

Traffic Regulation Order (TRO)

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

The cost of the legal order to implement the Prohibition of Waiting at the site access is £15,000 and this can be provided by the applicant via the Highways Legal agreement process.

Highway to be adopted

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.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- 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.

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Impact on the highway network during construction

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 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.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

Tel: 01452 42

Email: ian.hunt@gloucestershire.gov.uk

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The Highway Authority has undertaken an assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Yours Sincerely

Ian Hunt
Principal Highway Development Officer

Tel: 01452 42
Email: ian.hunt@gloucestershire.gov.uk

Cotswold District Council
Development Control
Council Offices Trinity Road
Cirencester
Gloucestershire
GL7 1PX

Our ref: WA/2025/132165/01-L01
Your ref: 25/01036/OUT
Date: 30 July 2025

Dear Sir/Madam

**OUTLINE APPLICATION FOR UP TO 195 DWELLINGS TOGETHER WITH
VEHICULAR ACCESS FROM LONDON ROAD, LANDSCAPING TOGETHER WITH
ASSOCIATED DEVELOPMENT INCLUDING ACTIVE TRAVEL MEASURES ALONG
LONDON ROAD LAND PARCEL AT E421906 N232182 LONDON ROAD
MORETON-IN-MARSH GLOUCESTERSHIRE**

Thank you for consulting us on the above application on 11/04/2025.

Environment Agency position – Flood Risk

We have reviewed the following documents

- Flood Risk Assessment, 220467-BWB-ZZ-XX-T-W-0003_FRA, 24/03/25

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following **planning condition** is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref 220467-BWB-ZZ-XX-T-W-0003_FRA) and the following mitigation measures it details:

- There shall be no built development or land raising within the 0.1% AEP flood extent (flood zone's 2 and 3) in accordance with paragraph 4.2 of the FRA

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(s)

To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency Position – Groundwater Contamination

We have reviewed the following documents,

- **LAND SOUTH OF LONDON ROAD, MORETON-IN-MARSH Desk Study Report Ref 14362/LP/24/DS. Dated August 2024**
- **Land South of London Road, Moreton-in-Marsh Site Investigation Report Ref 14362/FM/25/SI. Dated January 2025**
- **Land East of the Cotswolds Business Village, South of London Road**
- **Moreton-in-Marsh Sustainable Drainage Statement. Ref 220467-BWB-ZZ-XX-T-W-0004_SDS Dated March 2025**
- **Land off London Road, Moreton-in-Marsh - Commentary on PFAS. Version 3. Dated 01/05/2025.**

The previous use of the Activities adjacent to the development site, specifically at the Fire Training College to the North presents a high risk of contamination that could be mobilised during construction to enter controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- located upon a Secondary A and Secondary B superficial aquifers
- adjacent to a watercourse
- in an area with limited dilution of any contaminants present

The application's **LAND SOUTH OF LONDON ROAD, MORETON-IN-MARSH Desk Study Report Ref 14362/LP/24/DS. Dated August 2024; Land South of London Road, Moreton-in-Marsh Site Investigation Report Ref 14362/FM/25/SI. Dated January 2025; and Land off London Road, Moreton-in-Marsh - Commentary on PFAS. Version 3. Dated 01/05/2025.**

demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - Universal Condition for development on land affected by contamination

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.
- The three reports referred to above are inadequate.
- Although there is reference to groundwater seepages on the development site, these have not been sampled and analysed for the presence of PFAS.
- The effect of disturbance of the site during and following development on controlled waters has not therefore been assessed.

Condition 2 – Verification Report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The

report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 3 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

Condition 4 -Piling

Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site:

- located upon a Secondary A and Secondary B superficial aquifers
- adjacent to a watercourse
- in an area with limited dilution of any contaminants present

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed foundation method, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and Position Statement N of the [‘The Environment Agency’s approach to groundwater protection’](#).

Condition – 5 SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework.

Environment Agency position statement regarding water quality risks due to wastewater capacity pressures related to the Moreton in Marsh STW

Context

- The Moreton in Marsh STW has a catchment that sits wholly within Cotswolds District Council and serves the town of Moreton in Marsh and the nearby village of Bourton on the Hill
- Under the Water Environment (Water Framework Directive) Regulations 2017, there is a requirement for water bodies not to deteriorate and to achieve 'Good Status' by 2027.
- The Catchment Data Explorer dataset on gov.uk provides data on the status of waterbodies.
- The Moreton in Marsh Sewage Treatment Works (STW) currently has separate discharge points for the treated final effluent and the permitted storm overflow. The treated final effluent discharges to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream, and the permitted storm overflow discharges to the Evenlode (Source to Four Shires Stream) and Longborough Stream.

The Catchment Data Explorer dataset which provides the status for the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream (<https://environment.data.gov.uk/catchment-planning/WaterBody/GB106039037410>) shows that in 2022 (Cycle 3) the waterbody is classified as at 'Poor Ecological Status'. The Catchment Data Explorer show the Evenlode (Source to Four Shires Stream) and Longborough Stream (<https://environment.data.gov.uk/catchment-planning/WaterBody/GB106039037420>) shows that in 2022 (Cycle 3) the waterbody is at 'Moderate Ecological Status'

Evidence of capacity issues at Moreton in Marsh STW and risks to water quality and meeting statutory environmental objectives

- According to Catchment Data Explorer dataset for Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream, Fish, Macrophytes and Dissolved Oxygen & Phosphate are failing to meet Good Status.
- The Reasons for Not Achieving Good status table states that water industry discharges are responsible for the Macrophytes, Dissolved Oxygen & Phosphate failures in the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream
- In the Evenlode (Source to Four Shires Stream) and Longborough Stream, Macrophytes and Dissolved Oxygen & Phosphate are failing to meet Good Status
- The Reasons for Not Achieving Good status table states that water industry discharges are responsible for the Macrophytes, Dissolved Oxygen & Phosphate failures in the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream
- We understand that the Moreton in Marsh STW has exceeded its permitted Q80 Dry Weather Flow (DWF) discharge permit in 2 out of the last 4 years, and its Q90 flow in 1 out of the last 4 years. .
- The DWF permit is set against the measured Q80. The Q80 is the flow value exceeded 80% of the time. Conditions within a discharge permit are set against this flow value to ensure the discharge does not lead to a deterioration of the receiving waterbody. Without improvements to the STW operation, it is likely to continue to fail to meet Q80 for the foreseeable future and this will be exacerbated with growth and the resulting increased discharges to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream. Should this occur, it is likely that discharges from the STWs will prevent achievement of 'Good status' and result in further deterioration of the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream.

- Permit compliance is measured against the Q90. The Q90 is the flow that is exceeded 90% of the time. The measured Q90 is always lower than the measured Q80. Q90 is used for permit compliance as it takes into account year on year variations in catchment flow rates and monitor uncertainty. This tries to ensure that operators are not penalised for exceedances outside their control. However, we expect permit holders to plan to remain within their measured Q80.

- Thames Water need to apply for a new Dry Weather Flow permit to support new development over the future local plan period. This will require tighter nutrient discharge limits and an increase to Flow to Full Treatment and storm tank capacity. Discharge permits are set with conditions to protect the environment. When discharge permits are exceeded, these conditions are no longer protective and there is a significant risk of deterioration under the Water Environment Regulations. The EA have been approached by Thames Water for pre application advice to increase Dry Weather Flow at Moreton in Marsh STW, however we have not had an application to vary the permit. This means we are uncertain about whether there will be sufficient capacity at the Moreton in Marsh STWs to cope with increased discharges due to new development coming forward in applications and in the next local plan.

- Moreton in Marsh STW has insufficient storm tank capacity for the current population served. A Water Industry National Environment Programme scheme at Moreton in Marsh STW was identified and funded through the AMP 7 investment period to increase storm tank capacity to meet the Urban Wastewater Treatment Regulations 1994. The purpose of this scheme was to reduce to number and duration of storm overflow to the environment from Moreton in Marsh STW. This was due to be delivered by March 2025, but we understand it has been delayed until 2030. Additional flows connecting to Moreton in Marsh STW before this scheme in completed risks further increasing the number and duration of storm overflows into the Evenlode (Source to Four Shires Stream) and Longborough Stream.

Considerations for decision making on applications

- Until the works to increase the capacity are delivered, all development requiring new connections to mains sewer will increase the load to the Moreton in Marsh STW and increase nutrient concentrations in discharges from it to the Evenlode (Compton Bk to Bledington Bk) and 4 Shires Stream & Evenlode (Source to Four Shires Stream) and Longborough Stream, presenting a risk of deterioration to water quality. It is important that LPAs account for this risk in their decision making.

- New developments connecting to the STW that increase discharges to the STW cumulatively, with planned growth, will have a greater impact. The cumulative impact of developments in applications combined with planned growth should be assessed using information provided by developers as part of their Environmental Impact Assessment (EIA).

- National planning policy does not require assessment of cumulative risks to the water environment when determining applications, so this assessment is not required for applications that are not EIA developments.

Considerations for plan making

- Cumulative impact assessment is required as part of the plan making process to ensure that there is sufficient wastewater capacity for all future developments in the plan. It will also be required for the Strategic Environmental Assessment of the plan. We strongly recommend the local plan is supported with a Water Cycle Study to inform this cumulative assessment.

- The West Oxfordshire Local Plan 2031 was formally adopted in 2018 and provides the development strategy for the Borough until 2031. Local plans should be reviewed every 5 years and updated as necessary, and we assume this is underway, reflecting in your consultation on Regulation 18 Issues and Options.

- We have been informed by West Oxfordshire District Council that the West Oxfordshire Local Plan is currently being updated. We understand the plan would be accompanied with an evidence document - Water Cycle Study for West Oxfordshire. The Water Cycle Study will highlight the issue regarding STW and guide West Oxfordshire as to what they will need to do to address the issues through the Local Plan. West Oxfordshire District Council will consult the Environment Agency in due course.

Environment Agency advice

This position statement will be the basis for EA advice for applications we are consulted on that will result in new connections to the Moreton in Marsh STWs and for growth proposed in the emerging local plan.

Given that national planning policy does not require assessment of cumulative risks to the water environment when determining applications, for developments that do not require EIA, it is unlikely that the impact of increased discharges from individual developments will be significant enough, in each instance, to contribute an unacceptable risk of water pollution (as per NPPF para 187(e)). LPAs should be satisfied this is the case for each development.

For developments requiring EIA and for the local plan, assessment of the cumulative risks from planned growth should be considered. It is our view, based on the evidence in this position statement, that the cumulative impact of increased discharges, arising from new, planned growth, is likely to present an unacceptable risk of water pollution.

Next steps

It is important that the cumulative impact of planned growth on risk to water quality due to increased discharges to the Moreton in Marsh STW are understood. This will enable the LPA to properly account for them in their emerging local plan and for developers and the LPA to account for them when preparing and determining developments that require EIA.

To support this Thames Water, need to provide the following information: Future Q80 and Q90 flow projections for Moreton in Marsh STW to help us assess the environmental risks, and detailed timeline for delivering upgrades, including for the delayed AMP 7 scheme.

Should this information confirm a lack of capacity to support growth, Thames Water should set out their plans and timescales to increase capacity to meet the needs of growth, whilst ensuring the water environment can improve alongside.

Closing Comments

If you have any additional questions, please contact me at planning_THM@environment-agency.gov.uk.

Yours faithfully

Mr Oliver Murray
Planning Advisor

Outline application for up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including active travel measures along London Road at Land East of Cotswold Business Village South of London Road Moreton-In-Marsh Gloucestershire

Outline Application 25/01036/OUT	
Applicant:	Bloor Homes Western
Agent:	Ridge And Partners LLP
Case Officer:	Martin Perks
Ward Member(s):	Councillor Angus Jenkinson
Committee Date:	8 October 2025
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Residential Development Outside a Development Boundary
- (b) Housing Mix and Affordable Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Impact on Residential Amenity
- (f) Biodiversity
- (g) Flooding and Drainage
- (h) Contamination

2. Reasons for Referral:

- 2.1 This application has been referred to Planning and Licensing Committee as it falls into the major development category.

3. Site Description:

- 3.1 This application relates primarily to an agricultural field located adjacent to the eastern edge of the town of Moreton-in-Marsh. The existing field measures approximately 10.41 hectares in size and is used for arable purposes. The field is located outside, but adjacent to, Moreton-in-Marsh Development Boundary. The aforementioned boundary extends along the western boundary of the application site. It also extends alongside the northern edge of the A44 which runs parallel with the northern boundary of the application field. In addition to the aforementioned field, the application site red line also includes a section of the A44 London Road extending westwards for approximately 1.3km from the

application field to the centre of Moreton-in-Marsh. The application field and highway works measure approximately 12.11 hectares in total.

- 3.2 The application field is bordered to the west by an employment estate (Cotswold Business Village). The aforementioned business village is designated as an Established Employment Estate (Cotswold Business Park/Village EES32) in the Cotswold District Local Plan 2011-2031. A line of post war employment units extend along the eastern edge of the business village and are visible from the application field. A hedgerow and a number of small trees define the edge of the aforementioned employment development. The northern boundary of the application field lies adjacent to the A44 London Road. A mix of trees and hedgerow style planting form the northern edge of the field. To the north of the A44 is a belt of mature trees, beyond which is a former airfield which now forms part of the Fire Service College. The aforementioned trees are subject to a Woodland Tree Preservation Order.
- 3.3 The north-eastern part of the application field lies adjacent to a detached post war dwelling and its associated grounds (The Hatchery). The aforementioned grounds measure approximately 1.5 hectares in area. The application field extends along the western and southern boundaries of The Hatchery, with the easternmost part of the field adjoining agricultural fields. A hedgerow and drainage ditch define the easternmost part of the application field.
- 3.4 The southern boundary of the application field measures approximately 450m length, of which approximately 350m lies adjacent to plantation woodland and 100m adjacent to a Thames Water sewage/water treatment works. The latter lies adjacent to the south-western corner of the application field.
- 3.5 Public Right of Way HMM10 runs in a roughly north-west to south-east direction to the south of the application field. It is located approximately 200m from the field at its closest point.
- 3.6 The application field slopes downwards in a gradual manner from its north-western corner to its south-eastern corner. The land level of the field drops approximately 6m between the respective corners of the site.
- 3.7 The application field is located outside of the Cotswolds National Landscape (CNL). The boundary of the CNL is defined by a railway line which is located approximately 800m-850m to the west of the field. A section of the A44 London Road lying to the west of the railway line is located within the CNL. The aforementioned stretch of road measures approximately 250m in length and is included in the application site red line.

- 3.8 The application site is located outside Moreton-in-Marsh Surrounds Special Landscape Area (SLA). The boundary of the SLA extends along the southern and eastern boundaries of the application
- 3.9 The majority of the application site is located within Flood Zone 1. An area of land running along the eastern edge of the application alongside an existing drainage ditch falls within Flood Zones 2 and 3.
- 3.10 Moreton-in-Marsh Conservation Area is located approximately 1km to the west of the application site.
- 3.11 The nearest listed building to the site is the Grade II listed Wellington Inn, which is located approximately 500m to its west. The Grade II listed Wells Folly, Four Shire Stone Farm and Four Shire Stone are located approximately 700m to the south-east, 880m to the east and 900m to the east of the application site respectively.

4. Relevant Planning History:

- 4.1 25/00381/SCR Request for an Environmental Impact Assessment (EIA) screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) to determine whether an EIA is required in relation to development of up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development. EIA not required 2025.

5. Planning Policies:

- DS1 Development Strategy
- DS4 Open Market Housing o/s Principal/non-Pr
- 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
- EN6 Special Landscape Areas
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF1 Infrastructure Delivery
- INF3 Sustainable Transport

- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- INF8 Water Management Infrastructure

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to condition.
- 6.3 Gloucestershire County Council Archaeology: No objection subject to condition.
- 6.4 Gloucestershire County Council Community Infrastructure: Requests contribution of £270,722.79 towards secondary education & £38,220 towards library services.
- 6.5 Gloucestershire County Council Minerals and Waste: No objection.
- 6.6 Thames Water: No objection subject to conditions.
- 6.7 Environment Agency: Comments incorporated into report - response attached.
- 6.8 Landscape Officer: Comments incorporated into report.
- 6.9 Biodiversity Officer: Objection - comments incorporated into report.
- 6.10 Tree Officer: No objection subject to conditions
- 6.11 Housing Officer: Comments incorporated into report.
- 6.12 Environmental and Regulatory Services Noise: No objection subject to condition.
- 6.13 Environmental and Regulatory Services Air Quality: Comments incorporated into report
- 6.14 Environmental and Regulatory Services Contamination: No objection subject to condition.
- 6.15 Active Travel England: Refer to standing advice.

- 6.16 Warwickshire County Council: No objection
- 6.17 Oxfordshire County Council: No response to date
- 6.18 Stratford-on-Avon District Council: No response to date
- 6.19 West Oxfordshire District Council: No response to date

7. View of Town Council:

- 7.1 Response received on the 28th May 2025:

'Housing Land Supply

7.1.1 This site is outside the Development Boundary of Moreton in Marsh. There is no obligation on the Town of Moreton in Marsh to support planning applications in order to resolve the lack of a District 5-year Housing Land supply in the Cotswolds. Object

Efficient Use of Land

7.1.2 The NPPF para 129 refers to '...development that makes efficient use of land.' Footnote 65 of the NPPF identifies that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality". 89% of this land (9.8ha) is classified as 3a meaning it is assessed as 'Good'. Can the necessity to develop this particular land be adequately demonstrated within the Cotswold District? Object

Environmental - Landscape and Character

7.1.3 The NPPF para 129 d refers to: ... the desirability of maintaining an area's prevailing character and setting. This site is adjacent to the Special Landscape Area. The development will have impact on the setting and character at the Eastern Entrance to the Town as an extension of the urban footprint into currently open countryside. Object

7.1.4 The dwellings are described as being mainly 2 storeys high with some 2.5 storey. The height of the build in the setting is not assessed in the application and it has the potential to detrimentally affect the special character and key surrounding landscape. Object

Housing Density

7.1.5 The size of the Planning Statement red line development area is stated as 12.11ha with the Main Site as 10.41ha. The applicant's development of 195 units would suggest a Housing Density at 12.1ha of 16 units, at 10.41ha of 18 units. In a rural setting such as, Moreton in Marsh this level of housing density is in excess of the average reported for other areas such as South Gloucestershire. The suggestion of 195 units should be revised to reflect a more appropriate density in a rural area and Town such as Moreton in Marsh. Object

Highway Congestion

7.1.6 The developer acknowledges the suggestion of a 'Landscape led' road connecting the A429 south of the Town to the north proposed in the Cotswold District Local Plan 2011-2031 (Partial Update). Given the concerns outlined in the County Council Highways and others response to the Partial Update, Moreton Town Council regards this application shows a distinct disregard to the existing acknowledged and documented Highways issues that affect the Town and offers nothing towards a reasonable solution to the congested mini roundabouts on the A429 other than further exacerbating the issue. Object

Highway Safety

7.1.7 The developer's approach to Highways issues shows a breathtaking lack of Highway understanding in respect of HGVs using the A44 as a main route between Oxford and Evesham, currently a key enabling route in terms of the UK Economy. The suggested introduction of cycle ways and removal of the centreline markings of the A44, a heavily used route for HGVs travelling between Oxford and Evesham, is highly questionable. Object

Fresh Water Supply

7.1.8 Reference to the supply and quality of drinking water is lacking. Can the applicant demonstrate that a water efficiency standard of 110 litres per person per day at an acceptable pressure be achieved in accordance with CDC policy CC6? Object

Surface Water

7.1.9 The application acknowledges that surface water from the development will ultimately be discharged to watercourse that runs along the eastern boundary of the site however the applicant also acknowledges PFOS in the soil

and PFAS pollution also exists in this watercourse. Given the forever chemical situation with PFOS and PFAS pollutants it is a cause for concern should this situation be exacerbated by an impermeable area of 4.38ha irrespective of the existence of an attenuation basin, particularly if subsequently pollution is spread downstream. How will the spread of PFOS and PFAS downstream be prevented or suitably mitigated? Object

7.1.10 An increase in drainage into the watercourse running along the eastern boundary could result in an increased flood risk downstream (Illustrated in Fig 2.1 Baseline Flood Extents) affecting areas already subject to flooding south of Moreton in Marsh. The developer describes the flood risk as follows: The UOW adjacent to the eastern boundary is shown to partially impact the main development site, with very low to high probability out of bank flooding shown to be mostly contained to the valley lines. 'Most likely' provides no confidence to areas downstream of this development of flood risk. Object

Sewage/Foul Water Drainage

7.1.11 The developer acknowledges their response from Thames Water stating '...the existing network has insufficient capacity to accommodate the full development, and that further capacity assessment modelling is required to confirm the extent of any improvement works that may be required.' Given the existing sewage treatment infrastructure shortfall is well known illustrates the premature nature of this application to the LPA at this time in advance of the required infrastructure being in place prior to first occupation and at a time when the burden of an increased shortfall in sewage treatment capacity is unknown or even planned to be accommodated within a defined timeframe. Object

7.1.12 The developer acknowledges need to situate a sewage pumping station to '... be located at the lowest point within the developable area to minimise sewer depths and will require a 15m standoff between the pumping station wet well and dwellings.' To meet this specification the Developer plans to accommodate the pumping station close to the proposed attenuation basin. If the attenuation basin fills due to adverse weather or the surface water is not adequately captured at the lowest point of the developed area, the surface water could flood the Pumping Station and "mix" with the sewer contents. The council is concerned about contamination of the surrounding land and water. Object

7.1.13 'The sewerage pumping station will require vehicular access, appropriate for a tanker, and be designed in accordance with the DCG.' The outline plan

does not currently state how the proposed pumping station will be fenced or accessed to accommodate a tanker. The plan shown on the Sustainable Drainage Statement Appendix 7 tanker access to the pumping station is unclear as no roadway is shown. A roadway is, however described as a Tertiary or private drive on the indicative street hierarchy plan. The current plans are not clear. Object

Planned Occupancy

7.1.14 The developer provides an indication of first occupancy by Q1 2027 however given the given the current example of an occupancy phasing plan in place for an existing development in Moreton in Marsh owing to a shortfall in sewage treatment and water management infrastructure this seems unlikely. Object

Public Interest

7.1.15 Given the serious concern and Public Interest in respect of Water Management, sewage, drainage and pollution not only identified in the Statement of Community Involvement but in concerns of the LLFA, Thames Water and others it is not appropriate for this application to be considered under Reserved Matters. As a major planning application, it is significantly lacking in detail casting doubt on the assessment of Planning Balance given the lack of infrastructure provision. This application does not meet the criteria set out in the NPPF para 129. Object

7.1.16 The proposed Local Plan Partial Update to 2031 cannot possibly meet the infrastructure requirements for Moreton in Marsh in the short term and the LPA Local Development Scheme outlining the Development Strategy and Site Allocations Plan from 2026-2041 is scheduled for Draft Regulation 18 consultation commencing at the earliest in Q4 2026. Taking the current planning situation into account illustrates the difficulties posed by the immediate application of the New Standard Method for calculating Housing Need in the Cotswolds. Without time to adequately plan on a spatial basis over potentially a 30-year period, the environment of the Parish and surrounding countryside of a Town such as Moreton in Marsh will be open to incremental poor development ultimately resulting in detriment to the public purse as the opportunity to support Significant Infrastructure Projects aided through development, will be missed. Object.'

8. Other Representations:

8.1 Approximately 136 letters of objection, 1 support and 1 general comments received.

8.2 Main grounds of objection are:

i) The developer completely ignores the fact that the sewage treatment plant serving Moreton-in-Marsh is regularly beyond its operating capacity and has been recorded to have dumped untreated sewage into the Evenlode river on numerous occasions throughout any one year recently. How can any planning authority consider allowing homes to be built knowing that all of the 195 homes will be discharging their untreated sewage into the Evenlode? Surely knowing the discharging facts must be completely against health and safety measures.

ii) Instead of catering for 4% of the Moreton population by creating active travel cycle lanes and providing a "fair and reasonable" inducement to the Town Council for a transport hub that is only planned to provide a meagre 35 additional car parking spaces to assist GWR's parking, why not have the developer be "fair and reasonable" to every single resident and business in Moreton-in-Marsh, and have them work with Thames Water to provide the necessary water treatment plant before being allowed to build?

iii) Does CDC planning, as the planning authority accept the responsibility for 195 homes, contributing to the environmental catastrophe that has been identified, by allowing a further 195 additional homes to discharge their untreated human excrement directly into the Evenlode river?

iv) Something needs to be done and it is about time the planning authority stood up to developers and considered their existing council tax paying residents health.

v) We as residents, expect our planning authority to recognise unacceptable situations and for them to ensure the necessary infrastructure is in place to support any "planned" development before allowing building to happen.

vi) No more building in Moreton until the inadequate sewage system has been properly addressed. The present situation is disgusting and certainly unhealthy. Serious concerns about the dangerous chemicals which will forever

contaminate the stream rite next to the site. Absolutely unsafe for children and animals living in the area.

vii) More housing is not needed there as existing properties are available for sale or rent. There are plenty of new houses in the process of erection on Dunstall Farm site, on The Fosseway, some of which have been slow to sell.

viii) Inadequate infrastructure- The infrastructure within Moreton-in-Marsh does not have the capacity to accommodate additional large development. That is; GPS, dentists, schools, sewage treatment, local amenities etc do not have capacity for existing population much less significant increases. For example, I understand that the current Spitfire Homes development has a restriction against occupancy in respect of insufficient sewage treatment capacity.

ix) Highway safety and traffic levels - The proposals include changes to the A44 which will render it more unsafe. This road is already extremely dangerous. Heavy traffic uses it at speeds well in excess of the 20/30 mph limits. The pavements at the town end and around the railway bridge are incredibly narrow. We have witnessed cars mounting the pavement at speed, and pushchairs being pulled into the slipstream of heavy vehicles travelling too fast.

x) This development will mean that, there will be additional traffic load on an already heavily used and dangerous A road. The proposal also includes reducing the width and adding a cycle lane. This will be incredibly dangerous for all users as there simply isn't space.

xi) Adding a development outside of the development boundary means that many residents will be unable or disinclined to walk/cycle into the centre. The centre of MIM is regularly gridlocked with traffic and there is insufficient parking capacity.

xii) Conservation of buildings, trees and open land- The application is on land not proposed for housing development in Cotswold District Council's local plan and is outside of the development boundary. The land is a greenfield site, currently in agricultural use and is open land. This development will be to the detriment of the local area impacting the rural open land environment and appearance.

xiii) Flooding- MIM has some issues with flooding. Large developments prevent effective dispersal of rain and groundwater. This development will contribute to the problems already experienced.

xiv) My principal objection is to the evidence of forever chemicals from the Fire Service Training College across the road from the proposed development. These have been found in the watercourse on this land and yet it has been decided that no environmental impact survey is necessary.

xv) More green fields are being given up to tarmac and concrete, with no provision for run off or expansion of the sewage treatment capacity which is already at its limit.

xvi) Extra traffic resulting from these houses. Most households own 2 cars. A quick research has shown that the average person makes 22 journeys by rail a year and 917 journeys by car. The majority of car journeys will be shorter but will involve going through Moreton where the 2 mini roundabouts with the A44 crossing the A429 cause long tailbacks at peak times 7 days a week. The hope that these future residents will use the station at Moreton is ridiculous. The trains are too infrequent, too inflexible (you can't get directly to Stratford, Birmingham or Birmingham Airport), too expensive and too unreliable. Services are cancelled with no warning often.

xvii) No local employment. Are all these future residents going to work from home or in Oxford which is the only place you can reach by train easily. If so why not live in Oxford then, where there are better schools and public transport is better.

xviii) This development is too far out of town for most people to walk into the high street, to St David's school, the surgery or the hospital. Parking in town is a problem, but rather than provide more car parks we should be enabling people to walk or cycle to local centres. This ribbon development along the London Road is not helpful to the tight-knit community which has always been an attractive part of Moreton life. Are there enough families or downsizing older people for these extra houses, or will they just be an investment vehicle? Already there are large numbers of AirBnBs which destroy the fabric of the town. Facilities like the library and local clubs and societies are not supported by tourists.

xix) The walk into town from this end of town is already dangerous, multiple accidents opposite the football club and a speed sign that no one pays attention to. As for adding in a cycle lane, has anyone actually viewed the bridge on the way into town? The paths are crumbling down the embankments and are not safe, which would be more dangerous adding in another lane for bicycles.

xx) We don't have the roads, doctor surgery spaces, school spaces, parking spaces etc for any more new houses. The traffic is horrendous as it is, deterring tourists and those who travel in for the day etc meaning small businesses are literally closing their doors, some for the first time since they opened 20 odd years ago. Moreton is awful and local residents are looking to move away because of the constant influx of new people, half of which are buying second homes cash buyers stopping locals from buying - not just that but the fact none of the houses are affordable for normal people.

xxi) The location of the proposed development will make it more difficult for any young families to walk into the town and school and as such will increase the number of short distance trips taken by cars which will create extra pollution and congestion to the roads. There are no parking facilities by St Davids primary school, and the car parks that we do have are limited and stretched to capacity. Furthermore the provision of Nursery and Early care facilities within Moreton in Marsh are grossly inadequate for a town of its current size let alone with the addition of 195 homes.

xxii) There are no facilities for young people and families are already having to transport their children to clubs outside of the town, which is ludicrous.

xxiii) The NPPF places sustainable development at its core, balancing economic, social, and environmental objectives. While housing delivery may support economic growth, this proposal conflicts with the environmental and social dimensions of sustainability.

xxiv) Moreton-in-Marsh already faces significant strain on infrastructure, including highways, drainage, and healthcare. Further development of this scale risks undermining community wellbeing and exacerbating traffic congestion, flooding, and service overload. This is contrary to the social objective in paragraph 8(b), which seeks to foster well-designed, healthy and safe places with accessible services.

xxv) Paragraph 15 states that the planning system should be genuinely planned. This development appears to come forward in advance of the updated Cotswold District Local Plan review, potentially prejudging spatial strategy decisions that have yet to be democratically determined. Approving this application would undermine the legitimacy of the local plan process. It is also outside of the development boundary in the Local Plan.

xxvi) Paragraph 105 of the NPPF requires that development be focused in locations which are or can be made sustainable through limiting the need to

travel and offering genuine choice of transport modes. Moreton-in-Marsh is a rural market town with limited public transport infrastructure. The proposal would generate additional car trips, increasing congestion and air pollution in contradiction of national goals for carbon reduction and air quality improvement. The proposed active travel plan is unviable and dangerous. The already over capacity roundabouts in the centre of the town will be further overwhelmed.

xxvii) The NPPF supports making the most effective use of previously developed land. This development would take place on greenfield land, contributing to the ongoing urbanisation of the countryside around Moreton-in-Marsh. No exceptional circumstances have been demonstrated to justify this loss of open land, and brownfield alternatives should be prioritised.

xxviii) High-quality design is central to the NPPF. Paragraph 134 makes clear that permission should be refused for development that fails to reflect local design policies and government guidance on design. The proposed layout and density of the Bloor scheme do not align with the character of Moreton-in-Marsh and threaten its distinct identity as a historic market town. Paragraph 135 reinforces that development should be sympathetic to local character, which this scheme is not.

xxix) The majority of the proposed houses are well beyond the affordability of the people that want to live and work in the area and therefore you are building houses for people that will be working outside the area and will be commuting to work. More congestion.

xxx) Prior to any further approvals for development in MiM and full strategic plan needs to be approved to cover transport, utilities and facilities. The plan by Bloor homes covers the absolute minimum and will have a detrimental impact on the community. For example, a cycle lane and additional bus stop is not going to solve the towns congestion issues. I am concerned that CDC will continue to approve developments in a piecemeal way and never deliver the promised plan leading to disastrous consequences for the town and the community.

xxxi) Given the scale of this development in addition to the existence of the Moreton Park Estate there needs to be consideration for facilities to the east of Moreton in terms of doctors, pharmacy, shops etc to avoid people having to travel into the town. This should be included within the Bloor plan. Also the addition of a bus stop needs to include more frequent and later running buses to make it more effective.

xxxii) It would result in Moreton sprawling out into the countryside and we would lose part of our open countryside which we should cherish.

xxxiii) Ground conditions and pollution - paragraphs 196-201: High levels of Perfluorooctane Sulfonate (PFOS), a globally recognised pollutant that has been restricted in the UK for more than a decade, has been found in a stream that runs directly from the town's Fire Service College (FSC). The Environmental Agency commissioned consultants to conduct a surface water monitoring study of the area surrounding the college in 2024; sampling from eight (out of ten) points surrounding the college came back with PFOS levels well above the annual average environmental quality standard (EQS) of 0.65 nanograms per litre (ng/l). Though Bloor Homes claim said they have conducted chemical testing and there is no soil contamination within the site, an independent study should be undertaken given the proximity of the site to the (FSC).

xxxiv) Moreton has been subject to incredible development, almost doubling in size since I first came here 35 years ago. This is concerning as the utilities such as water and sewage do not appear to have kept pace with this level of overdevelopment so could not sustain these new homes. There are regular discharges of raw sewage into the Evenlode river and if another 195 houses are added, these discharge be more frequent and the environmental damage worsened causing irreparable impact damage to the Cotswold local conservation area.

xxxv) The infrastructure in Moreton-in Marsh cannot cope with the current population. The road network, having to support the intersection of two A roads, one of which is the main route through the North Cotswolds from North to South, is frequently backed up well outside the town. The road surface needs constant repair and the quantity and speed of traffic is unpleasant, dirty, and unsafe for pedestrians. Additional housing will exacerbate this issue.

xxxvi) The water and sewage system is already overloaded leading to frequent discharges of sewage into local waterways. The responsible organisation - Thames Water is in financial peril and unable (and unwilling) to expend the capital on improving the capacity and on proper maintenance.

xxxvii) Furthermore I understand that the proposed development is not included in the CDC Local Plan and is outside the permitted development boundary. Approving this development will set a dangerous precedent which will encourage even more development applications which the Council will struggle to oppose.

xxxviii) NPPF para 105 seeks to focus development on locations to be more sustainable through limiting excess travel and offering viable transport modes. Moreton in Marsh is a rural market town and has very limited public transport options. This proposed new development would add to additional car travel to & from town and add to the significant congestion which already results in gridlock at the roundabout in town, both entering from the A44 or travelling along on the A429. This application does not achieve environmental goals or offer sustainable development.

xxxix) Over-development.

xl) This piecemeal, opportunistic development offers no benefit to the town or the area.

xli) No secondary school in the town.

xlii) The site is directly opposite the National Fire Service College. This site has been subject to a report by ENDS in November 2024 indicating the presence of PFAS chemicals on the site at disturbingly high levels. The site ranks fourth on the Environment Agencies list of "most polluted sites. Surface water discharge is known to happen directly into the brook on the Eastern side of the proposal. Therefore, there is a high risk of existing contamination and the continuing risk of ongoing contamination from run-off with the continuation of operations on the site. This site has been the subject of environmental concerns for many years, yet it does not feature on Cotswold District Council's Public register of contaminated land. Why?

xliii) Even with CDC's own traffic data, the two roundabouts in Moreton are shown to be over capacity if the current Local Plan to 2031 is built. With the finalisation of the Ellenbrook site, this plan is all but complete. Traffic is already brought to a standstill with the merest disruption to the highway leading to very poor air quality for young and old residents, and visitors. The proposed cycle route is unworkable and dangerous. It seems to be based on a Dutch design which is only used on remote, straight country roads with excellent visibility in both directions. The proposed adoption of this design on a major trunk road with blind crests and bends is inherently unsafe and shows a complete lack of understanding in designing safe and attractive cycle infrastructure.

xliv) Forever chemicals. The water body (stream) running along the eastern boundary of the development site has, as recently as last year, been found to contain 2000 times the European safe standard limits of PFAS. The results from the independent survey organised by the developer have also shown high levels

of PFOS in the water. The EA found levels in fish from this stream contain 950 times the safe level. In the EIA application 'screen opinion request letter' the developers have stated that they plan to direct the surface water drainage from this site into this same waterbody via an attenuation pond with the outflow limited to around 27.9 litres per second. I'm concerned that this intense flow from 1 point source would result in 'flushing' these harmful chemicals faster and further downstream towards the river Evenlode than if the development was not there. This may also increase the risk of the contaminated stream flooding the farmland downstream will likely increase. In my opinion this will have a highly negative impact on not only the environment, but also to human health.

xlvi) Concerns about odour from the sewage treatment works.

xlvi) The outline application shows a total of 195 dwellings. Using a conservative assumption each home will be occupied by an average of 2.4 persons (figure supplied by Office for National Statistic) (1), 195 homes = 468 population increase. Each home will generate 330 litres/dwelling/day for foul water flow. (figure supplied by Thames). This will bring the total daily volume of foul water produced daily, by only proposed residential development, to around 64,000 litres/day or 64 tonnes/day. This additional foul water load is planned to be passed directly to Moreton-in-Marsh STW for treatment where the final effluent will be released into the Fours Shires stream. This additional direct load potentially leaves less capacity on the sewage treatment network for the flow coming from the SPS in Primrose Court and could lead to many more hours of untreated sewage being released onto the land treatment area or into the River Evenlode via the combined sewage overflow.

xlvi) Loss of agricultural land.

xlvi) The development poses significant flood risks to both the immediate area and downstream communities along the River Evenlode. The developer's proposed flood mitigation (raising floor levels by only 1.5cm when county guidance requires 2.5cm) is insufficient. The attenuation ponds will only protect residents within the development, not the wider town or downstream parishes. Historical flooding research has been proven inaccurate, and recent flooding events have been more severe than past predictions.

xlix) Thames Water Authority has confirmed they lack capacity for this development. The treatment works' current capacity is 5,708, with recent usage at 6,556, and planned upgrade to only 7,008 by September 2027. The proposed 195 homes (estimated 468 additional residents) would push demand well beyond capacity. While Thames Water suggests Grampian conditions, evidence

from Ellenbrook shows these have failed to work effectively, requiring conditions tied to commencement rather than occupancy.

l) The site contains dangerous levels of contamination, with "forever chemicals" in the drainage ditch measuring over 2,000 times the safe limit and PFAS levels 950 times over safe limits. All surface water runoff from the development will drain into this contaminated system. The Environmental Impact Assessment lacks sufficient information on land contamination, and the proposed drainage solutions are inadequate for the scale of contamination present.

li) The proposed Active Travel Plan is unrealistic and dangerous, involving removal of traffic lanes for cycle paths and elimination of white lines, which will likely cause accidents and fatalities. The existing road infrastructure cannot accommodate the additional traffic from 195 homes. The A44 capacity issues are not adequately addressed and the development will exacerbate existing traffic problems in the town centre.

8.3 **General comments are:**

i) My comment is that the application should not proceed to Committee, until the commencement of the next consultation about the Local Plan. Committee consideration should also await, what I understand to be a review over the suitability for Morton for Strategic growth, and what infrastructure would be needed, if that were to take place.

ii) My additional comment, is that if CDC do eventually decide to approve the application, the cap on the density should be higher. The latest NPPF emphasis that effective use of land should be made. The density currently proposed, is more similar to what it would have been, before the new NPPF. The density, as measured as CDC measures it, should be between 35 and 40 dwellings per Hectare. This would be more compatible with the need for the size of residential units within Cotswold. The emphasis being heavily in favour, of residential units with 3 or fewer bedrooms.

8.4 **Evenlode Parish Council**

'Water & Sewage

8.4.1 Absence of increased and improved Thames Water infrastructure capable of dealing with the current demand, let alone the demand arising from a further 195 homes - even with promised SUDS attenuation ponds. With a

recent history of very heavy rain, the SUDS should cater for a 1:1000 year event, rather than the 1:100 year event as proposed in this application. The volumes of heavy rain already amount to a 1:100 year event. This is the data from Riverlution and the Evenlode River Partnership.

8.4.2 Building on land with 2000 times the permissible limit of "Forever" chemicals found in the water in the stream on the boundary of the site, according to the EA, is madness considering the impact of run off into the River Evenlode affecting all villages downstream

8.4.3 Grampian conditions would be meaningless if there is already insufficient TW infrastructure of sewage management to cater for existing homes, let alone to support occupation of the new dwellings.

8.4.4 The town of MiM has experienced much flooding in recent years (the clue is in its name) and the EA has identified the area as prone to flooding - and that is with its current complement of new homes plus the other developments already granted permission on the Fire Service land and on Dunstall Farm land. More homes built with no further building of capacity in the sewage system is a recipe for more flooding; more sewage outputs; more likelihood of repeated smell arising from effluvia from sewage discharge in holding tanks. All these amounting to a level of impact on the locality, its residents and the River Evenlode which can be reasonably anticipated by the LPA, in the absence of established further sewage capacity and improvements by TW.

Other

8.4.5 The updated Local Plan and a yet to be published central government document on its planning reforms means that entertaining an outline planning application for so many homes merely adds to the piecemeal development which CDC itself is said to be dissatisfied with, and would interfere with a proper plan which prevents over-development of Moreton in Marsh when there are other areas in CDC which ought properly to bear their share of central Government's aim of 1.5 million homes by the end of this parliament.'

8.5 Shipton-under-Wychwood Parish Council

8.5.1 'I am Chair of Shipton-under-Wychwood Parish Council and am objecting to this proposed development and, indeed, any other development in Moreton-in-Marsh. I have had the opportunity of reading the important documents circulated by the applicants which both show the poor level of research and ignore the likely effect of all development in Moreton upon

villages adjoining the River Evenlode in both Gloucestershire and Oxfordshire. I outline below the principal issues:

8.5.2 Policies adopted by Gloucestershire County Council predicate a plan for surface water to be drained into the Evenlode which, will the Thames Water ("TW") submission, confirms that excess sewage would likewise be directed towards the Evenlode.

8.5.3 It is disturbing that TW state that their Moreton sewage works cannot now cope with any further new development and there seem to be no plans to increase capacity. TW suggest that a Grampian provision should be inserted if outline planning permission is granted permitting the development but not its occupation. This is entirely unsatisfactory - the Grampian condition should apply so that not development can actually take place until the sewage capacity is adequate.

8.5.4 The "Marsh" has been shown to be one and a half centimetres below the surface. Although one of the applicant's consultant was unable to obtain evidence of flooding in past centuries, archaeological reports relating to the whole town do make mention of groundwater flooding potential over many years. The very name of the Town should be an adequate warning to restrict any development despite any attenuation within the actual development.

8.5.5 The Evenlode has been the cause of serious flooding to many villages downstream from Moreton such as Evenlode Village, Bledington, Shipton-under-Wychwood and Ascott-under-Village, Charlbury and Fawler, There is evidence that any development in Moreton has inevitable consequences for all our villages. A specialist consultant appointed by Oxfordshire County Council has been asked to look specifically at this issue.

8.5.6 We are planning to form a coalition with all villages affected by actual or potential flooding from the River Evenlode following clear opposition from four other Parish Councils.

8.5.7 Cotswold District Council needs to consider not only the effects of immediate flooding in Moreton in reviewing applications for development but the fact that covering open land with tarmac and buildings will inevitably increase flooding downstream.'

8.6 Windrush Against Sewage Pollution

8.6.1 This submission is made by Windrush Against Sewage Pollution (WASP), a registered charity one of whose aims is to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the River Windrush and surrounding river catchments. A major focus in working toward this is to eliminate the discharge of untreated and poor-quality sewage into local watercourse. WASP takes no position with respect to development proposals.

8.6.2 The submission focusses on the ability of Moreton in Marsh STW owned by Thames Water Utilities Limited (TWUL) to deal legally with the increased sewage generated by the proposed development, and the likely impact of these facts on the requirement for a formal Environmental Impact Assessment (EIR).

8.6.3 The submission by Ridge on behalf of Bloor Homes makes clear the concerns linked to odour production from Moreton in Marsh STW but offers scant details regarding dealing with this issue.

8.6.4 The Sustainable Drainage Strategy (SDS) accompanying the application contains a letter from Thame Water that concluded 'our sewerage network will not have enough capacity for full development at this time.' Thames Water cites a rough 20 month time frame from the granting of planning permission to provide all necessary upgrades to their local sewerage network.

8.6.5 Unforgivably, the SDS makes no mention of the ability of the STW and linked Primrose Court Sewage Pumping Station (SPS) to treat and discharge the additional sewage generated by the proposal in a legal manner compliant with its statutory Environment Agency permit; there are clear implications for the production of waste and impacts on water pollution. These impacts are examined in detail below.

8.6.6 The scoping assessment indicates that a total of 195 dwellings and associated business developments are proposed. Using a conservative assumption (figure supplied by Thames Water) of 300l/dwelling/per day for foul water flow generated daily, then the total volume of foul water generated daily by ONLY the residential development will be in the order of 58,500 l/day or 58.5 tonnes/day. This will be passed to Moreton in Marsh STW for treatment

8.6.7 Moreton in Marsh STW is one of a total of 112 projects that Thames Water failed to complete as required by Ofwat during the AMP7 (2019-2025) investment period. The work required included increasing the size of the storm

tanks (despite Thames Water's statement, Morton in Marsh STW has no storm tanks: The U IMP6 driver refers to the Primrose Court land treatment area (LTA) adjacent to the STW) and measures to achieve Good Environmental Status (WFD IMPg). <https://www.thameswater.co.uk/about-us/performance/river-health/frequently-asked-questions/information-about-specific-sites#m>

8.6.8 TW notes that it does not expect to complete the required upgrades by December 2027. Given the current concerns regarding Thames Water's financial viability and future funding, there is a low confidence that the required upgrades will take place on schedule; past history of these types of projects supports this degree of scepticism.

8.6.9 These failures to upgrade to the agreed timescale, mean that as of 31 March 2025, both Moreton STW and Primrose Court LTA will be operating contrary to their respective statutory Environment Agency discharge permits (i.e illegally).

8.6.10 Further weight is added to this argument by the launch of a formal investigation by Ofwat into the failure of Thames Water to complete the required 112 upgrades by the end of March 2025.

<https://www.ofwat.gov.uk/ofwat-to-investigate-thames-water-on-delayed-environmental-schemes/>

8.6.11 The Environment Agency is also currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of sewage treatment works, focussing on early/dry spilling of untreated sewage. It is believed that Moreton in Marsh STW is included in this investigation.

8.6.12 The Moreton in Marsh STW/Primrose Court complex is also subject to prolonged periods of so-called 'dry spilling' during which untreated sewage is discharged to the headwaters of the River Evenlode in the absence of rainfall. These discharges lie outside the permitted conditions for the works and are thus illegal

8.6.13 During 2023, Primrose Court LTA dumped 2,012 hours of untreated sewage, in 2024 2,056 hours and in the first two months of 2025, in excess of 349 hours (Source:

https://www.sewagemap.co.uk/?asset_id=CTCR.2093&company=Thames%20Water. Much of this discharge was illegal.

8.6.14 Thames Water states that it will not achieve compliance with all government targets for storm overflows at Primrose Court until 2040 - 2045, meaning that it will remain periodically illegal until that date.

8.6.15 The River Evenlode downstream of the discharges from Moreton STW and Primrose Court LTA fails to meet the 'Good Ecological Standard' expected, instead achieving only a 'Moderate' ranking.

8.6.16 The Environment Agency ascribes two Reasons for Not Achieving Good status (RNAG's) to continuous point source discharges of sewage from water company assets. The lack of any similar RNAG's for intermittent discharges (i.e discharge of untreated or 'storm' sewage) is a clear error and omission on the part of the Environment Agency.

8.6.17 There are a number of sections from the National Planning Policy Framework that are apposite to this application, namely

8.6.18 Section 3 Plan Making. Para 20 notes that the requirement for an overall strategy for the pattern, scale and design quality of places and makes sufficient provision for: b) 'infrastructure including waste water' (This very specific prescription is at the heart of WASP's concerns regarding development and its impact on the discharge of untreated and poor- quality sewage to rivers) and more broadly d) 'the conservation and enhancement of the natural environment'

8.6.19 Para 43 notes the clear advantages of early engagement with 'other consenting bodies' (including presumably the Environment Agency for all sewage and foul water issues), particularly to enable consideration as to whether a particular development will be acceptable in principle. WASP supports this approach which is likely to become more relevant as water industry under-investment in sewage treatment works and associated infrastructure becomes clearer. The recent objection by the Environment Agency to a major development of 1,450 house in Barton, Oxfordshire due to lack of capacity at Oxford STW is a clear and current example.

8.6.20 Paragraph 180 (l) (formally paragraph 174) notes that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: l) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental

conditions such as air and water quality, taking into account relevant information such as river basin management plans.

8.6.21 Given these facts, it should be clear to both the applicant and Cotswold District Council that there is clear evidence of lack of capacity at Moreton in Marsh STW/Primrose Court SPS to receive further input of sewage and the environmental impact from the proposed development on the local environment of Moreton in Marsh and the wider downstream reaches of the River Evenlode into which the sewage will flow.

8.6.22 In conclusion WASP objects to this application due to the unacceptable increased loading that it would put on the currently illegally operating Thames Water Moreton in Marsh STW and Primrose Court SPS, which fail to meet its legal permit conditions.

8.6.23 WASP contends that the planning authority and presumably by extension, a planning inspector MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity, but in the face of contrary evidence presented to them, does NOT HAVE to. This belief is based on counsel's advice and case law.

8.6.24 We would ask to be kept informed of the council's view on this submission, and on progress to full/outline planning application for this proposal.'

8.7 The Evenlode Catchment Partnership (ECP)

8.7.1 'This submission is made by The Evenlode Catchment Partnership (ECP), a collaboration of over 30 organizations and countless individuals, united by a shared commitment to improving the water quality and environments within the Evenlode catchment. A major focus in working toward this is to eliminate the discharge of untreated and poor-quality treated sewage into our local watercourses. In the case of Moreton-in-Marsh (Moreton) we are looking at The Four Shires Brook, a tributary of the River Evenlode.

8.7.2 The ECP takes no position with respect to development proposals; we simply support the restoration of good water quality in our rivers.

8.7.3 This submission focusses solely on the ability of Moreton-in-Marsh Sewage Treatment Work (STW) and Moreton-in-Marsh Sewage Pumping Station (SPS), owned by Thames Water Utilities Limited (TWUL) to deal legally

with the increased sewage which will be generated by the proposed development.

8.7.4 Data from the Environment Agency's catchment explorer indicates that the receiving waterbody for Moreton's STW effluent (Evenlode and 4 Shires Water Body) has only been given a 'Poor' ecological status. Data from the Environment Agency's catchment explorer indicates that the receiving waterbody for Moreton's SPS storm spill effluent (Evenlode (Source to Four Shires S) has only been given a 'Moderate' ecological status.

8.7.5 Tributaries this high up in the catchment should be achieving a 'Good' ecological status. The Environment Agency has given the Reason for Not Achieving Good (RNAG) is mostly due to impact of from the water industry.

8.7.6 These reasons include the continuous pollution from the poor quality of treated effluent containing high levels of phosphate being discharged into the Four Shires by TWUL. And the significant level of untreated storm sewage being released into the environment during storm events, of which there was a total of around 2224.5 hours was in 2024

8.7.7 The Environment Agency is currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of STW's, focussing on early/dry spilling of untreated sewage into waterbodies. It is understood that Moreton-in-Marsh STW is probably included in this investigation.

8.7.8 The outline application for 'Land East of Cotswold Business Village' shows a total of 195 dwellings. Using a conservative assumption each home will be occupied by an average of 2.4 persons 195 homes = 468 population increase. Each home will generate 330 litres/dwelling/day for foul water flow. (figure supplied by TWUL). This will bring the total daily volume of foul water produced daily, by ONLY proposed residential development, to around 64,000 litres/day or 64 tonnes/day. This additional foul water load is planned to be passed directly to Moreton-in-Marsh STW for treatment where the final effluent will be released into the Fours Shires stream. This additional direct load potentially leaves less capacity on the sewage treatment network for the flow coming from the SPS in Primrose Court and could lead to many more hours of untreated sewage being released onto the land treatment area or into the River Evenlode via the combined sewage overflow.

8.7.9 The declared PE (Population Equivalent) design capacity of Moreton STW is 5708. TWUL say this figure is "assumed" rather than "assessed". The declared PE being served by Moreton STW in 2025 is 6556 and this is projected to rise to

7008 by 2030. Therefore, it seems that TWUL may be currently operating above its design capacity permit conditions. An additional 195 homes (PE 468) will mean that Moreton-in-Marsh STW will be operating beyond the threshold of its design capacity. There is certainly no futureproofing measure in place for the projected population increase. Without a significant and timely upgrade at the STW and SPS to deal with additional foul water load created by this significant increase in PE, Moreton-in-Marsh STW will likely be unable to treat sewage to an acceptable (legal) standard and will pollute the environment.

8.7.10 TWUL had previously committed to completing upgrades by "2025". However, along with more than 100 other schemes, TWUL have reneged on this already funded commitment, pushing its delivery back to the AMP8 period (2025-30) with an estimated completion date of '2027'. Investment plans for storm discharge sites .

8.7.11 In 2023 Moreton-in-Marsh spilled raw sewage into the environment for over 2033 hours. In 2024 this increased to over 2224.5 hours (sewagemap.co.uk and Environment Agency storm overflow spill data for 2024 - GOV.UK).

8.7.12 In the absence of the required upgrade, any additional housing connected to Moreton-in-Marsh STW will increase the volume of likely illegally dumped sewage during periods of rainfall and high groundwater.

8.7.13 The ECP contends that without a completed upgrade to the STW to ensure compliance with the legal permit standard at Moreton-in-Marsh STW, granting of planning permission for this development will simply endorse and worsen their present un-permitted and illegal operations and increase further the spilling of untreated sewage into the river Evenlode.

8.7.14 Given TWUL history of misrepresentation of timing of the required investment in Moreton-in-Marsh STW, and its current parlous financial situation, ECP has no faith in TWUL to deliver the required upgrade.

8.7.15 TWUL has commented on this planning application, stating that it has "identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal."

8.8.16 As such, we object to this application until the necessary upgrades are completed.'

8.8 CPRE Gloucestershire

8.8.1 'We are aware of the general context for the review of the adopted Local Plan and the provisions in the new Local Development Scheme for a plan to cover the period 2026 to 2046. The consultation last year raised the possibility of major development at Moreton-in-Marsh even before the significantly increased housing requirements arising from the Standard Method became clear.'

8.8.2 We have considered the documents accompanying the planning application, including the Planning Statement. In it, the applicant's agent argues that existing policy is superseded by the absence of the required five-year supply of land for housing. Given the increase in the housing requirement from 420 dwellings a year in the adopted Local Plan to 1,036 dwellings a year arising from the Standard Method, it is hardly surprising that there is now less than a five-year supply. CPRE has long believed that this measure has a disproportionate influence on the outcome for applications for housing, whether in decisions made by local planning authorities or at appeal.

8.8.3 Serious doubts have been expressed about the adequacy of sewage treatment facilities in the area. Indeed, Thames Water, in its consultee response, has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal. As we understand it, problems have been accompanied, and perhaps exacerbated, by more general problems of flooding.

8.8.4 CPRE nationally is very concerned about decline in the condition of many of England's rivers, and locally we would be equally concerned about any threat to the condition of the River Evenlode, one of the Thames' main tributaries. We draw your attention to Condition No. 27 attached to 19/02248/FUL for the development of 250 dwellings at Dunstall Farm. The Council should impose a similar condition capable of effective enforcement if it were minded to grant permission for the present application.

8.8.5 We would also like the Council to have regard to the question of housing density in its consideration of the application. The application proposes 195 dwellings on a site of 12.1 hectares. This is equivalent to 16.1 dwellings per hectare, which does not in our view constitute the efficient use of land in accordance with NPPF paragraph 129. This is a different situation from that at Dunstall Farm, where the Council allocated an over-generous amount of land to accommodate the 119 dwellings which Policy S18 specified. If major strategic development takes place at Moreton-in-Marsh, then it is vitally important that

a compact and sustainable pattern of development is achieved. The proposed development will not contribute to this.

8.8.6 The proposed development, if permitted, will extend the built-up area of the town and increase light pollution, which is harmful to wildlife and ecosystems. We can find no policy on or even reference to "dark skies" in the adopted Local Plan, but would ask the Council to insist that any impact is mitigated by appropriate external lighting and to deal with this matter by appropriate condition.

8.8.7 The Council should do all it can to ensure that the amount and type of affordable housing proposed is actually delivered. There have been too many cases across the County in which developers have provided less affordable housing than policies require, and in some cases, none at all.

8.8.8 Finally, CPRE Gloucestershire is concerned about the impact of short-term visitor numbers on the District. Although tourism is an important part of the local economy, severe pressures have been placed on some of our local towns and villages, including Moreton-in-Marsh. The increasing number of second homes and holiday lets has a significant impact on community and social cohesion. CPRE urges the Council to do all it can to ensure that new housing is for permanent occupation.'

8.9 Pulhams Coaches

8.9.1 'Pulhams and Sons (Coaches) Ltd. ("Pulhams"; "Pulhams Coaches") is pleased to write in regard to the proposals referenced above, currently before you for consideration. We highlight a number of key matters related to accessibility to suitable public transport, and we offer our support for the application. Pulhams is the Public Transport Operator referred to at section 1.12 and 1.13 of the submitted Transport Assessment ("TA").

8.9.2 Pulhams notes that the applicant's conclusion that this submission is all but certain to be determined under the so-called "tilted balance" set out at Paragraph 11d of the National Planning Policy Framework ("NPPF"). This engages a presumption in favour of proposals that do not affect protected areas or assets as defined in footnote 7 of NPPF, and that otherwise offer benefits that demonstrably exceed any other identifiable harms. We conclude likewise. As a major local employer and service provider, we also urge the Council to consider that the delivery of housing to meet pressing local needs, including a significant number of "truly affordable" tenures, should weigh very positively in the planning balance.

8.9.3 We also highlight that, in addition to the case the applicants present in their Planning Statement, this site is one that also demonstrably conforms to the expectations set out in NPPF Chapter 9 regarding locational sustainability, and in particular the language at paragraphs 109-110 and 115. It has been the case since the publication of the original version of the Framework in 2012, that patterns of development should be actively managed to maximise the opportunities to use sustainable travel modes: active travel and public transport. This significantly reduces the number of appropriate otherwise unconstrained development locations, especially in an extensive rural district such as this. Both the quantum and distribution of employment, amenities, facilities and public services, and the density of regular public transport networks, point to relatively few locations and corridors that satisfy the NPPF's locational sustainability requirements.

8.9.4 We consider that it is evident that this site is one that does so exceptionally well. The Transport Assessment submitted with the application presents a great deal of evidence to support this conclusion. At a time when the Council is faced with an immediate need to very rapidly boost the stock of deliverable planning permissions in the short term to address housing needs, and the requirement given by the revised Standard Methodology in place since December 2024, it is even more important that appropriate proposals in these most sustainable locations are indeed approved without delay.

8.9.5 The proposals follow the Council having shared certain aspects of its thinking regarding an emergent Local Plan Review. An emerging "Partial Update" was consulted upon in 2024. Pulhams Coaches responded at that time, duly and comprehensively, to an extremely detailed consultation exercise. Among other things we noted and strongly supported an emergent strategic focus on Moreton-in-Marsh to meet the District's future housing needs. While almost no new housing allocations were proposed, draft Policy S18 made provision for new housing and a range of other facilities, including a new primary school, within the Fire Services College site as enabling development to secure the modernisation of this facility. These facilities would be within 500m of the current proposals south of London Road.

8.9.6 Looking at longer-term development needs to 2041 and beyond, we also noted the conclusions in the Development Strategy Topic Paper that a range of additional appropriate and relatively unconstrained options were recognised by the Council to exist around the town. Bringing these forward would support growth in a way that offered immediate access by active travel modes to the facilities of a Main Service Centre. This also includes a main-line rail station on

the North Cotswolds Line, and some of the most regular bus services in the District. The current application is one of just these opportunities.

8.9.7 To offer a little more context regarding the bus service offer at Moreton-in-Marsh, and past the site itself, Pulhams is the operator of the bulk of the bus services in the northern part of the District and to neighbouring areas. Most of these involve services specified and procured by Gloucestershire County Council.

8.9.8 The 801, which has run for many years linking the Fosse Way towns to each other and then to Cheltenham, is the strongest service by a considerable margin, and is one of the few that has supported a degree of commercial operation. Notwithstanding this, the opportunity was taken to apply County Council funding, available from the Bus Service Improvement Plan (BSIP), to substantially improve the service from March 2024 including:

- Raising the frequency to a clockface hourly, from the previous every 90 minutes frequency which had been operated commercially.*
- Extending hours of operation*
- Extending the route from its northern terminus at Moreton in Marsh, along London Road and the A44 to Chipping Norton in Oxfordshire. Thus, the route now directly serves the site.*
- Providing a Sundays and Bank Holidays service, running every 2 hours.*

8.9.9 These proposals have used the Council's BSIP funding as pump-priming with a view to achieving commercial viability of the enhanced service offering within a two-year period. After the first year, good progress had been made with a 27% year on year growth in passenger boardings having been recorded on the service.

8.9.10 While BSIP funding remains in place until March 2026, albeit at a reduced level from that seen in 2024-25, discussions continue with both Gloucestershire County Council and Oxfordshire County Council on potential further improvements in the North Cotswolds bus offer pursuant to the shared priorities in the Councils' respective BSIPs. Later in Summer 2025, the 801 will see a further improvement to operate every hour on Sundays and Bank Holidays, partly funded by Oxfordshire County Council.

8.9.11 Other bus services into the town are likely to see significant further enhancement in the relatively short term, to a great extent reflecting the town's role as a service centre and as a railhead. It is entirely possible that some of these improvements could also be effected to directly serve the site.

8.9.12 We note that the submission is informed by pre-application discussion with Gloucestershire County Council and the outcomes of this are set out in the submitted Transport Assessment ("TA"). The applicant also entered into pre-application discussions with Pulhams, which we welcomed, in order to fully understand the opportunities and constraints presented by the service 801.

8.9.13 This pre-application dialogue allowed a full exploration of the issues at the site and in the immediate area and has served to positively and materially shape the submitted proposals. As such Pulhams can stand unequivocally behind these aspects of the submission. This includes:

- The facility that allows buses to enter the site, if necessary to terminate. The dimensions and location of this facility fully reflects our advice, having regard also to the recently published updated guidance that our parent company, Go-Ahead Group has issued, jointly with Stagecoach, on integration of bus services into new residential developments.*
- The ability to treat the existing eastbound bus stop at as redundant, as 801 buses already enter the former Fire Service College site at Davies Road.*
- A land reserve for a potential relief road, should it subsequently be determined that this should be aligned through the application site. Pulhams has already publicly lodged its support in principle for the relief road as this can be expected to reduce congestion and consequential delays suffered by bus services in the town and its immediate approaches.*
- Proportionate contributions towards the Moreton Mobility Hub at the existing Rail Station Forecourt.*

8.9.14 In short, in view of the pressing housing needs of the District, this site is demonstrably a highly sustainable choice that aligns with the existing spatial strategy in the adopted Local Plan, as well as with national policy. Importantly it is one where sustainable travel opportunities clearly exist, for walking, cycling and public transport use. The applicant is looking to significantly improve these options. In a largely rural district, such locational credentials are far from ubiquitous; indeed, this site could be considered exceptional. We therefore are happy to commend the application to the Council.'

9. Applicant's Supporting Information:

- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Appraisal
- Transport Assessment
- Residential Travel Plan
- Noise Constraints Assessment
- Air Quality Assessment
- Odour Assessment
- Flood Risk Assessment
- Sustainable Drainage Statement
- Ecological Assessment
- Ecology Statement
- Biodiversity Net Gain Assessment: Design Stage
- Arboricultural Assessment
- Heritage Setting Assessment
- Archaeological Desk-Based Assessment
- Agricultural Land Classification and Circumstances
- Energy Strategy Statement
- Waste Minimisation Statement
- Site Investigation Report

10. Officer's Assessment:

Proposed Development

- 10.1 This application is seeking Outline planning permission for *'up to 195 dwellings together with vehicular access from London Road, landscaping together with associated development including active travel measures along London Road.'* Details relating to Access form part of this application. However, other details relating to Appearance, Scale, Layout and Landscaping have been reserved for subsequent reserved matters approval should Outline permission be granted.
- 10.2 The proposed housing would be located on a field lying to the south of the A44 London Road. The applicant states that approximately half of the field (5.3 hectares) would be developed for housing and associated gardens, roads and parking. The indicative layout shows the majority of the proposed housing located towards the centre and north of the field. The south-eastern, southern and western parts of the field would be set aside for open space, landscaping and flood attenuation.

10.3 Vehicular access to the proposed housing would be via a new entrance onto the A44 London Road. It would be located in the northern boundary of the application field, approximately 70m to the east of the western edge of the application field.

10.4 In addition to the above, the applicant's initial proposal indicated an intention to undertake a number of works to the A44 London Road between the application field and the centre of Moreton-in-Marsh. The applicant's Planning Statement initially set out the following works:

10.4.1 'A 3metre wide shared active travel link is proposed to be provided along the London Road corridor, from the proposed vehicular access junction of the application site to opposite the priority junction with Evenlode Road and adjacent the PROW link to Footpath HMM4. At this point, the route is proposed to transition onto the carriageway, via dropped kerbs with associated tactile paving, with advisory cycle lanes provided on both sides of the carriageway;

10.4.2 In addition to the speed limit reduction in the vicinity, from 30mph to 20mph, the centreline markings of the carriageway are proposed to be removed in order to limit vehicle speeds and increase driver awareness;

10.4.3 In terms of existing junctions along the route, the London Road / Cotswold Business Village priority junction is proposed to be reconfigured, with reduced corner radii to 15m, upgraded refuge island, and the provision of dropped kerbs with associated tactile paving facilitating travel across the carriageway. Whilst the London Road / Mosedale priority junction is proposed to be improved via the implementation of a continuous footway / active travel priority, or a raised table arrangement to further indicate the prioritisation of the arrangement. Furthermore, the existing merge and diverge junction tapers are proposed to be revised to ensure a 3metre active travel link are provided on approach to the junction; and

10.4.4 In terms of crossing points, most shall feature dropped kerbs with associated tactile paving, whilst a TOUCAN crossing is proposed to be installed on London Road, in the vicinity of the Cemetery and the priority junction with Mosedale.'

10.5 Following discussions with GCC Highways, the applicant has removed the advisory cycle lanes that were initially proposed along the A44 to the west of Evenlode Road. A new pedestrian island refuge/tactile crossing is also proposed on the A44 and will form part of the new right turning site access arrangements. In addition, an uncontrolled tactile pedestrian crossing is proposed across the

A44 next to the junction with Evenlode Road. The applicant has highlighted that an existing Public Right of Way (HMM4), which extends from the A44 (at a point approximately 520m to the west of the application site) to the railway station, could be upgraded for cycle access subject to a Traffic Regulation Order (TRO).

(a) Residential Development Outside a Development Boundary

10.6 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 planning application is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

10.7 The application site is located outside Moreton-in-Marsh Development Boundary as designated in the Cotswold District Local Plan 2011-2031. It is also located outside a Non-Principal Settlement for the purposes of the aforementioned plan. The erection of new-build open market housing on the site is therefore covered by the following policy:

10.8 Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

10.9 The supporting text to Policy DS4 states:

'6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.'

'6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.'

- 10.10 The current scheme would result in the erection of new build open market housing outside a development boundary and is therefore contrary to the above policy.
- 10.11 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) and guidance in the Planning Practice Guidance (PPG) when reaching a decision. The NPPF and the PPG represent significant material considerations. In particular, it is noted that the December 2024 update of the NPPF, in combination with the updated PPG on Housing and Economic Needs Assessment, introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF and PPG, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8 year supply.
- 10.12 Prior to December 2024, the Council's 5 year supply was measured against the residual Local Plan housing requirement, which was 265 homes per year (based on the Housing Land Supply Report August 2023). However, the new standard method means that the Council's 5 year supply must now be measured against the standard methodology calculation of the number of homes needed in the district, which increased in December 2024 from 504 to 1036 homes per annum. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 10.13 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78): or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 is engaged.
- 10.14 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that areas or assets of particular importance can include designated heritage assets, such as listed buildings. Harm to such assets can therefore provide a strong reason to refuse an application, even if the Council cannot demonstrate a 5 year supply of deliverable housing land.
- 10.15 With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.
- 10.16 As a background to the current development proposal, the site was originally included in the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA). The site is included under site reference MK71. It was envisaged that the site could be developed for a new primary school with an area potentially set aside for new housing within the site. However, Gloucestershire County Council is no longer indicating that there is a need for a new primary school, with the result that this element of the site appraisal has fallen away. The current proposal is therefore solely for residential development.
- 10.17 With regard to the site, the SHELAA states:

'Other issues / constraints

10.17.1 Moreton-in-Marsh requires a new primary school. This site provides an opportunity to resolve this issue. Furthermore, the site is close to where the majority of growth has occurred in the town since the beginning of the plan period so is well placed to serve where need for additional primary school places originates;

10.17.2 The site is separated from the residential part of Moreton-in-Marsh by an employment estate, the A44 and a recreation ground. The site would therefore be a standalone residential development. This would also require school children to walk further and also, in some instances, along streets that do not have an active frontage;

10.17.3 The proposal would be another eastwards extension of the built up area of Moreton-in-Marsh - a substantial amount of growth in this area has already taken place since the beginning of the plan period;

10.17.4 An Odour Constraints Assessment undertaken by SLR in June 2017 on behalf of Cotswold District Council for the Local Plan examination found that south-western part of the site would be unsuitable for housing development due to air quality issues from the adjacent sewage treatment works (STW). However, it has been confirmed that any upgrade to the STW will not worsen the odour constraint on M71;

10.17.5 Adjacent to a business park to the west (a noise issue from one unit in particular was noted when the site was visited and requires further specialist assessment). Noise from the Fire Service College may also be a further issue, although the B1 employment site allocation would help to screen noise once completed;

10.17.6 Infrastructure in Moreton - particularly highway capacity within and around the town centre and sewage treatment capacity. Although the water infrastructure provider has a duty to upgrade the wastewater infrastructure and in a timely manner, doing so may still have an impact on the timing of delivery for this site;

10.17.7 The eastern part of the site is located in an area with higher flood risk, although no development is proposed here and the area would instead be retained as open space with tree and hedgerow planting;

10.17.8 Loss of a large area of agricultural land - the site is modelled to be partly Grade 2 and partly Grade 3 agricultural land, although a detailed survey is required to confirm this.

10.17.9 The western two-thirds of the site is within an area susceptible to >75% risk of Ground Water Flooding and the eastern third has between 50-75% risk - further investigation would be required.

10.17.10 The A44 London Road is 40mph at the north-west boundary of the site and 50mph further to the east. Visibility splays are likely to be long enough but the 30mph speed limit may need to be extended further out of Moreton-in-Marsh;

10.17.11 There is an existing footpath along London Road leading into the town centre, although this is on the opposite side of a 50mph section of the A44 and would likely require a crossing; and

10.17.12 A stand-alone electric pylon in the north-east corner may indicate underground services through the site. There is also a rising main that crosses the site between the Fire Service College and the wastewater treatment works.'

10.18 The SHELAA goes on to state:

'Summary

10.18.1 This site presents an opportunity to provide a new primary school and resolve a long-running school place capacity issue in the Moreton-in-Marsh. The scale of development in this location would be a significant eastwards extension to the residential area of Moreton-in-Marsh. Although the site is not located within the AONB or the Special Landscape Area, it forms part of the rural setting of Moreton-in-Marsh and a listed building. The site is exposed to views from the rising ground to the east. Part of the site is unsuitable for housing due to the odour issue from the adjacent wastewater treatment works. There is also likely to be a noise constraint issue associated with the adjacent industrial estate, which may further reduce the potential developable area. The main part of the site is likely to have limited biodiversity, although there may be more potential for biodiversity around the periphery of the site. The trees and hedgerows surrounding the site should be retained. There are also opportunities for the reinstatement of two hedgerows and further tree planting, as well as blue infrastructure improvements. The development of this site is reliant on the delivery of off-site infrastructure, namely sewage infrastructure upgrading and improvements to the highway capacity through the town centre.
Recommendation

10.18.2 The site is a candidate for further consideration for allocation within the Local Plan, subject to overcoming the infrastructure capacity issues and the

outcome of further assessment work. Indicative capacity 200 homes (35 dwellings per hectare) is likely to be too high a density for this rural edge of settlement location. A development of around 162 homes (based on the density multiplier assumption) would be more appropriate, although a detailed proposal may prove that a higher or lower density development would be more suitable.

Proposed site design brief if the site was allocated in the Local Plan

10.18.3 The following is not an exhaustive list and further guidance on design requirements will be provided through the pre-application process. Developments will be expected to comply with the requirements of the Cotswold Design Code and to deliver high quality built and green infrastructure design.

10.18.4 If M71 were to be developed:

- Around 2ha of land must be provided on the site for a two-form primary school if there is still a need for this facility.*
- No housing development should be located within the area, which has higher than accepted levels of odour from the adjacent sewage treatment works.*
- The proposal should include a comprehensive GI strategy, which includes improvements to habitats along the watercourse, screening and filtering of views front the wider countryside; hedgerow creation; recreational provision, etc.*
- The masterplanning of the site should reference the historic field pattern.*
- It must demonstrate, monitor and deliver a modal shift towards public transport and more active forms of travel within Moreton-in-Marsh. Key actions required*
- Resolution of wastewater infrastructure capacity and town centre highway capacity issues.*
- A more detailed ecological assessment.*
- Noise impact assessment of adjacent industrial estate.*

- *Soil survey to establish whether the site is best and most versatile agricultural land.*
- *Sustainable transport plan to demonstrate how modal shift will be delivered.'*

10.19 It is evident from the above that the site's suitability for development is based predominantly on the delivery of a primary school and the social benefits that this would bring to the eastern part of the town. The omission of the primary school from the site/current proposal would result in the creation of a large standalone residential development which would appear quite separate and distinct from existing housing in the town. It is noted that this Council is considering strategic growth to the east of Moreton-in-Marsh as part of the emerging Local Plan process. However, this growth would be dependent on the delivery of associated infrastructure improvements and would form part of a strategic plan which would consider future development in a holistic manner rather than through the submission of ad-hoc planning applications such as that now submitted.

10.20 The Council's Planning Policy and Infrastructure section states:

10.20.1 "Cotswold District Council is in the process of producing a new Local Plan for the district, which will plan for housing, employment and infrastructure needs into the 2040s and beyond. The intention is to submit the new Local Plan to the Secretary of State for examination before December 2026.

10.20.2 Between February and April 2023, the Council consulted on a garden village style proposal of around 1,500 homes in Moreton-in-Marsh. At that time, the government's calculation of the number of homes needed in the district was 493 homes a year (around 7,400 homes over the plan period). The Council had identified a supply of around 5,000 homes and was seeking additional sites to deliver around 3,300 homes. The 1,500 homes at Moreton would have contributed nearly half of that total.

10.20.3 Since then, the government has more than doubled the number of homes it calculates to be needed in Cotswold District, which is now 1,036 homes a year. Consequently, the Council needs to deliver significantly more homes across the district. Moreton-in-Marsh continues to be a major part of the proposed development strategy.

10.20.4 Also since 2023, further land has become available in Moreton-in-Marsh, which may be able to contribute towards delivering the significantly increased housing target.

10.20.5 The transport evidence that supported the adopted Local Plan indicated that the two mini-roundabouts in Moreton-in-Marsh town centre would be at their capacity once the planned growth was completed. Since the Local Plan was adopted, further development has come forward in Moreton-in-Marsh than was planned for (e.g. additional windfalls and the Dunstall Farm site delivering 250 homes instead of the 119 identified in the Local Plan). The town centre highways are therefore believed to now be at capacity, or exceeding their capacity. The capacity of the town centre highways cannot be increased due to the existing built form. It is therefore believed that significant alternative infrastructure will be required to support any further growth in Moreton. This is likely to require a new link road to ease congestion in the town centre.

10.20.6 Cotswold District Council has commissioned a Feasibility Study for Moreton-in-Marsh. The first part of this study is expected to be completed in October 2025, which is a scoping exercise. Amongst other things, this part of the Study will assess whether any form of road or any level of development is feasible. It will identify the different road options, the approximate amount of development each of these options would enable and will provide a high-level cost estimate of the road options to see if each option would generate sufficient funds to deliver the associated infrastructure requirements. Part 2 of the Study, which considers the shortlisted options in detail, is expected to be completed later in 2025 or in early 2026.

10.20.7 I have met with Bloor Homes on several occasions to discuss the potential allocation of their site in the Local Plan. I have raised that their site is likely to be strategically important and may be required to deliver the potential link road. I have also raised that it may be important in terms of providing infrastructure contributions to pay for the required infrastructure. However, until the Moreton-in-Marsh Feasibility Study is complete, we are unable to say for sure.

10.20.8 In the meantime, granting permission to this application could constrain or nullify the wider opportunity in Moreton-in-Marsh to deliver strategic scale growth. The Council may be in a position to confirm whether this site, or part of this site, would be required for a link road in October 2025 when part 1 of the Feasibility Study is complete. Failing that, the Council will be able to confirm the situation by late 2025 or early 2026 when part 2 of the Feasibility Study is complete.'

- 10.21 Whilst the need to deliver new housing is a significant material consideration, this Council also has to consider the longer term implications arising from the delivery of ad-hoc, standalone developments that would potentially prejudice the more strategic and sustainable growth of the settlement that could be achieved through the Local Plan process. The consideration of this site for allocation in the Local Plan would include a holistic assessment of the site and the settlement, the potential development capacity of the site, the availability and capacity of local infrastructure and services as well as the impact of development on the landscape, highways and other planning matters. It would also assess the site in context with other potential development sites in and around the town. There are therefore a wide range of factors that would be considered as part of the site allocation process. The recommendation in the SHELAA does not therefore mean that a development of the size now proposed is automatically acceptable.
- 10.22 It is of note that Moreton-in-Marsh has been subject to a significant level of new housing development in the current Local Plan period. The Council's 'Cotswold District Housing Land Supply Report - May 2025' states that 999 dwellings have been built in the town in the period dating from the 1st April 2011 to the 31st March 2024. In addition, as of the 1st April 2024 extant permissions totalled 325 dwellings. This equates to a total of 1,324 dwellings (and does not include projected windfalls of 57 dwellings in the period up to the 31st March 2031). The figure of 1,324 dwellings is the second highest figure in the District, falling only beyond Cirencester (1,872 dwellings). It is also necessary to note that Cirencester has approximately 4 times the population of Moreton-in-Marsh, which further emphasises the growth pressure that the latter has been subject to since 2011. In relation to its size, Moreton-in-Marsh has therefore been subject to a higher level of residential development than any other settlement in the District during the current Local Plan period. It is also of note that the vast majority of the dwellings that have been allowed (approximately 800) have been permitted in the eastern part of the town. The eastern part of the settlement has therefore been the focus for new development in recent years, without any corresponding increase in services or facilities.
- 10.23 In determining this application, it is considered pertinent to have regard to a situation that arose in 2009 following the submission of 2 applications for residential development on land to the north-west of the current application site. An application for 300 dwellings was submitted on land at the Fire Service College (09/04440/OUT). At broadly the same time, a separate application for 300 dwellings was also submitted for land off Todenham Road to the west of the Fire Service College (09/04214/OUT). At the time, the Council could not

demonstrate a robust 5 year supply of housing land. Committee Members resolved to approve the application for 300 dwellings on brownfield land at the Fire Service College. However, permission was refused for the Todenham Road site. One of the reasons for refusal related to the scale of development being excessive and not commensurate with the social and economic needs of the settlement. In addition, the proposal was considered to result in a disproportionate amount of the overall development for the District being undertaken in one area. This was considered to be contrary to the agreed Development Strategy for the district which sought to concentrate housing provision in Cirencester with other principal Settlements receiving sufficient housing to support their role as service centres.

- 10.24 The Todenham Road development was the subject of a Public Inquiry and was called in by the Secretary of State for Communities and Local Government. The Secretary of State agreed with the Planning Inspector and dismissed the appeal in a decision dated the 12th April 2011 (APP/F1610/A/10/2130320). Whilst significant weight was given to the delivery of new housing, including affordable housing, the Planning Inspector stated:

'230. The proposed housing would occupy an eminently sustainable location in terms of its accessibility by a range of modes of transport. But there are serious concerns that Moreton-in-Marsh is not necessarily the right place for residential development at this scale. Together with the development recently permitted at the adjacent Fire Service College site, the current proposal would introduce 600 new dwellings to a market town that has only limited existing community facilities, without any imminent commensurate increase in employment opportunities. A population increase of this extent would not be consistent with the character of Moreton-in-Marsh. Further, on the basis of the information currently provided, there can be no certainty that the financial contribution secure by the S106 legal agreement would ensure adequate mitigation for the impact that the associated additional vehicle movements would have upon existing traffic problems in the town.

231. Granting permission for 300 new dwellings, in addition to the 300 recently approved at the Fire Service College site, would commit around 10% of the residential development likely to be required in the plan period 2006-2026 to Moreton-in-Marsh. Given that the current District Development Strategy directs 63% of the District's planned growth to Cirencester, I consider that effectively to allocate more than a quarter of the remaining 37% to only one of 9 potential candidate Principal Settlements, in advance of any comparative assessment of their respective economic and social needs and suitability for expansion, would be to predetermine decisions about the scale and location of new development

which ought properly to be addressed as part of the LDF process. For that reason, I consider that granting planning permission for the current proposal could prejudice emerging Development Plan document policies and so would conflict with national guidance set out in PPS1 and its companion document The Planning System : General Principles'.

- 10.25 It is evident that the potential impact of cumulative development on the character of the settlement and its services/infrastructure has been deemed previously to be sufficient to refuse an application even when significant weight was given to the delivery of new housing. Whilst the aforementioned appeal was determined prior to the introduction of the NPPF, its findings are still considered to be relevant today when considering the impact of large scale development of the size proposed on the settlement and whether such development can really be classed as sustainable. It is of note that the adopted Local Plan development strategy for the District is based on large scale strategic growth in Cirencester '*complemented by smaller site-specific allocations in the Principal Settlements.*' As with the situation at the time of the above mentioned appeal, the adopted Local Plan focuses new housing development at Cirencester with the other Principal Settlements accepting smaller and more proportionate levels of development consistent with factors such as their size, infrastructure, accessibility and level of services and facilities. Whilst Local Plan Policy DS4 is '*out-of-date*', the Council's overall development strategy seeks to secure sustainable development and is consistent with the NPPF in this respect. Paragraph 15 of the NPPF states that '*the planning system should be genuinely plan-led*'. In addition, paragraph 7 of the NPPF states that '*The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner....*'
- 10.26 The current proposal would result in the creation of an ad-hoc, standalone, enclave of residential development that would be located approximately 430m to the east of existing housing located on the southern side of the A44 London Road. A cemetery, sports ground and employment estate are located between the aforementioned housing and the application site. In addition, the site is separated from housing on the Fire Service College to the north-west by the A44 and extensive woodland. As a consequence, the application site has no real physical or visual connectivity with existing residential development in the town. This would result in the proposed development appearing as a separate and distinct entity that would fail to integrate with existing housing in the settlement. The introduction of a block of housing on a field adjacent to an employment estate and at distance from existing residential development would fail to respect the existing pattern of development evident along the

southern side of the A44. Moreover, the current proposal would result in a further sizeable addition to the settlement, in addition to the 1,324 dwellings permitted since April 2011. The Council's Planning Policy Section states that Moreton-in-Marsh consisted of 1,949 dwellings at the beginning of the Local Plan period in April 2011. The addition of 1,324 dwellings in the Local Plan period equates to an increase of approximately 68% in dwelling numbers in the 13 years up to March 31st 2024. A further 195 dwellings would result in a 78% overall increase. In the intervening period, there has been no corresponding increase in employment provision, infrastructure or services, other than a new foodstore on the southern edge of the town. The hospital and doctors' surgery development was permitted in 2010 (09/04143/FUL), prior to the start of the current Local Plan period. They are considered not to be within reasonable walking distance of the development now proposed. This current development would result in a further increase in the residential population of the town without improvements to employment, infrastructure and services. Such an increase would, by virtue of the scale of development that is being undertaken, have a material impact on the rural character of the settlement.

- 10.27 As advised by the Council's Planning Policy and Infrastructure section, this Council is currently assessing the potential for Moreton-in-Marsh to increase in size as part of a long term strategic development process. Whilst new housing would form part of such a process, it would also be part of a holistic, planned development of the settlement which would include associated infrastructure improvements, as well as the delivery of employment, business and community services and facilities which would ensure that the town would develop in a sympathetic manner rather than through the continued introduction of incremental ad-hoc, piecemeal development, such as that now proposed. The current proposal has the potential to undermine the Council's ability to develop a sustainable, strategic approach for the town, which in the longer term could prejudice the delivery of further housing. This would run counter to the benefits now being put forward by the applicant.
- 10.28 In addition to the above, the western edge of the application site is located approximately 1.4km from the town's High Street and primary school, approximately 1.5km from the railway station. 1.6km from the Co-op foodstore in the north of the town and 2km from the Aldi foodstore, hospital and Doctors' surgery in its south. Furthermore, the town does not host a secondary school which would result in children having to rely on school bus services or private transport to attend the nearest secondary school in Chipping Campden.
- 10.29 Paragraph 4.4.1 of Manual for Streets (MfS) states that walkable neighbourhoods are typically characterised as having a range of facilities within

a 10-minute walking distance (c.800m). It is noted that MfS also states that this is not an upper limit, and that walking offers the greatest potential to replace short car trips, particularly those under 2km. However, it is also necessary to take into account the nature of such routes. Pedestrian and cycle access from the site to the aforementioned developments would be primarily along the A44. It does not therefore provide a particularly attractive route having regard to the distances involved and its proximity to a busy A road, even if some enhancements were made in relation to pedestrian crossings, footways and cycle infrastructure. This is of particular relevance for parents with young children, the elderly or persons with mobility issues. The applicant's Transport Statement has estimated a range of pedestrian, cycle, bus, rail and vehicle movements over a 24 hour period based on 4 different models. In essence, pedestrian trips over a 24 hour period vary between 176 to 243 movements, cycle trips range between 13 to 43 trips, bus trips range between 46 to 112 user trips, rail trips range from 17 to 21 trips and vehicle movements range from 646 to 813 movements. In all instances, it is noted that the number of vehicle movements generated by the development would be significantly above the trips generated by other modes of travel. Officers therefore have significant concerns about the ability of the development to provide realistic alternatives to the use of the private motor car. Paragraph 110 of the NPPF states that '*.... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*'

- 10.30 In terms of air quality/emissions, it is noted that the increase in vehicle movements would result in additional queuing at the mini-roundabout linking the A44 with the A429 which passes through the centre of the town. The applicant's Transport Statement indicates that queueing at the present time does not surpass 21 vehicles (maximum delay of 117 seconds) in the AM peak period and 24 vehicles in the PM peak period (maximum delay of 165 seconds). For the period between 2025 and 2028, the Transport Statement forecasts an increase of between circa 11 and 13 vehicles (53-61 seconds) in the AM peak period and by between 11 and 16 vehicles (96-107 seconds) in the PM peak period. For the period between 2025 -2031, the increase is predicted to be between circa 22 and 23 vehicles (101-110 seconds) in the AM peak period and between circa 11 and 25 vehicles (148-162 seconds) in the PM peak period. The proposal would therefore generate additional vehicle queue lengths in the centre of the town which is considered to have a material impact on air quality within the settlement. The applicant has submitted an Air Quality Assessment

with this application which indicates that concentrations of nitrogen dioxide are below UK objectives and would remain so should this development proceed. However, the additional queue lengths would still increase vehicle emissions in the town centre and add to congestion. This would conflict with the aspirations of paragraph 110 which seeks to improve air quality and public health. The Council's Environmental and Regulatory Services Air Quality section advise that it is becoming increasingly recognised that any increase in air pollution, even where concentrations are below the objective, can increase the incidences of associated illness and disease.

- 10.31 Whilst the rural nature of the area is noted, it is considered that the current proposal would, by virtue of its distance from services and facilities and the need for pedestrians and cyclists to access such services and facilities via the A44, still result in future occupants of the development having a disproportionate reliance on the use of the private motor car to undertake most day to day activities. Additional vehicle queue lengths would also have an adverse impact on air quality. In addition to the conflict with paragraph 110 of the NPPF, it is also considered that the proposed development would conflict with Paragraph 135 a) of the NPPF, which states that developments *'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.'* A reliance on the use of the private motor car and the significant extension of the settlement into the open countryside are considered not to meet these criteria. Furthermore, paragraph 7 of the NPPF states that the *'purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.'* Paragraph 8 of the NPPF states that *'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).'* The 3 objectives are economic, social and environmental. Whilst housing can contribute to the social and economic objectives, there is also a need to take account of the environmental objectives, such as the impact of development on the natural, built and historic environment. It also of note that the social objective states that homes should be provided *'with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.'* It is therefore evident that the delivery of new homes should be undertaken in a manner that respects the aforementioned aspiration, which is considered not to be the case in this instance.

10.32 It is considered that the proposal does not represent a sustainable form of development and that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits arising from the delivery of the proposed housing.

(b) Housing Mix and Affordable Housing

10.33 The following Local Plan policies are considered applicable to this proposal:

10.34 Policy H1 Housing Mix and Tenure to Meet Local Needs

1. *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.*
2. *Any affordable accommodation with 2 or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.*
3. *Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots, unless demand identified on the Local Planning Authority's Self-Build and Custom Register or other relevant evidence demonstrates there is a higher or lower level of demand for plots.*
4. *Starter Homes will be provided by developers in accordance with Regulations and national Policy and Guidance.*
5. *Exception sites for Starter Homes on land that has been in commercial or industrial use, and which has not currently been identified for residential development will be considered.*

10.35 Policy H2 Affordable Housing

1. *All housing developments that provide 11 or more new dwellings (net) or have a combined gross floorspace of over 1,000 square metres, will be expected to contribute towards affordable housing provision to meet the identified need in the District and address the Council's strategic objectives on affordable housing.*

2. *In settlements in rural areas , as defined under s157 of the Housing Act 1985, all housing developments that provide 6 to 10 new dwellings (net) will make a financial contribution by way of a commuted sum towards the District's affordable housing need subject to viability. Where financial contributions are required payment will be made upon completion of development.*

3. *The affordable housing requirement on all sites requiring a contribution, subject to viability is:*

- i. Up to 30% of new dwellings gross on brownfield sites; and*
- ii. Up to 40% of new dwellings gross on all other sites.*

4. *In exceptional circumstances consideration may be given to accepting a financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. A financial contribution will also be required for each partial number of affordable units calculated to be provided on site.*

5. *The type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritised housing needs of the District and designed to be tenure blind and distributed in clusters across the development to be agreed with the Council. It will be expected that affordable housing will be provided on site as completed dwellings by the developer, unless an alternative contribution is agreed, such as serviced plots.*

6. *Where viability is questioned or a commuted sum is considered, an "open book" assessment will be required. The local planning authority will arrange for an external assessment which will be paid for by the developer.*

10.36 The application site occupies a greenfield site and is therefore subject to 40% affordable housing provision. The applicant has stated their intention to provide such a contribution. A total of 78 affordable units are proposed in accordance with the requirements of Policy H2. The mix of housing consists of 12 social rented units (15%), 43 affordable rents (55%), 4 First Homes (5%) and 19 shared ownership/ Discount Market Sale (25%) dwellings. The aforementioned units would comprise 10 one bed maisonettes, 34 two bed dwellings and 34 three bed dwellings. The aforementioned mix is considered to reasonably address local housing needs.

10.37 With regard to self-build/custom build housing, Local Plan Policy H1 would require the delivery of 10 serviced plots to meet such a requirement. The

applicant has not formally stated that this is acceptable. At present, it has not therefore been demonstrated the requirements of the aforementioned can be met with regard to the delivery of self-build/custom build housing.

10.38 With regard to the mix of open market dwellings, it is considered necessary to ensure that a mechanism is put in place to secure an appropriate mix of market dwellings, as required by Local Plan Policy H1. It would not be possible to control the mix of the open market housing at the reserved matters stage, which is limited to matters relating to scale, layout, appearance, access and landscaping. The provision of larger, more expensive dwellings for open market sale can increase average house prices across the District, which can then increase the Council's housing needs and its housing affordability issues, both in the affordable and open market sectors. A higher average house price can mean that more persons fall into housing need. In contrast, the provision of smaller 1, 2 and 3 bed open market dwellings can more reasonably address such an issue. Figures from the Office for National Statistics indicate that the ratio between median house prices and median gross annual earnings in Cotswold District in 2024 (based on a 5 year average) was 14.64 times. In comparison, the difference was 5.63 times in 1997. The provision of a high percentage of 4 and 5 bed dwellings simply adds to the price differential and does little to address the Council's issues relating to house price affordability. The Council's Local Plan Partial Update Issues and Options Consultation document states that *'Building more and more houses to reduce house prices (or "Build, Build, Build", as Boris Johnson puts it) does not work, particularly in Cotswold District. There is much evidence to support this. Cotswold District has delivered significantly more housing than has been required in recent years, yet housing affordability has continued to worsen.'* With regard to potential future Local Plan policy, it goes on to state that *'smaller homes are generally more affordable, so a policy requirement could be introduced for a higher proportion of 1, 2 and 3 bedroom market houses, and fewer 4 and 5 bedroom houses.'* It is noted that Table A2.19 of the Gloucestershire Strategic Housing Market Assessment Update Final March 2014 states that 80% of new market accommodation required in Cotswold District in the period up to 2031 would be 1, 2 and 3 bed units, with just 20% being 4 bed dwellings and above. The applicant has indicated their agreement to such a mix, which could be covered by condition should permission be granted for this application.

10.39 Notwithstanding the above, at the present time, a S106 agreement is not in place to secure the provision of affordable/self-build/custom build plots within the development, or a suitable mix and range of housing in terms of size, type and tenure to reflect housing need and demand in both the market and

affordable housing sectors. It is therefore considered that the proposal is in conflict with Local Plan Policies H1 and H2.

- 10.40 If a suitable mechanism, such as a S106 agreement, could be agreed, it is considered that the provision of affordable housing/ self-build/custom build plots and appropriate mix of market housing would represent a benefit and would contribute in a positive manner to the Council's new requirement to provide additional dwellings in the District. It is considered that this would represent a significant material consideration that would weigh in favour of the proposed development.

(c) Impact on the Character and Appearance of the Area

- 10.41 The application site occupies an area of agricultural land adjacent to the eastern edge of the settlement. Whilst it is located outside Moreton-in-Marsh Surrounds Special Landscape Area (SLA), the eastern and southern boundaries of the site border the aforementioned. The site is therefore seen in context with the SLA.

- 10.42 The following Local Plan policies are considered relevant to this proposal:

- 10.43 Policy EN1 Built, Natural and Historic Environment

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 and enhancement of multi-functioning 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.*

10.44 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.

10.45 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.*

10.46 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'.

10.47 Policy INF7: Green Infrastructure

- 1. 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.*
- 2. New Green Infrastructure provision will be expected to link to the wider Green Infrastructure network of the District and beyond.*
- 3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).*

10.48 In terms of national guidance, the following paragraphs from the NPPF are considered relevant to this proposal:

10.49 Paragraph 187 of the NPPF states that planning policies and decision 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'.

10.50 On the basis that the site does not fall within the Cotswolds AONB nor a Special Landscape Area, it is considered that the site does not constitute a valued landscape for the purposes of paragraph 187. Notwithstanding this, the site does have an agricultural character and appearance which contributes positively to the rural setting of the town and the adjacent SLA. The site reflects many of the characteristics of the SLA landscape to its east and south.

10.51 A landscape assessment of the site has been undertaken as part of the SHELAA process. The October 2021 Update states:

Landscape sensitivity: M71

'Landscape sensitivity:

10.51.1 Notable landscape features within the parcel are the pastoral character, vegetative boundaries of varying quality and the flat but gently sloping topography. Beyond the parcel boundary is a combination of built form and development within Moreton-in-Marsh (north and west) and a continuation of the undeveloped hedgerow bound pastoral context present within the parcel (east). A small semi-mature woodland is also present to the south alongside a sewage treatment plant.

Evaluation: Medium

Justification:

10.51.2 The parcel has some susceptibility to landscape change through development. This is due to its settlement edge location and position within the undeveloped agricultural surroundings of Moreton-in-Marsh. The neighbouring industrial development to the west provides some built context to the local landscape, as does the Fire Service College to the north. Furthermore, the residential dwelling (The Hatchings) to the east and the sewage works to the south provide further developed context. Activity within these developed areas has an effect on the tranquillity of the parcel. Additionally, the A44 and sewage works have an effect on the perceptual qualities of the local area. No public access is provided to the parcel. Views from the public vantage points within the local landscape are generally filtered by intervening features such as vegetative buffers and built form. The eastern side of the parcel is the most susceptible to visual change due to its level of

openness and landscape change due to its neighbouring open rural context. The landscape sensitivity of the parcel is considered to be Medium. This is due to the undeveloped and open nature of the parcel which is characteristic of the farmland around the settlement. The presence of adjacent development and existing perceptual detractors in the vicinity has been taken into consideration..'

10.52 Whilst not within the SLA, the application site is seen in context with it and shares many of its characteristics. 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 Undulating Lowland Vale LCT is similar to the Pastoral Lowland LCT in the AONB to the north west and benefits from the backcloth of the Farmed Slopes LCT to the south east. All the key characteristics apply to the northern part of the SLA as the boundaries are shared. In summary, they include:

- *Farmed vale with broad undulating landform of rounded hills and ridges between flat valleys.*
- *Pattern of rivers and streams, dominated by Knee Brook and its tributaries.*
- *Productive and verdant landscape of pasture and arable land.*
- *Medium scale fields enclosed by network of hedgerows of varying quality with scattered hedgerow trees.*
- *Limited woodland cover of mainly small scale copses.*
- *Sparse settlement pattern dominated by dispersed linear settlements and scattered farmsteads.*
- *Relatively limited linear road network.*

10.53 When viewed from the field entrance adjoining the A44, the site extends seamlessly into the wider countryside to the east and south. It therefore has a strong physical and visual interconnectivity with the adjacent landscape , including the SLA. Whilst existing roadside vegetation and trees provide a degree of screening from the A44, the existing vegetation is gappy and does

allow for views of the application field, especially during winter months. Moreover, the extension of built development further to the east would be far more evident on the approach into the town along the A44 than the existing business village or sewage treatment works. Even with the introduction of additional landscaping, the proposal would result in a very noticeable extension of built development into the open countryside. With regard to landscape effects, the applicant's Landscape and Visual Appraisal (LVA) states: *'Over time, following the establishment and growth of planting by Year 15, there would be a Moderate-Minor Adverse landscape effect.'* With regard to visual effects, the LVA advises that these would range from negligible to minor adverse dependent on location, with the latter being applicable to users of the A44.

- 10.54 It is noted that the SHELAA indicates that the site has a Medium ranking in terms of landscape sensitivity. Officers consider the site to contribute positively to the rural setting of the town. The current proposal would result in a very discernible encroachment of development into the open countryside and to have an urbanising impact on its character and appearance. At present, there is a clear distinction between the built edge of the settlement and the open countryside to its east. Whilst the character and appearance of the western part of the site are influenced by the employment estate and water treatment works, this influence is considered to be very limited given the modest size of the commercial buildings, low level nature of the water treatment works and the fact that the site extends significantly to the east of the aforementioned developments. The majority of the site is seen more in context with the wider agricultural landscape than existing built development. The provision of green infrastructure around the edge of the site would help to soften the landscape and visual impact of the proposal. However, the proposed scheme would still appear as a very clear extension of built development into the countryside. The agricultural character of the site and its relationship with the adjacent SLA would change significantly if this scheme were to proceed. Moreover, the proposed scheme also seeks to create a new pedestrian footway alongside the southern side of the A44 from the site entrance to a location adjacent to the western edge of the cemetery approximately 330m to the west of the application site. The proposed footway would intrude into existing green verges/landscape areas which currently help to soften the urban appearance of the settlement when entering the town along the A44 from the east. The proposed highway works would contribute to the urbanising impact of the development.
- 10.55 It is also of note that the proposed housing would be located approximately 430m to the east of the nearest housing located on the southern side of the A44. Land lying between the application site and the aforementioned housing consists of a recreation/football ground, a cemetery and an employment estate.

In addition, housing within the Fire Service College site is largely screened by existing woodland. As a consequence, there would be no discernible visual connection between the proposed housing and existing housing in the settlement. The proposed housing would appear as a standalone block of residential development quite separate from existing residential development in the town. It could appear as a rather awkward and incongruous addition to the settlement that would fail to connect to the town in a cohesive manner either visually or physically. There would be a potential disconnect between residential development on this site and existing residential development in the settlement.

10.56 The Landscape consultant engaged by this Council to review the application states:

' Review of submitted information

10.56.1 The application is supported by a LVA prepared by FPCR, dated March 2025. The LVA broadly follows the methodology set out in the third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment. This includes consideration of both landscape and visual receptors.

10.56.2 The LVA presents a combination of desktop analysis and field-based survey work. It defines a study area, identifies landscape designations and character assessments at national, county and local levels, and outlines key visual receptors. A series of representative Type 11 visuals have provided, accompanied by written descriptions and impact assessments at Year 1 (completion) and Year 15 (post-mitigation). While these photographs are helpful in understanding the visual context, the inclusion of wireframes or overlays to indicate height parameters would have added clarity, particularly for receptors within the adjacent SLA. Also, several of the photographs appear underexposed, making it difficult to distinguish landscape features and the site's extent from some viewpoints. This does limit their effectiveness in supporting the assessment of visual effects.

Landscape Character

10.56.3 The applicant's LVA concludes that the site has medium landscape value and that the proposed development would result in a moderate adverse impact at completion, reducing to moderate-minor adverse by Year 15 following mitigation. While the value and susceptibility of the site are correctly

assessed as medium, the magnitude of change and degree of impact appear to be underestimated.

10.56.4 The proposed development would involve the loss of undeveloped farmland on the edge of the settlement, replacing it with a residential layout that would considerably alter the landscape character and diminish the site's perceived role as a transitional landscape.

10.56.5 Previous advice noted that while the western part of the site has some urbanising influences, the majority of the land is seen more in the context of the wider countryside. This transition would be lost. Although the LVA acknowledges the transitional nature of the site, its classification of the surrounding built form (e.g. sewage works, industrial estate) as dominant is not fully justified. The southern and eastern parts of the site in particular are far more strongly perceived as part of the rural context than urban fringe.

10.56.6 Furthermore, whilst the applicant places considerable emphasis on the landscape mitigation proposed, it is important to recognise that these measures cannot fully mitigate the impacts on the existing agricultural landscape character. New planting would help soften the transition to open countryside but cannot entirely mitigate the urbanisation of the site.

10.56.7 The impacts on the Pastoral Lowland Vale Landscape Character Type, and more precisely the Upper Evenlode Vale Landscape Character Area (LCA) have also been reviewed during construction, at completion and at year 15. The LVA concludes that the development would result in a minor adverse effect at Year 1, reducing to negligible-minor adverse by Year 15.

10.56.8 We accept that the scale of the development is relatively minor in relation to the full extent of the LCA. However, the proposal would result in the permanent loss of agricultural land use and interrupt the rural transition between Moreton-in-Marsh and the open countryside to the east, weakening the sense of separation between built form and open landscape, a key perceptual quality of the Upper Evenlode Vale.

10.56.9 Overall, the effect on landscape character at the site level is likely to be greater than indicated, given the loss of undeveloped land, the weakening of the rural settlement edge, and the encroachment into a landscape that is adjoining the SLA. Although generally there could be a reduction in effects by Year 15, the influence of built form, activity, and lighting still suggests that residual effects on local landscape character are likely to be greater than acknowledged, even in the long term.

Visual Amenity

10.56.10 The submitted LVA identifies a range of visual receptors who would experience changes as a result of the proposed development. This includes road users along London Road (A44), residential receptors (notably The Hatchery and the new Backhouse development) and users of public rights of way (PRoW).

10.56.11 For road users on the A44, existing vegetation along the highway corridor provides a high degree of visual containment with views limited to glimpses at field access points. As the LVA suggest, the proposed retention and enhancement of hedgerows and tree belts would assist in reducing visual effects over time.

10.56.12 For residents at The Hatchery, the introduction of residential development would represent a change in outlook, from an agricultural field to residential development. As the LVA states, views would be partially filtered by retained and new vegetation but would nonetheless experience a major-moderate adverse impact at completion. With the establishment of new structural planting, impacts would reduce to moderate adverse by Year 15. This judgement is supported.

10.56.13 Users of PRoWs, particularly footpath HMM10 to the south of the site, would experience views of the proposed development. While part of this route would be screened by existing woodland or filtered through intervening built form associated with the Backhouse development, views become more open as the path continues eastwards. From this section, the development would be clearly perceived as an eastward extension of the town, resulting in an adverse effect. The LVA identifies this as a minor adverse effect at Year 15, which is broadly reasonable. However, it is considered that the degree to which the proposal would extend the perceived settlement edge into the open countryside and given the PRoWs location within the SLA, the judgement may be slightly greater than the LVA suggests.

10.56.14 In relation to long-range views from the National Landscape and surrounding elevated areas, the proposed development would form a new element in the context of the Moreton-in-Marsh settlement, however it would be seen against the backdrop of the existing development. The LVA concludes this will lead to negligible effects, which is reasonable.

10.56.15 Notwithstanding the above, the visual mitigation at Year 15 relies significantly on the growth and success of new planting. This approach is realistic provided planting is established early and appropriately maintained.

However, early years (1-5) are likely to be particularly sensitive, and effective management and maintenance measures will be essential to reduce visual impacts.

Landscape Masterplan

10.56.16 The submitted Illustrative Landscape Masterplan proposes a green infrastructure (GI) framework, comprising: a perimeter green buffer; areas of proposed woodland planting, wildflower meadows, an attenuation basin; retained vegetation along existing boundaries; and a central pocket park and Locally Equipped Area of Play.

10.56.17 While the proposed GI strategy would enhance the overall network and deliver biodiversity and amenity benefits, it does not fully conserve or enhance the site's agricultural character. Similarly, the scheme risks being perceived as a visually disconnected block of development, set apart from the main body of the town. While green buffers help screen views, they may also reinforce separation unless the GI is used to integrate, not isolate, the built edge.

10.56.18 In terms of SuDS, the current drainage approach is based around a single large attenuation basin within the eastern green buffer, adjacent to the watercourse. While we understand that this is an outline application, it is recommended that a more distributed, integrated SuDS approach is proposed that better reflects best practice. This should incorporate smaller-scale source control features such as rain gardens, swales, or tree pits within streets and public open spaces to diversify the SuDS network. This could help reduce the engineered appearance of the basin, avoid over-reliance on it as a single feature, and create a stronger sense of place.

Conclusion

10.56.19 In conclusion, it's our judgement that the proposed development would result in a greater degree of landscape and visual impact than suggested in the submitted LVA. While the site is located adjacent to existing built development, it remains closely associated with the open countryside to the east and south and shares key characteristics with the adjoining SLA.

10.56.20 The proposal would erode the transitional quality of the site, extend the perceived settlement edge, and introduce a permanent form of development into a landscape that is currently defined by its agricultural land use and rural setting. Although the proposed green infrastructure would deliver

some ecological and visual mitigation, it would not fully conserve the landscape character of the site or replicate the qualities of the existing rural edge.

10.56.21 While mitigation measures have the potential to reduce some of the landscape and visual effects over time, residual adverse effects are likely to remain. With this in mind, if the LPA are minded to support the application, the following should be secured through conditions or Reserved Matters:

- A detailed Landscape plan including planting specifications, densities and phasing.*
- A detailed SuDS strategy that provides a variety of multifunctional features.*
- Strengthened planting along the eastern and southern edges to reinforce the rural interface.*
- A Landscape Management Plan with a minimum 15-year management and maintenance programme.*
- A strategy for external lighting that limits light spill and respects the area's rural edge.*
- The integration of street trees throughout the built envelope.'*

10.57 The proposed development would result in a significant extension of built form into an area of open countryside that currently make a positive contribution to the rural setting of both the town and the SLA. The proposal would appear as a piecemeal, ad-hoc form of development that would relate poorly to the existing settlement both in landscape and visual terms and have an adverse impact on the approach into the town from the east. It is considered that the proposal would be contrary to Local Plan Policies EN1 and EN4 and guidance in Section 15 of the NPPF. It is considered the aforementioned impacts weigh heavily against the proposed development.

(d) Access and Highway Safety

10.58 The following Local Plan policies cover matters relating to sustainable transport, highway safety and parking:

10.59 Local Plan Policy INF3: Sustainable Transport

'Development will be permitted that assists the delivery of the objectives of the Local Transport Plan and in particular:

- a. Actively supports travel choice through provision, enhancement and promotion of safe and recognisable connections to existing walking, cycling and public transport networks (including, where appropriate, the rail network);*
- b. Gives priority to pedestrians and cyclists and provides access to public transport facilities taking account of the travel and transport needs of all people;*
- c. Does not have a detrimental effect on the environment by reason of unacceptable levels of noise, vibration or atmospheric pollution;*
- d. Ensures links with green infrastructure including Public Rights of Way and, where feasible, wider cycle networks;*
- e. Makes a positive contribution, where appropriate, to the restoration of former railway lines by retaining existing embankments, cuttings, bridges and related features;*
- f. Incorporates, where feasible, facilities for secure bicycle parking and for charging plug-in and other ultra-low emission vehicles;*
- g. Accommodate, where appropriate, the efficient delivery of goods and supplies; and*
- h. Considers the needs of people with disabilities by all modes of travel.'*

10.60 Local Plan Policy INF4 Highway Safety

'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.'*

10.61 Local Plan Policy INF5 Parking Provision

'Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.'

10.62 In terms of national guidance, paragraph 116 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

10.63 Vehicular access to the proposed development would be via a new entrance in the northern boundary of the application site that would open onto the A44. The applicant's Transport Statement (TS) states *'this shall comprise a ghost-island right turn priority junction arrangement with London Road (A44), which will feature an 8m carriageway width that reduces to 7m once into the site.'* Speed surveys undertaken as part of the application submission state that 85th percentile speeds along the A44 are 47.5mph eastbound and 46.3mph westbound. The proposed entrance is capable of providing the requisite visibility of 134.6m to the west and 128.9m to the east.

10.64 Pedestrian access is proposed via a new pedestrian entrance in the far western part of the northern boundary of the application site. At present, a pedestrian footway is present along the northern side of the A44 opposite the site entrance. The aforementioned footway extends to the town centre. However, a pedestrian footway is not present on the southern side of the carriageway for a distance of approximately 420m between the site and the entrance of Moreton Rangers football ground to the west. The applicant is proposing to introduce a new pedestrian footway through existing green verges/landscape areas located along the southern side of the A44 for a distance of approximately 330m. A

Toucan pedestrian crossing is proposed at this point which would allow for the safe crossing of pedestrians across the A44. An uncontrolled pedestrian refuge and tactile crossing is also proposed as part of the right turning highway works which are intended as part of the creation of the site entrance.

- 10.65 The applicant initially proposed to introduce advisory cycle lane markings on both sides of the A44 carriageway from the western side of Evenlode Road (located approximately 520m to the west of the application site) to the town centre. However, following discussions with Gloucestershire County Council (GCC) Highways this element of the scheme has been withdrawn. The applicant is now advising that a Public Right of Way (HMM4) could be upgraded via a Traffic Regulation Order in order to enable cycle access from the A44 to the railway station.
- 10.66 Bus stops are located approximately 500m to the west of the application site.
- 10.67 Works to the public highway would be subject to the separate consent of GCC Highways
- 10.68 With regard to car parking, the final layout and number of spaces would be established at the reserved matters stage should Outline planning permission be granted. It is considered that the site is of sufficient size to be able to accommodate the level of parking that would typically be required for a development of the size proposed.
- 10.69 The application drawings show a potential roundabout within the site. The applicant indicates that is intended to demonstrate that the site could potentially provide for a road connection to the south should the Council pursue larger scale development to the east of the town in the future. However, it is difficult to see how such a route could connect to the roundabout given the presence of employment development to the west, a sewage treatment works to the south and the presence of the proposed housing to the east. Officers therefore give very little weight to this element of the proposed scheme.
- 10.70 The applicant's Transport Statement (TS) has estimated a range of pedestrian, cycle, bus, rail and vehicle movements over a 24 hour period based on 4 different models. In essence, pedestrian trips over a 24 hour period vary between 176 to 243 movements, cycle trips range between 13 to 43 trips, bus trips range between 46 to 112 user trips, rail trips range from 17 to 21 trips and vehicle movements range from 646 to 813 movements. In all instances, it is noted that the number of vehicle movements generated by the development would be significantly above the trips generated by other modes of travel.

10.71 In terms of traffic generation, the TS has undertaken an assessment of the potential impact of proposed development on the capacity of the existing mini-roundabouts in the centre of the town. The northernmost mini-roundabout serves both the A429 and the A44 and has been identified as being close to or exceeding capacity for a number of years. The impact of the proposed development on the highway and the operation of the local highway network, including the capacity of the mini-roundabouts has been assessed by GCC Highways. It states:

'Traffic Impact

10.71.1 In terms of the impact of the traffic associated with the development the predicted numbers have been agreed using both a calculation using figures from the TRICS Database and a nearby development as a "doner" site.

10.71.2 There are long standing issues at the two mini-roundabout junctions in Moreton in Marsh both of which experience queuing on a regular basis. Many potential solutions have been considered over the years but none have been found to offer a practical solution to the problems.

10.71.3 It is acknowledged that a development of this size and in this location will inevitably worsen the situation but under the requirements of the NPPF any such impact needs to be considered "severe" in order to justify a refusal of planning permission.

10.71.4 The modelling that has been carried out to determine the impact of the development traffic shows that the access junction would operate within its theoretical capacity in all scenarios in 2028. Based on the modelling results for the two mini-roundabouts (High Street (North) / A44 Oxford Street / High Street South & High Street (South) / East Street / A429 / Bourton Road mini-roundabout junctions), it can be seen, all scenarios show increases in junction delays, RFC (capacity) and vehicle queuing when comparing scenarios with and without development traffic in 2028.

10.71.5 Without the proposed development, the High Street north arm already illustrates a capacity issue, with delays of 381 seconds and a queue length of 64 vehicles during AM peak, while the A44 Oxford Street arm experiences delays of 677 seconds and queues of 99 vehicles in 2028.

10.71.6 With the proposed development in 2028, the worst-case scenario predicts the larger impacts, with delays increasing up to 46 seconds on High

Street north during AM peak and 106 seconds on the A44 east during PM peak hour compared to the 2028 baseline without the development. The longest queue occurs on the A44 Oxford Street during PM peak. Scenario 4 shows smaller development impacts, with delays increasing up to 25 seconds on High Street north during AM peak and 65 seconds on A44 Oxford Street during PM peak.

10.71.7 Overall, the modelling results indicate that the proposed development would add further delay and queueing on already constrained arms at the two mini-roundabouts in the 2028 baseline scenario. It is acknowledged that a drone survey undertaken to record the existing junction operation observed queues comprising both 'rolling' and 'Stationary' vehicles.

10.71.8 However, a simple increase in delay and queuing does not in itself justify a refusal of planning permission. The predicted traffic with appropriate allowances for the impact of the Travel Plan and the cycleway/footway being provided show a 25 second additional delay on High Street and an existing delay of 381 seconds which represents a 7% increase, with a 65 second delay on Oxford Street in addition to the existing 677 second delay which represents a 10% increase.

10.71.9 On balance these increases, whilst undoubtedly inconvenient, are not considered to represent the required "severe" impact to justify an objection that could be sustained at a planning appeal.

Public Transport

10.71.10 In terms of connection to the public transport network the developer had stated that they wanted the bus stop within the development as indicated in the developers indicative masterplan. It is understood that this view has now changed, and they are aligned with the opinion of the GCCs Integrated Transport Unit (ITU) in that bus stops need to be provided on both sides of the A44 with a suitable crossing method to connect an eastbound stop to the development. Both Pulhams and the ITU now agree that requiring buses to depart the A44 into the development would result in unnecessary delay to bus services which contradicts with the LTP and BSIP aspiration to improve bus journey times. The details of the positions of the stops, the facilities provided and the type of crossing to be provided are yet to be agreed but have been conditioned below.

10.71.11 In addition, the 801 service currently operates an hourly service, however, this is currently not financially viable and a financial contribution is

sought to extend this service, without it the service would reduce to a 2 hourly service.

Connections to Moreton Transport Hub

10.71.12 Connections to the station are enhanced by the proposed Footway / Cycleway making access to the rail network easier and safer without the need to use the private car. A £50,000 contribution to the Moreton Transport Hub has been agreed, which would help to contribute to facilities that would be used by residents of the site, such as ancillary walking and cycling facilities and parking spaces.'

10.72 GCC Highways has requested the following financial contributions:

'Financial Contributions

Moreton in Marsh Transport Hub

£50,000, to provide ancillary facilities for walkers and cyclists and a contribution towards parking spaces that may be used by residents of the development.

Public Transport Infrastructure 2 Bus Stops with :-

A shelter with power - £25,000

A bus stop clear way - £2,000

RTPI - £10,000

Hard Standing 6mx2m - £5,000

Total £84,000

Home to School Transport

£270,722.79

Travel Plan

GCCs guidance on Residential Travel Plans requires a contribution based on 195 dwellings of £58,230, inclusive of a £5,000 monitoring fee.

Extension of the 801 Hourly Service

£xx

Conclusion

It is therefore recommended that on balance, if the application is to be approved it should be subject to the above financial contributions and the conditions below:'

- 10.73 The recommended conditions can be viewed in the attached consultation response from GCC Highways.
- 10.74 It is evident from the above response that GCC Highways acknowledge that the proposed scheme would have an adverse impact on the operation of the existing mini-roundabouts in the town centre. However, for the reasons stated it considers the impact not to be severe. In addition, GCC Highways considers that the other works proposed to the A44, as well as the proposed site entrance works and the amount of traffic generated by the development are not of a form or nature that would merit refusal on highway safety grounds or in terms of their impact on the local highway network. Whilst Officers have significant concerns about this proposal in terms of its impact on the local highway network, it is noted that GCC Highways is the statutory consultee for highway related matters. In light of its formal response, it is considered that it would not be possible to sustain an objection to the application on the grounds of highway safety or the impact of the proposal on the operation of the local highway network. As such, the proposal is considered to accord with Local Plan Policy INF4 and section 16 of the NPPF.

(e) Impact on Residential Amenity

- 10.75 The application site is considered to be of sufficient size to accommodate 195 dwellings in a manner that could provide adequate outdoor amenity space, light and privacy. In addition, it is considered that the site could be developed in a manner that would not have an unacceptable adverse impact on the occupiers of The Hatchery to the east. It is considered that the proposal could accord with the requirements of the Cotswold Design Code in these respects.
- 10.76 Notwithstanding this, it is noted that the application site is located adjacent to an existing employment estate and a sewage treatment works. As such, future occupiers of the proposed development may be subject to unacceptable levels of noise or odour from existing activities being undertaken in close proximity

to the site. In order to seek to address these matters, the applicant has submitted a Noise Constraints Assessment (NCA) and an Odour Assessment (OA) with this application.

- 10.77 With regard to noise, it is evident that a number of commercial units operate in close proximity to the boundary of the application site. As well as assessing the potential impact of existing uses on future residents, this Council also has to take into account the 'agent of change' matter, as set out in paragraph 200 of the NPPF. The aforementioned paragraph states that planning decisions *'should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*.

- 10.78 Local Plan Policy EN15: Pollution and Contaminated Land states:

'Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

a pollution of the air, land, surface water, or ground water sources; and /or

b generation of noise or light levels, or other disturbances such as spillage, flicker, vibration, dust or smell.'

- 10.79 With regard to noise, the NCA states:

'It was noted that across most of the site, sound from London Road was dominant. However, in the western portion of the site, fixed plant sound associated with Cotswold Casements was dominant during daytime periods. It is noted that the main plant at Cotswold Casements switches off at 5 pm until the following day at between 07:30 and 09:00. The main source of sound during night-time periods was noted to be road traffic and intermittent plant noise from a smaller unit at Cotswold Casements.

Sound from the WWTW was noted albeit at a low level.'

10.80 With regard to road noise, the NCA states:

'Figure 3 determines that noise levels range between 41 dB and up to 63 dB within the red line boundaries. This results in the majority of the site being of "Negligible Risk" with areas along London Road (A44) and close to the Cotswold Casement plant being "Low Risk" with areas closest to London Road being "Medium Risk" during daytime periods.

For night-time periods, Figure 4 determines that noise levels range between 36 dB and up to 59 dB within the red line boundaries. This results in the site being between "Negligible Risk" for the majority of the areas and "Medium Risk" for areas that border London Road.'

10.81 With regard to noise from commercial development, the NCA states:

'rating levels at the closest gardens are expected to be up to 52 dB immediately to the east of the plant item which exceeds the background sound level by up to 14 dB. Accordingly, good acoustic design and/or mitigation measures are recommended.

This should be the protection of gardens from fixed plant sound through orientation of plots. Indeed, this recommendation mirrors that as required due to potential road traffic sound along the potential relief road.'

10.82 The following recommendations have been made:

With regards to London Road, the following design features are recommended:

10.82.1 Plots bounding the road should be orientated such that the garden areas are protected by the building envelope and buildings should wrap around the sides, where possible, to protect the gardens, wherever possible although barriers are likely to be acceptable.

10.82.2 Gaps between dwellings along the boundaries with the road should be kept to a minimum to avoid noise creep into the gardens behind.

10.82.3 Wherever possible, windows for habitable rooms should face away from the noise sources so that opening windows does not necessarily result in an exceedance of the criteria. However, where this is not possible, internal levels can be controlled by way of mitigation.

10.82.4 With regards to Cotswold Casements, the following design features are recommended:

10.82.5 Plots in the vicinity of the plant should front the source with gardens fully protected from the noise. However, acoustic barriers are likely to be sufficient, as shown below, as an alternative. Wherever possible, windows for habitable rooms should face away from the noise sources so that opening windows does not necessarily result in an exceedance of the criteria. However, where this is not possible, internal levels can be controlled by way of mitigation.

10.82.6 Furthermore, in relation to Cotswold Casements, an additional noise model has been run, Figure 8, that shows commercial sound with barriers in place. Specifically, a 3.5 m high boundary barrier and 2.4 m high close boarded fencing at the receptors. As shown, rating levels are now equal to or less than 40 dB.

10.82.7 It is noted this exceeds the background by 2 dB. However, this level of exceedances is not considered significant. It is recommended that where good acoustic design is not possible in this area the boundary fence is incorporated into any detailed design at a minimum height of 3.5 m high. This will ensure maximum flexibility in the layout.

10.82.8 No adverse impact is predicted as a result of noise from the WWTW and, as such, no acoustic design measures and/or mitigation measures are required.'

10.83 The Council's Environmental and Regulatory Services Noise section has reviewed the NCA and advises:

10.83.1 'Good acoustic design should be followed, with gardens behind dwellings facing the road/s and plant items. Where this is not possible, barriers may be required, depending on the actual layout of the site. The recommended measures limiting internal noise levels are noted, and should be incorporated into the detailed designs. Habitable rooms facing away from the noise source or implementation of higher specification glazing and whole dwelling ventilation systems. Specifically,

1. Excessive noise levels are evidenced in the external amenity spaces in the north of the site (NCA Figure 3). This part of the development should not be prohibited but should be designed to achieve the lowest practicable levels of noise exposure for occupiers. In this case, all the housing currently located or

part-located in the area with external daytime noise levels >56dB LAeq, 16hr (dB) should be repositioned elsewhere on the site, in the event that other measures do not meet the lesser range 50-55 dB LAeq,16hr . There is ample space for this adjustment, which would represent a good acoustic design process.

2. Beyond the good acoustic design process referred to above, with regards to any proposed dwellings that will be closest to the London Road, the following design features put forward in the submitted report are recommended:

- Plots should be orientated such that the garden areas are protected by the building envelope and buildings should wrap around the sides, where possible, to protect the gardens, wherever possible although barriers are likely to be acceptable.*
- Gaps between dwellings along the boundaries with the road should be kept to a minimum to avoid noise creep into the gardens behind.*
- Wherever possible, windows for habitable rooms should face away from the noise sources so that opening windows does not necessarily result in an exceedance of the criteria. However, where this is not possible, internal levels can be controlled by way of mitigation.*

3. The recommended barrier along the western boundary of the development, (NCA Figure 8) at the extent of the red line boundary or close to the closest residential plots to Cotswold Casements, is agreed. Specifically, a 3.5 m high boundary barrier and 2.4 m high close boarded fencing at the receptors.'

10.84 Whilst it is evident that it would potentially be possible for the proposed development to be occupied without having an adverse noise impact on future residents, it is also evident that the scheme would need to incorporate mitigation measures in order to make it acceptable. Such measures could include 2.4m or 3.5m high acoustic fences. Such features would have a very notable impact on the design of the final scheme and diminish the landscape and visual quality of the completed development. Notwithstanding the fact that the proposal could accord with the requirements of Local Plan Policy EN15, it is considered that the stated mitigation measures would add to the concerns raised previously about the landscape and visual impact of this proposal.

10.85 It is considered that the development could be undertaken without prejudicing existing operations at the adjoining business village.

- 10.86 With regard to odour, the OA has undertaken an assessment of existing emissions from the water treatment works lying adjacent to the southern boundary of the application site. The proposed housing would be located to the north-east of the existing works and could be subject to unacceptable levels of odour, especially if the prevailing winds are taken into consideration. The existing treatment works receives pumped sewage from 3 pumping stations (Moreton Business Park, Primrose Court and the fire training college). A sewage and sludge treatment process takes place at the treatment works.
- 10.87 The OA report has been produced following consultation with Thames Water and takes account of future potential upgrades of the existing treatment works.
- 10.88 The Executive Summary section of the report states:

10.88.1 'Extensive consultation was held with Thames Water throughout the undertaking of the odour assessment, and an odour dispersion modelling assessment was commissioned with Thames Water's partnered odour consultants to predict odour concentrations across the Site based on the existing operations, and taking into consideration upgrade works which were being undertaken at the time of assessment. The odour dispersion modelling identified a small area of the southwestern part of the Site, closest to the Sewage Treatment Works, that would experience odour concentrations between 1.5OUE.m3 and 3.0OUE.m3. In accordance with IAQM guidance, moderately offensive odours at highly sensitive receptors would give rise to a slight adverse impact in this area.

10.88.2 A further smaller area on the boundary of the Site with the STW was identified to experience odours above 3.0OUE.m3. . In accordance with IAQM guidance, moderately offensive odours at highly sensitive receptors in this area would give rise to a moderate adverse impact. In all other areas of the Site, the impact of odours on highly sensitive residential receptors was identified to be negligible.

10.88.3 An odour sniff testing survey was undertaken at the Site in September 2024 to corroborate the findings of the odour dispersion modelling. The sniff testing did not identify any distinct odours relating to sewage works processes within the Site.

10.88.4 To protect residential amenity for future users of the Site, the proposed development layout was designed to locate residential properties and all highly sensitive land uses outside of the identified 1.5OUE.m3 contour. With the odour buffer included within the proposed development, the residual risk of odour

impacts at residential dwellings was concluded to be negligible. No further odour mitigation is required and the Site is suitable for the proposed use with regards to odour.'

- 10.89 The OUE.m3 figure is odour units per cubic metre. The indicative layout plan submitted by the applicant shows that the proposed housing would be located beyond the 1.50OUE.m3 contour mentioned above. The aforementioned contour extends approximately 50m into the application site. Thames Water has confirmed that it has no objection with regard to odour matters and states *'I've received clarification from our contractor that the study provided is sufficient to remove our odour concern as the odour unit contour is outside where your development will be situated, and this includes where the predicted upgrade odour plume will be.'*
- 10.90 The Council Environmental and Regulatory Services Air Quality section has reviewed the information and discussed the matter with Thames Water. In light of the above findings, it raises no objection to the application on the grounds of the impact of odour from the water treatment works on future occupants of the site.
- 10.91 It is considered that the proposed development is in accordance with Local Plan Policy EN15 and paragraphs 198 and 200 of the NPPF

(f) Biodiversity

- 10.92 The proposal is subject to the following Local Plan policy:
- 10.93 Policy EN8 Biodiversity and Geodiversity: Features, Habitats and Species
- '1. Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.*
- 2. Proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.*
- 3. Proposals that reverse habitat fragmentation and promote creation, restoration and beneficial management of ecological networks, habitats and features will be permitted, particularly in areas subject to landscape-scale biodiversity initiatives. Developer contributions may be sought in this regard.*

4. *Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.*

5. *Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity"(41) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.'*

10.94 This application is accompanied by an Ecological Impact Assessment (EciA). In summary, it states the following in relation to the site: *'The Site presently comprises a single arable field bounded by a narrow strip of broadleaved woodland to the north, native hedgerows to the west and south and a narrow wet ditch to the east. The boundary features offer the greatest ecological value, providing sheltering and dispersal opportunities for a range of species. The scheme seeks to retain the majority of these features, with compensatory planting provided within open spaces for the section of woodland to be removed to facilitate site access proposals.'*

10.95 The EcIA includes the results of a number of surveys. A number of bat species are identified using the site for foraging and dispersal. Aside from the removal of a tree at the proposed site entrance point, existing trees that offer roosting potential are to be retained. New tree planting also has the potential to improve the availability of roosting habitats on the site. In addition to bats, a badger sett is present on the site and is to be retained. The is within 500m of ponds which could result in great crested newts being present on the site. Great crested newts are present on the Fire Service College site to the north of the application site.

10.96 The Council's Biodiversity Officer initially requested further information in relation to a number of matters including Biodiversity Net Gain (BNG). The applicant subsequently provided addition BNG information, as well as confirming the submission of a Great Crested Newt District Licensing application and details relating to the protection of skylarks.

10.97 With regard to Great Crested Newts and skylarks, the Biodiversity Officer states :

GCN

10.97.1 It is acknowledged that the applicant has submitted an application form to join the District Licensing Scheme. As no certificate has been submitted

to the LPA at present, the applicant has not demonstrated that sufficient mitigation has been secured. Therefore, I would still recommend that the application is refused for insufficient information pertaining to GCN, pending the provision of a NatureSpace certificate which demonstrates entry into the District Licensing Scheme. Please refer to my previous comments for the recommended refusal reason for GCN (European protected species).

Birds - skylark

10.97.2 Additional information within the latest ecology statement now proposes that land east and adjacent to the site (blue line boundary) can be brought forward to mitigate for impacts to skylark, secured by S106. It is also stated that a full suite of surveys can be delivered to inform the quantum of mitigation and enhancement for this land parcel. Given this additional information, an appropriately worded condition and legal agreement could secure the relevant surveys and subsequent mitigation strategy on this land parcel at the reserved matters stage. '

- 10.98 It is considered that sufficient measures can be put in place to protect skylarks. However, in the absence of a formal NatureSpace certificate, it is not possible to confirm that the proposal would not have an adverse impact on Great Crested Newts. Insufficient information is therefore available at the present time to satisfy Local Plan Policy EN8 and the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Due to the fact that the proposed development could potentially affect European protected species, it is necessary to have regard to ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017 (as amended), and consider the proposal against the 3 'derogation' tests, as set out in Regulation 55 :

' a) The preserving of public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment:

b) There must be no satisfactory alternative:

c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range:'

- 10.99 In light of the fact that this application is being recommended for refusal and it has not been demonstrated that the development can be undertaken without

causing harm to Great Crested Newts, it is considered that the proposal cannot meet the requirements of the aforementioned Regulations at the present time. It is anticipated that the applicant and Biodiversity Officer will continue to engage in the period leading up to the Committee meeting on the 8th October. Officers will provide Committee Members with an update at the meeting. However, at present, it is considered that the proposed development is contrary to Local Plan Policy EN8, paragraphs 187, 192 and 193 of the National Planning Policy Framework and the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

10.100 With regard to BNG, the Biodiversity Officer advises:

' BNG

1. The amended BNG information still demonstrates a 7.89% net loss of area habitat units and shows that the trading rules have not been satisfied. Section 8.5 of the latest BNG report (September 2025) states that "an additional 4.02 units will need to be secured through off-site measures such as the purchase of off-site Habitat units from a Habitat Bank". This does not read as a definite proposal or statement that the applicant will purchase off-site units to deliver the required net gains.

Therefore, it has still not been demonstrated that the development can deliver at least 10% net gains across all relevant habitat types on-site and the biodiversity gain objective can be met. As previously stated, BNG must be addressed at the outline stage as reserved matters applications are a continuation of an original outline consent and are not subject to the BNG condition. Please refer to my previous comments for the recommended refusal reason for BNG.

If the applicant seeks to deliver net gains through the provision of on-site habitat creation and enhancement alongside the purchase of off-site units from a suitable provider, this should be formally stated in writing to the LPA. It should also be noted that the purchase of statutory credits is considered to be a 'last resort' and will need to be agreed by the LPA, should this option be proposed.

2. I note the inclusion of reedbeds (poor condition) within the metric spreadsheet. This is a proposed on-site habitat of high distinctiveness and will need to be secured by S106, as will all other habitats, given that this is a major scheme.

3. *I note that the scrub target condition (0.28ha mixed scrub) is now consistent between the metric and the report.'*

10.101 Insufficient information has been submitted to demonstrate that the biodiversity gain objective can be met and that the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

(g) Flooding and Drainage

10.102 The majority of the application site is located within Flood Zone 1, which is the lowest designation of flood zone and one in which new residential development can be acceptable in principle. The eastern boundary of the application site adjoins a drainage ditch/watercourse which is located within Flood Zones 2 and 3 and which flows into a tributary of the River Evenlode to the south-east of the application site. The aforementioned tributary flows into the River Evenlode to the south of Moreton-in-Marsh. The River Evenlode is designated as a Main River by the Environment Agency.

10.103 The applicant is proposing to discharge surface water at a controlled rate into the existing watercourse to the east of the site. Surface water will be attenuated on site before being released at a rate equivalent to existing greenfield rates. GCC Lead Local Flood Authority (LLFA) in its role as a statutory consultee for surface water drainage matters has assessed the application and raises no objection. It states:

'The proposal is for a development where all housing will be located in flood zone 1. Surface water from the development will be discharged to watercourse that runs along the eastern boundary of the development. The surface water will be discharged at a maximum rate of 27.9l/s which is demonstrated to be the equivalent rate of the greenfield development in the average rainfall event. This will require attenuation of 3,841m³ of surface water which the plans provided indicate can be stored on an attenuation basin on the east side of the development.'

10.104 In addition to the above, the Environment Agency has also raised no objection in relation to flood risk.

10.105 The final design of the drainage scheme would be addressed through condition should Outline permission be granted for this application. On the basis of the information provided it is considered that the proposed development could be

undertaken without having an adverse impact on surface water flooding or drainage. The proposal is therefore considered to accord with Local Plan Policy EN14 and Section 14 of the NPPF in this respect.

10.106 With regard to foul drainage, Thames Water states that there is an inability in the existing foul water network infrastructure and sewage treatment works infrastructure to accommodate the needs of the proposed development. It is therefore recommending that conditions are attached to a permission (in the event that planning permission is granted) which require either; all foul water network/ sewage works upgrades required to accommodate the additional flows from the development to have been completed prior to occupation of the development; or for a development and infrastructure phasing plan to have been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Thames Water has stated that there are upgrades planned for the existing treatment works, however, a timetable has not been provided.

10.107 The Environment Agency, in its consultation response, has noted the existing capacity issues at the sewage treatment works and the potential risk to water quality arising from the discharge of foul water into watercourses such as Compton Brook to Bledington Brook and 4 Shires Stream. The Environment Agency advises that until the works to increase the capacity at the treatment works are delivered, new development will increase load to the works and increase nutrient concentrations in discharges from it to nearby watercourses, presenting a risk of deterioration to water quality. The Environment Agency states that *'it is important that LPAs account for this risk in their decision making.'*

10.108 The concerns of objectors and the comments of the Environment Agency are noted. In response, it is acknowledged that Thames Water has a duty to connect development into its system under the Water Industry Act 1991. Such a connection would typically be a separate matter for the applicant to resolve with Thames Water rather than a matter for the planning system. Notwithstanding this, the potential for foul water emanating from a development to discharge into a watercourse is a material planning consideration. The attachment of a condition requiring infrastructure upgrades to be provided prior to the occupation of all, or part of a development, would normally be sufficient in planning terms to ensure that adequate measures are in place to prevent the pollution of watercourses. In this instance, the use of a condition preventing occupation of any dwellings on the development is

considered reasonable and would ensure that the development would not have a materially greater impact on the existing sewage network or nearby watercourses than existing. The proposal is therefore considered not to conflict with Local Plan Policy INF8: Water Management Infrastructure.

10.109 In considering this matter it is necessary to have regard to paragraph 201 of the NPPF, which states:

'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

10.110 This matter was covered in a recent planning appeal at Whitburn in South Tyneside (APP/A4520/W/25/3365110). Notwithstanding the fact that the relevant water company (Northumbrian Water) was being investigated by Ofwat for the unauthorised spilling of raw sewage, the Planning Inspector allowed the appeal and awarded full costs against the Council. In the planning appeal decision, the Inspector states:

' 25. Although the Council considers that it cannot be assumed that the pollution control regime governing the handling of wastewater is operating effectively, this is a separate regime governed by separate legislation to bring in line failings of NW (and Ofwat). Based on the Ofwat notice, NW are implementing the necessary regimes to ensure pollution controls are operating effectively and outside the realms of planning decisions.'

26. Notwithstanding this, even if Ofwat were not implementing the necessary regimes, this is still a separate regime and not subject to the focus of planning decisions, which are concerned with land use. If the Council's approach is correct, all housing development that would be served by NW would be unacceptable. This simply cannot be the case, especially when considering the severe housing shortage in the area. Furthermore, the investigation by OEP demonstrates that there are measures in place for when the separate regime may have its own failings.'

10.111 In the accompanying costs decision (APP/A4520/W/25/3365110), the Inspector states:

'5. The LPA's refusal relies on the proposal having an unacceptable effect on water quality from the waste water discharges from the site. This is because nearby waste water treatment works, under the operation of Northumbrian Water (NW), have been subject to investigation by Ofwat for unauthorised spilling of raw sewage. Ofwat have also been under investigation from the Office for Environmental Protection (OEP) for their failing to exercise its duty under environmental law to make enforcement orders.

6. For this reason, the LPA did not consider that the pollution control regime governing the handling of wastewater was operating effectively, as detailed by paragraph 201 of the National Planning Policy Framework (the Framework).

7. The Council's approach is fundamentally at odds with what the Framework is seeking to achieve. Paragraph 201 is there to ensure that developments such as this do not get unduly delayed by matters outside the control of the developer, and by matters unrelated to the land use proposed.'

10.112 In light of the above, it is considered that, subject to the pre-occupation conditions requested by the Thames Water, that the development could be occupied without having an adverse impact on existing sewage infrastructure or increasing the risk of pollution to watercourses both near and beyond the site.

(h) Contamination

10.113 The application site consists primarily of an open agricultural field. It occupies an area with a high water table and is susceptible to groundwater flooding. In addition, water from the site drains into the watercourse to the east. Contaminants arising from the development of the site therefore have the potential to flow into the adjacent drainage ditch/watercourse and then further afield. In addition, the application site is located in close proximity to the Fire Service College. The aforementioned site has historically used foam for firefighting training purposes. Such foams can include Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS). PFAS is a group of man-made "forever chemicals" known for their persistence and use in numerous products due to their non-stick, water-repellent, and grease-resistant properties. PFAS do not degrade easily in the environment and can accumulate in water, soil, wildlife and the human body. The development of this site has the potential to mobilise

PFAS accumulations that have collected on the site and in the adjacent watercourse.

10.114 The applicant has submitted a site investigation report with this application. The report has been assessed by both the Council's Environmental and Regulatory Services Contamination Section and the Environment Agency.

10.115 The Contamination Officer states:

10.115.1 'The preliminary Conceptual Site Model (CSM) does include 'Transportation within Groundwater' as a pathway but does not discuss possible offsite sources of contamination, including PFAS, at the site. Consideration of potential contaminants from current and historical offsite sources should be discussed.

10.115.2 Subsequently, the site investigation is limited in its assessment of the site in general, with no assessment of the surface or groundwater at the site. Although the report mentions no significant groundwater was encountered during the intrusive investigation (Section 8.5 of Integral Geotechnique, January 2025), groundwater seepages were noted at 0.8mbgl (TP06 in the centre of the site, above clay), 1.4mbgl (TP04 in west of site, above silty slightly gravelly clay), 1.48mbgl (TP08 in south-east of site, in gravel above clay) and 2.3mbgl (TP09 in south-east, within silty gravelly clay).

10.115.3 The 'Commentary on PFAS' report discusses limited PFAS compounds in the surface feature along the eastern boundary of the site and makes note of a fence to separate the development from the stream and the riverbank, however, the proposed fence is not marked on the Illustrative Masterplan (drawing no. CEP/CEP, dated 05.02.25) and as the application is for outline permission, the site layout may change.

10.115.4 There is an attenuation pond proposed for the south-eastern area of the site and the Desk Study report states that the eastern edge of the site is at a high risk of surface water flooding and groundwater flooding during seasonal fluctuations. It is noted that the water sample obtained from the stream has concentrations of PFAS compounds comparative to the ongoing Environment Agency monitoring data from the stream. Hence, these compounds may be present above ground levels at the site during times of surface water flooding.

10.115.5 The reports do not discuss the potential for the groundwater underlying the site to be in hydraulic continuity with the stream, which could further increase the potential risks to future site users.

10.115.6 Other possible pathways for contaminants at the site that have been discussed in the preliminary CSM, including indoor and outdoor inhalation, have been dismissed without sufficient evidence or discussion. Due to the shallow groundwater depths, the potential for vapour inhalation should be addressed along with outdoor inhalation risks from the stream, attenuation pond and surface flooding.

10.115.7 Consideration should also be given to the potential risks from ingestion of home grown produce at the site.

10.115.8 Due to the highly sensitive nature of the development, it is considered that further information, including a hydrogeological assessment and additional following conditions are recommended:

1. Notwithstanding the Integral Geotechnique, Desk Study Report, Land South of London Road, Moreton-in-Marsh, August 2024, Ref: 14362/LP/24/DS, Integral Geotechnique, Site Investigation Report, Land South of London Road, Moreton-in-Marsh, dated January 2025, Ref: 14362/FM/25/SI and PJA, Land off London Road, Moreton-in-Marsh - Commentary on PFAS, 01/05/2025 reports no development shall take place until additional site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme 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.

2. 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 a Verification Report with evidence confirming 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.'

10.116 The Environment Agency states:

'The previous uses of the activities adjacent to the development site, specifically at the Fire Training College to the north presents a high risk of contamination that could be mobilised during construction to enter controlled waters. Controlled waters are particularly sensitive in this location because the proposed development is:

- Located upon a Secondary A and Secondary B superficial aquifers*
- Adjacent to a watercourse*
- In an area with limited dilution of any contaminants present.'*

10.117 The Environment Agency goes on to state that the applicant's submitted reports demonstrate that it will be possible to manage the risks posed to controlled waters by this development. It therefore considers that the matter can be addressed by conditions which would require details of a proposed remediation strategy, the submission of a subsequent verification report and measures to deal with as yet unidentified contamination to be agreed prior to the commencement of development.

10.118 Subject to the requested conditions being added to a decision to permit this application, it is considered that adequate measures can be put in place to prevent contamination and to ensure that the development accords with Local Plan Policy EN15.

Other Matters

10.119 With regard to the impact of the scheme on designated heritage assets, the nearest listed building to the site is the Grade II listed Wellington Inn, which is located approximately 500m to its west. The Grade II listed Wells Folly, Four Shire Stone Farm and Four Shire Stone are located approximately 700m to the south-east, 880m to the east and 900m to the east of the application site respectively. Moreton-in-Marsh Conservation Area is located approximately 1km to the west of the application site. With regard to the setting of the listed building, 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 importance and weight must be given to the aforementioned legislation. In this instance, it is considered that, by virtue of the distance of the respective listed buildings from the application, the presence of existing buildings or vegetation between the site and the heritage assets and the lack of any strong visual, physical or historic interconnectivity between the listed buildings and the site, it is considered that the proposal would not cause harm to their setting. In addition, the proposed development is considered not to cause harm to the setting of Moreton-in-Marsh Conservation Area by virtue of distance and the presence of intervening post war development. It is considered that the proposal does not conflict with Local Plan Policies EN10 and EN11 or guidance in Section 16 of the NPPF.

10.120 The highway works proposed originally proposed to the A44 to the west of the railway line would have fallen within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)), wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of Way Act 2000). The proposed works related to alterations to an existing A road within an urban location. As such, they were considered not to have a material impact on the character or appearance of the Cotswolds National Landscape nor to impact on the setting of the town within the aforementioned landscape. The proposed development is considered not to have an adverse impact on the setting of the Cotswolds National Landscape by virtue of its distance from the aforementioned area and the amount of intervening built development. The proposal is therefore considered not to conflict with Local Plan Policy EN5 or paragraph 189 of the NPPF in these respects.

10.121 With regard to arboriculture, the applicant is seeking to retain existing boundary trees, aside from the removal of an established tree on the northern boundary to facilitate the creation of the proposed new site entrance. The Council's Tree Officer advises:

10.121.1 'The arboricultural assessment submitted with the application (FPCR, March 2025) appears to be BS5837 compliant.'

10.121.2 'Trees and hedges of varying arboricultural quality (as defined in BS5837) are located around the periphery of site. In line with BS5837, trees of high and moderate arboricultural quality (categorized as 'A' & 'B' grades)

should be retained and appropriately designed into future development proposals.

10.121.3 Current layout plans indicate the high quality trees on site, and the vast majority of moderate quality trees, will be retained. I am supportive of this. However, I am aware that all matters, apart from access, are reserved. I would not be supportive of proposed layouts that deviate significantly from the proposed plans and include removal of trees of high quality and more trees of moderate quality. Trees and tree groups along the northern boundary provide good screening from the A44. I am concerned about the impact of proposed housing in close proximity to these trees and any possible service & utility routes through, or in close proximity to these trees.

10.121.4 Further BS5837 compliant information will be required in relation to more detailed site layouts that come forward as part of reserved matters applications. This will need to include appropriate and site specific tree protection measures.

10.121.5 The illustrative landscape masterplan 08766-FPCR-XX-XX-DR-L-0002 indicates substantial new tree planting outside of the residential/housing area. I am supportive of this and the proposed use of native tree species. Where there is space, trees should be planted that will grow to an ultimately large size. I would also suggest the planting of a small orchard using local and traditional apple/pear varieties would be supported.

10.121.6 Within the residential area and in line with NPPF 136, new street tree planting should be an integral part of the proposals. New street tree planting should be designed in at the earliest possible stage. Street tree planting does not necessarily need to be native trees; street tree planting should follow the principle of the right tree, in the right place and the trees should be climate change resilient.'

10.122 It is considered that the proposed development can be undertaken without having an unacceptable arboricultural impact in accordance with the requirements of Local Plan Policy EN7.

10.123 With regard to the loss of agricultural land, the applicant has commissioned an Agricultural Land Classification (ALC) report. The report states that the majority of the site (89%) falls within Grade 3a. Approximately 5% would fall within Grade 2 and 6% would fall within Grade 3b. Grade 2 and Grade 3a land falls into the best and most versatile land category. Paragraph 187 b of the NPPF states that planning decisions should contribute to and enhance the natural and local

environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits of 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 applicant's ALC report states for 'the approximately 10 ha of BMV within the Site the economic benefits of BMV land to non-BMV land would be less than £2,300 (£2,120 - £2,280 based on 2025 budgets).' In light of the fact that the majority of the land falls at the lower end of the best and most versatile category, the size of the site and the benefits arising from the delivery of new housing, it is considered that the loss of the agricultural land in this instance is acceptable.

10.124 With regard to archaeology, GCC Archaeology advises:

'The county Historic Environment Record shows that the proposed development site is situated within an area with a number of archaeological sites recorded from the prehistoric to post-medieval periods. I note the application is supported by an Archaeological Desk Based Assessment (ADBA) by Orion Heritage, dated March 2025. As outlined in the ADBA, geophysical survey and trial trench evaluation have been carried out within the application site which have identified a series of field systems, trackways and enclosures. While dating evidence was scarce, they likely relate to a probable Iron Age/Roman settlement immediately south of the site. The evidence from the archaeological investigations to date suggest that the remains are of local significance, but which merit further investigation through a programme of archaeological excavation and recording. This programme of archaeological work can be secured through an appropriately worded condition of planning permission.'

10.125 It is considered that the proposed development can be undertaken in a manner that would not have an adverse impact on features of archaeological interest.

10.126 With regard to financial contributions, GCC Community and Infrastructure has requested contributions of £270,722.79 towards secondary education & £38,220 towards library services. It also advises that St David's Primary School is currently showing adequate spare capacity. A contribution towards primary education is not therefore sought. Financial contributions to highway improvements and school/public transport are also sought, as set out previously in this report. Having regard to the size of the development it is considered that the requested contributions are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the

development. The contribution request is considered to accord with Regulation 122 of the Community and Infrastructure Levy Regulations 2010.

- 10.127 This application is liable for the Community Infrastructure (CIL) and there will be a CIL charge payable. 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.

11. Conclusion

- 11.1 It is considered that the proposed development would make a notable contribution to the Council's supply of housing land and the delivery of affordable housing. These aspects of the proposal are considered to weigh in favour of the proposed scheme. However, the proposed development would result in the creation of and-hoc, piecemeal, stand-alone enclave of residential development that would integrate poorly with both the existing settlement and the landscape adjoining the town. In addition, it is considered that the cumulative impact of the proposed development, in combination with the residential development already built and permitted in the settlement in the current Local Plan period, would result in a disproportionate increase in the size of the settlement without any corresponding increase in the provision of services, facilities or infrastructure within the town. Furthermore, the distance of the application site from the nearest services and facilities, would be likely to result in future occupiers of the proposed development being reliant on the use of the private motor car to undertake most day to day activities, which would also have a negative impact on air quality within the town centre due to additional queuing at the existing mini-roundabouts. It is therefore considered that the proposed development does not constitute sustainable development. In addition, the proposed development is considered to have a harmful urbanising impact on the area and to have an adverse impact on the setting of Moreton-in-Marsh Surrounds Special Landscape Area. Furthermore, insufficient information has been provided to demonstrate that the proposal will not have an adverse impact on a European protected species and meet Biodiversity Net Gain requirements. Finally, a S106 legal agreement is not in place in order to secure the delivery of affordable housing, self-build/custom build plots and financial contributions towards education, library services, highway improvements and school/public transport.
- 11.2 It is therefore considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. It is therefore recommended that the application is refused.

12. Reasons for Refusal:

1. The proposed scheme would result in the creation of an ad-hoc, piecemeal, stand-alone enclave of residential development that would integrate poorly with both the existing settlement and the landscape adjoining the town. In addition, it is considered that the cumulative impact of the proposed development, in combination with the residential development already built and permitted in the settlement in the current Local Plan period, would result in a disproportionate increase in the size of the settlement without any corresponding increase in the provision of services, facilities or infrastructure within the town. Furthermore, the distance of the application site from the nearest services and facilities, would be likely to result in future occupiers of the proposed development being reliant on the use of the private motor car to undertake most day to day activities, which would also have a negative impact on congestion and air quality within the town centre due to additional queuing at the existing mini-roundabouts. It is therefore considered that the proposed development does not constitute sustainable development and is contrary to Section 2, and paragraphs 110 and 135 of the National Planning Policy Framework. The adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits. The proposal is therefore also considered to be contrary to paragraph 11 of the National Planning Policy Framework.

2. The application site occupies an attractive parcel of agricultural land that makes a positive contribution to the rural setting of the town and the adjacent Moreton-in-Marsh Surrounds Special Landscape Area (SLA). The application site has a strong visual and physical connection with the adjacent countryside and shares many of the key characteristics of the adjoining SLA. The proposed development would result in a significant encroachment of residential development into the open countryside. It would appear as a standalone enclave of residential development that would relate poorly to the existing settlement in landscape and visual terms and would have an adverse impact on the rural setting of the town when approaching from the east. The proposal is considered to have a harmful urbanising impact on the character and appearance of the area and to be contrary to Local Plan Policies EN1 and EN4 and guidance in Sections 12 and 15 of the National Planning Policy Framework.

3. Insufficient information has been submitted to demonstrate that the biodiversity gain objective can be met and that the biodiversity gain condition can be successfully discharged in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

4. Insufficient information has been submitted to enable the Council to fully assess the impact of the proposal on Great Crested Newts and to enable the Council to comply with its duty to discharge its statutory obligations under The Conservation of

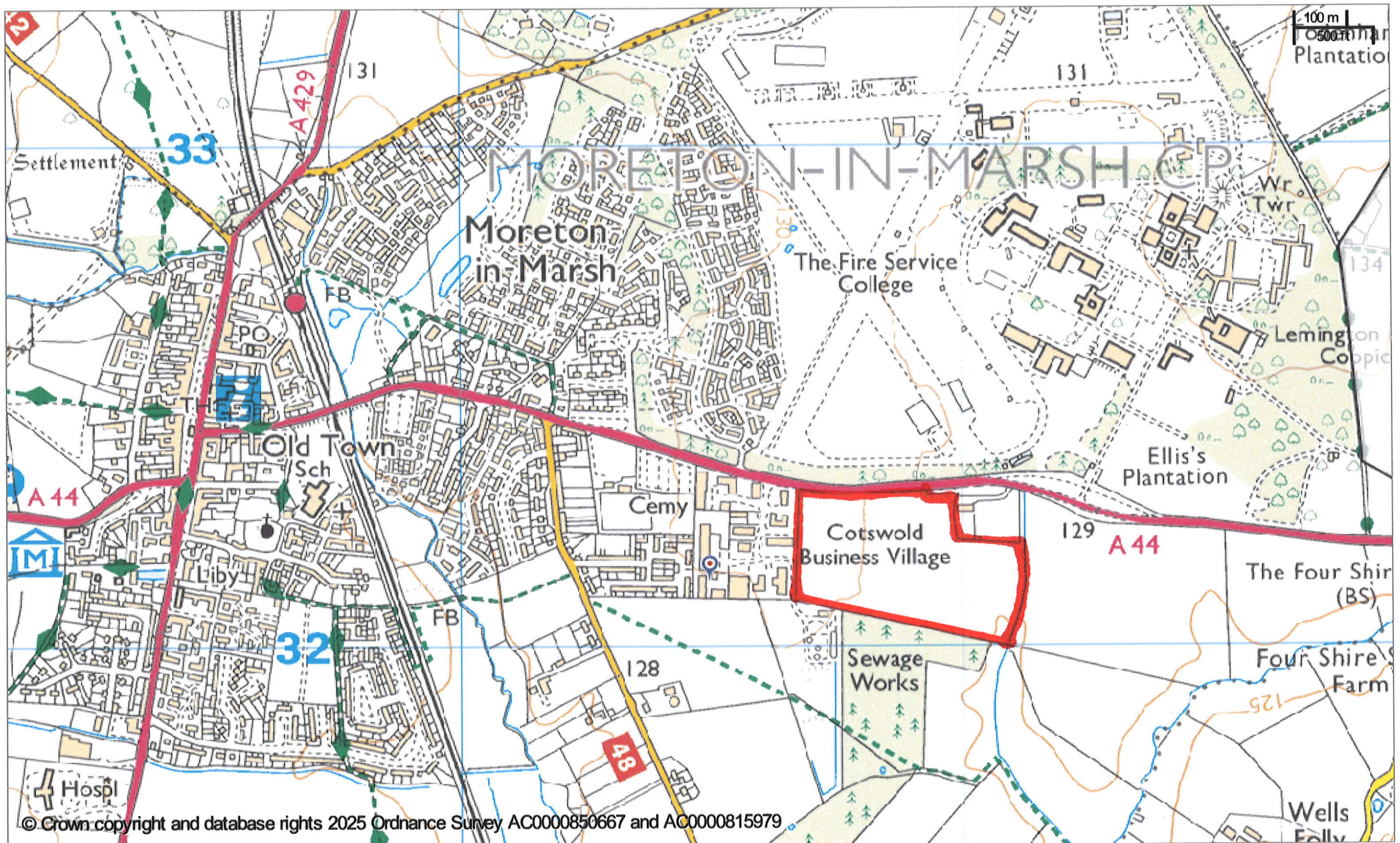
Habitats and Species Regulations 2017 (as amended) with regards to a European protected species. The proposal is contrary to Local Plan Policy EN8 and paragraphs 187, 192 and 193 of the National Planning Policy Framework.

5. A S106 legal agreement has not been completed. As a consequence, there is no mechanism to secure the provision of affordable housing, self-build/custom build plots and financial contributions to education, library services, highway improvements and school and public transport as required by Local Plan Policies INF1, H1 and H2.

Informatives:

1. This decision relates to land outlined in red on drawing FW033-PD-034 and the access details shown on drawings 210431-RAP-XX-XX-DR-TP-3200 P10, 210431-RAP-XX-XX-DR-TP-6011 P06.

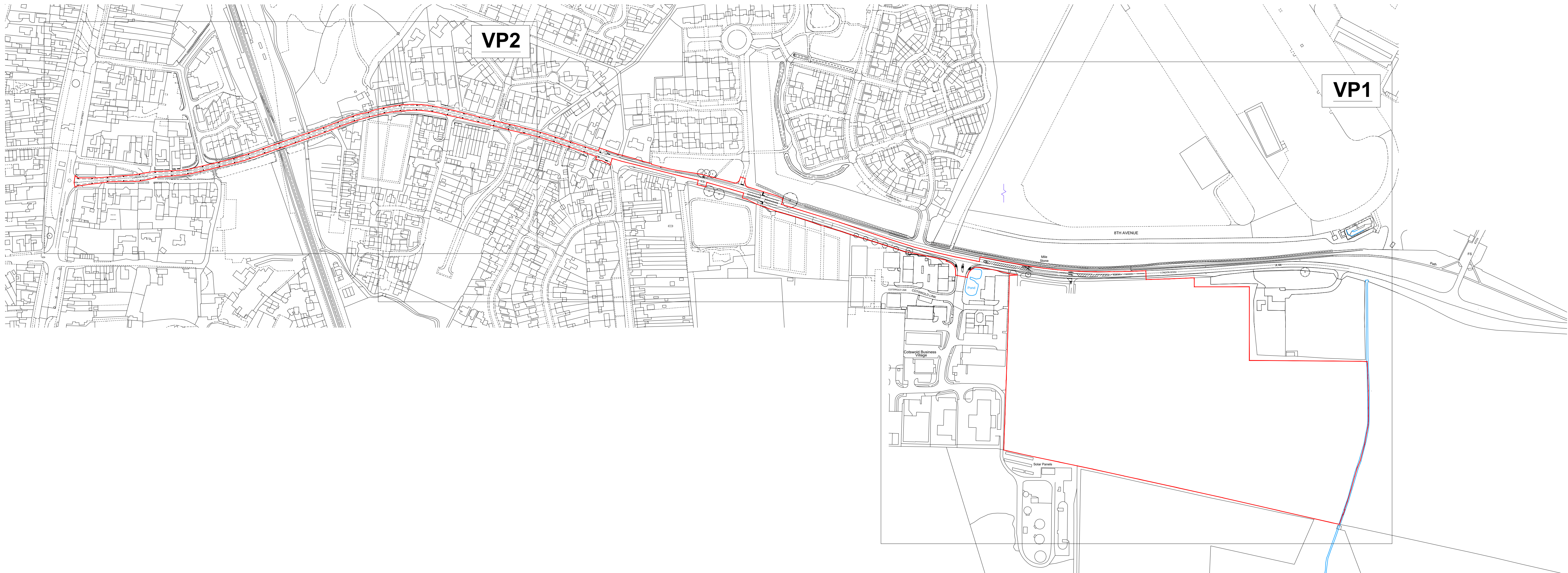
2. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.



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Overview

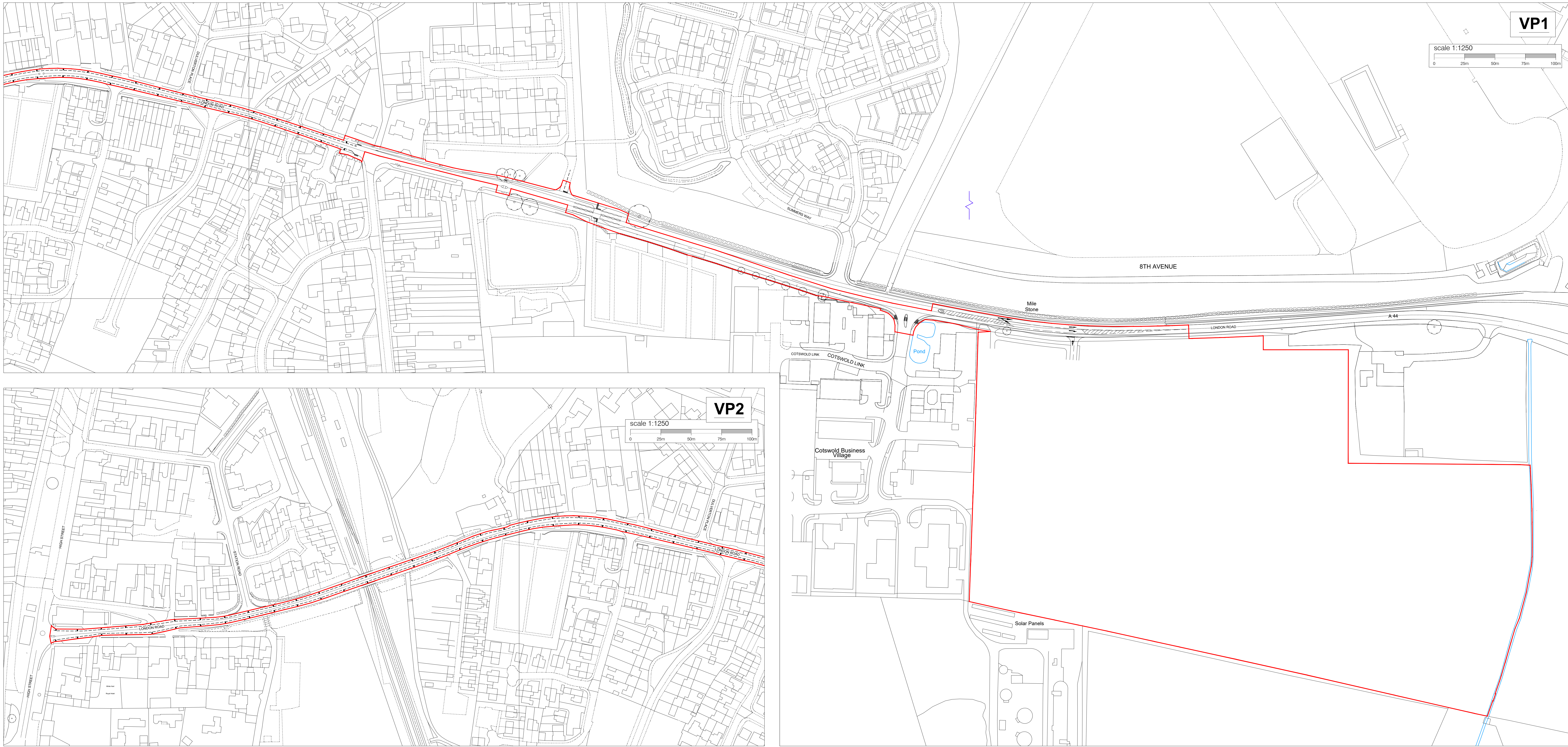
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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SEPARATE GROUP SITE SPECIFIC
CONSTRUCTION NOTES AND MATERIALS SPECIFICATION.

Notes

KEY

Application Boundary

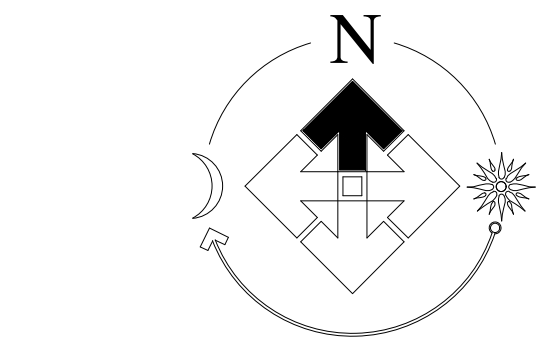


VP1

scale 1:1250

VP2

scale 1:1250



Revision

No.	Description	Date

Land East of Cotswold
Business Park
Moreton-in-Marsh
Location Plan

DATE: JAN 2025
SCALE: VARIES @ A0
DRAWN: JA
CHECKED: DM / JCB

BLOOR HOMES

Drawing No. FW033-PD-034

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- Application Site Boundary
- Built Development and Access**
- Proposed Residential** (5.3 ha)
(up to 195 dwellings)
Indicative Arrangement
- Primary Vehicular Access** (0.1 ha)
Includes access road and roundabout
- Pedestrian Access onto London Road
- Proposed Active Travel Corridor**
Refer to Transport Statement for details
- Proposed Bus Stop
- Potential location for pumping station
- Green Infrastructure (GI)**
- Indicative Landscape Arrangements -**
please refer to Landscape Masterplan for details
- Proposed Public Open Space
- Retained Vegetation**
Refer to Tree Survey for details
- Potential location for attenuation basin
- Potential location for equipped play area (LEAP)
- Potential location for pocket park
- Potential pedestrian route / trim trail

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N		drwn/chkd	scale	date
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		number		status rev
		08766-FPCR-XX-XX-DR-L-0001		50 P15

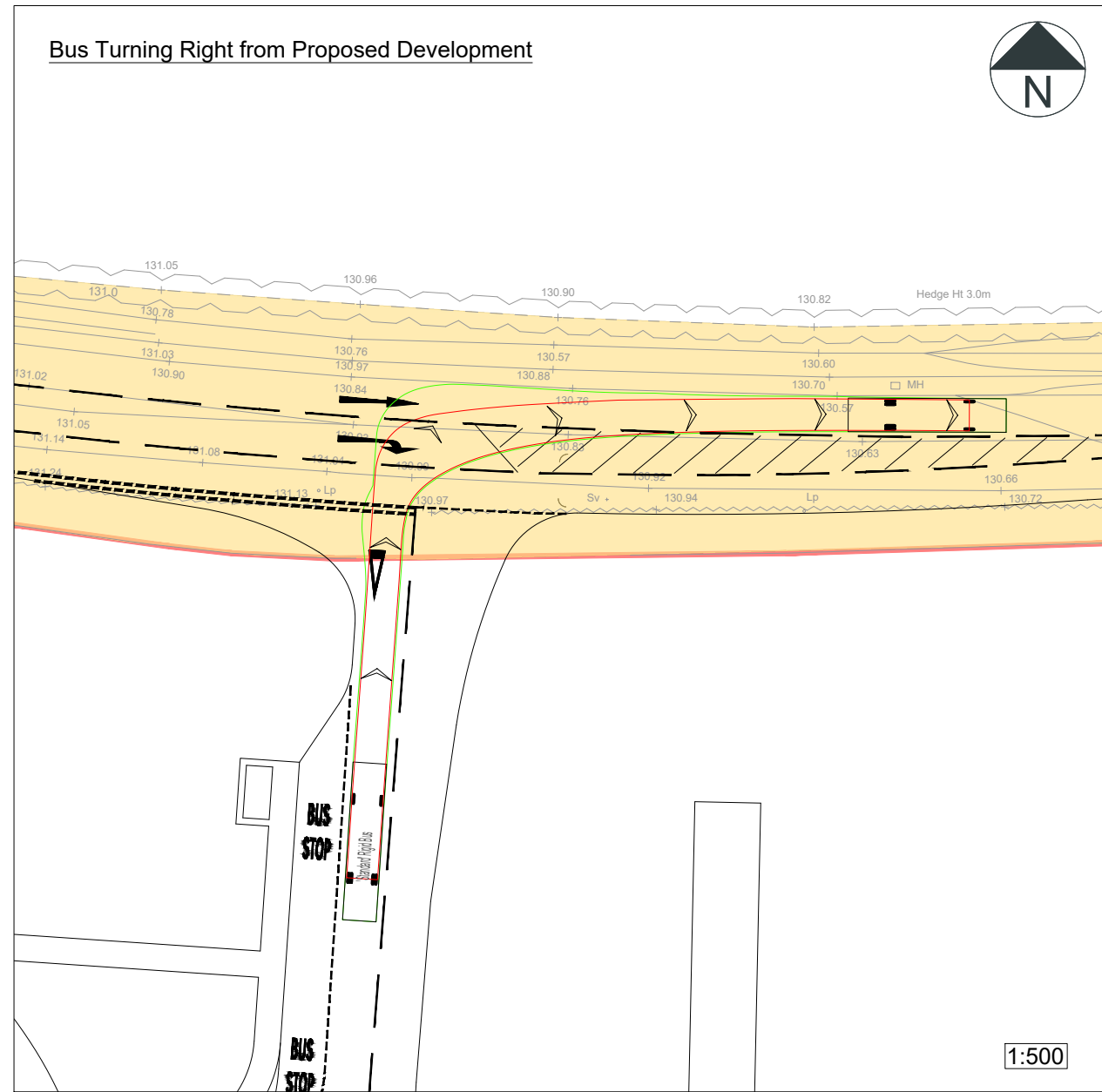
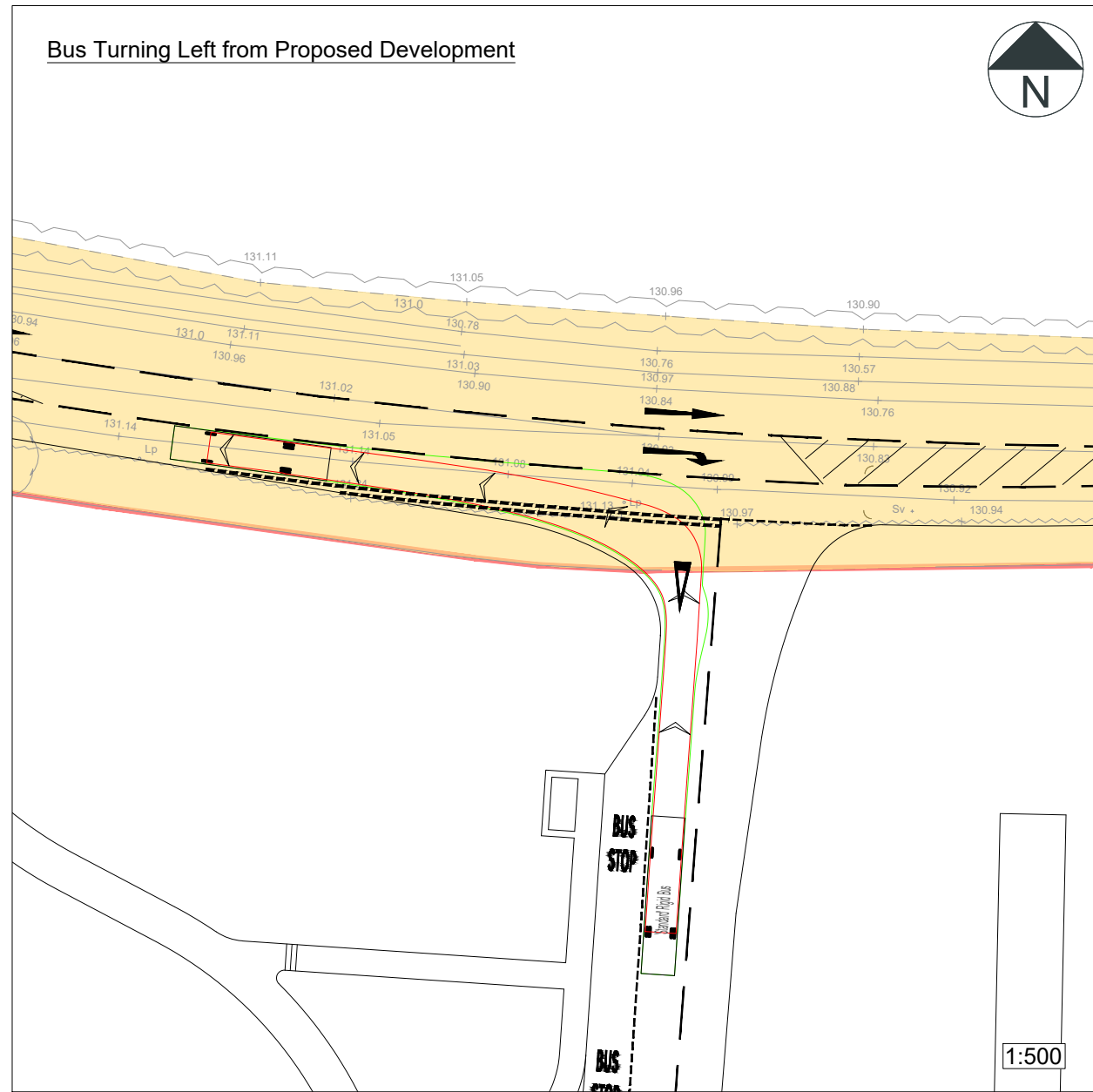
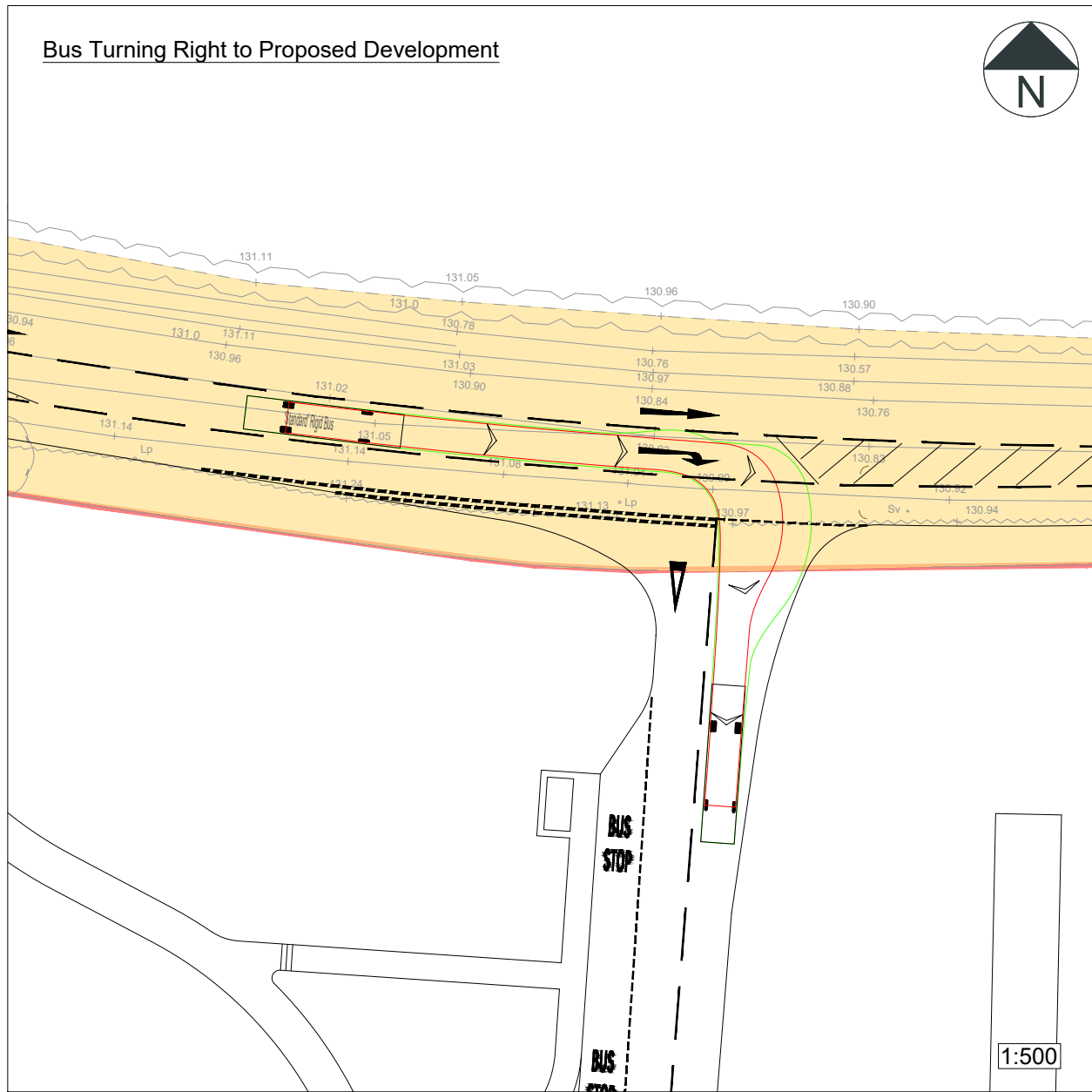
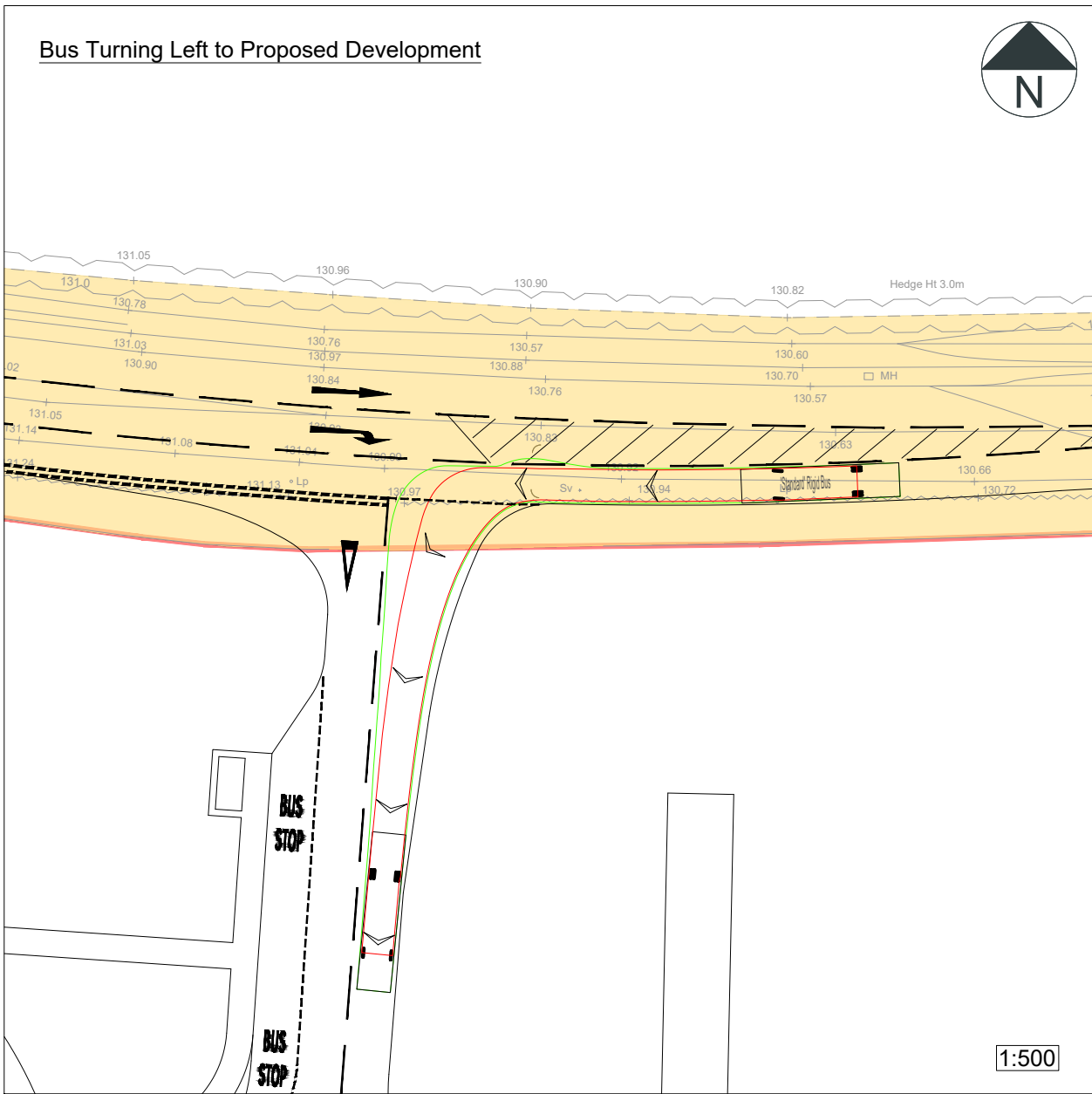
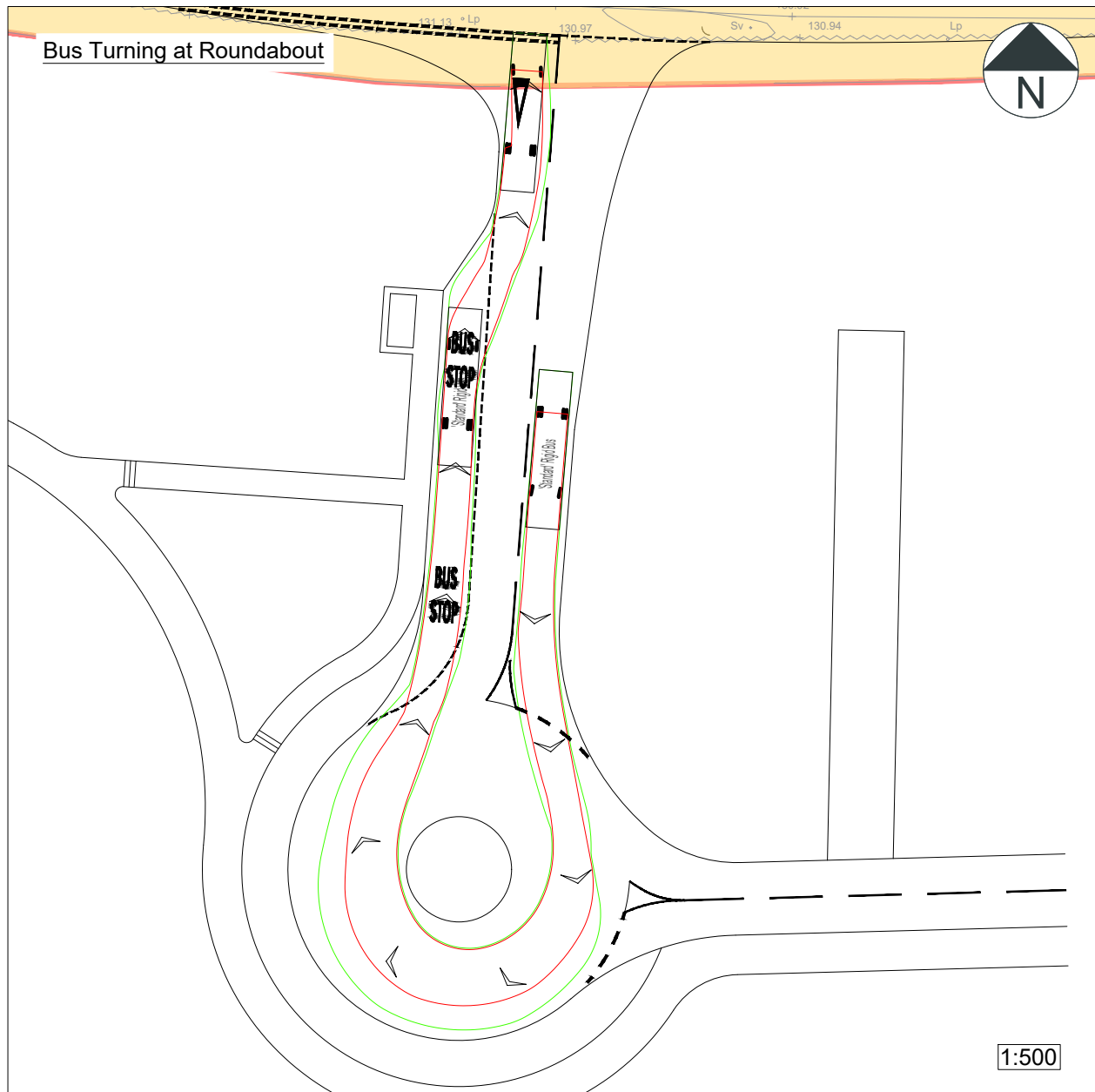
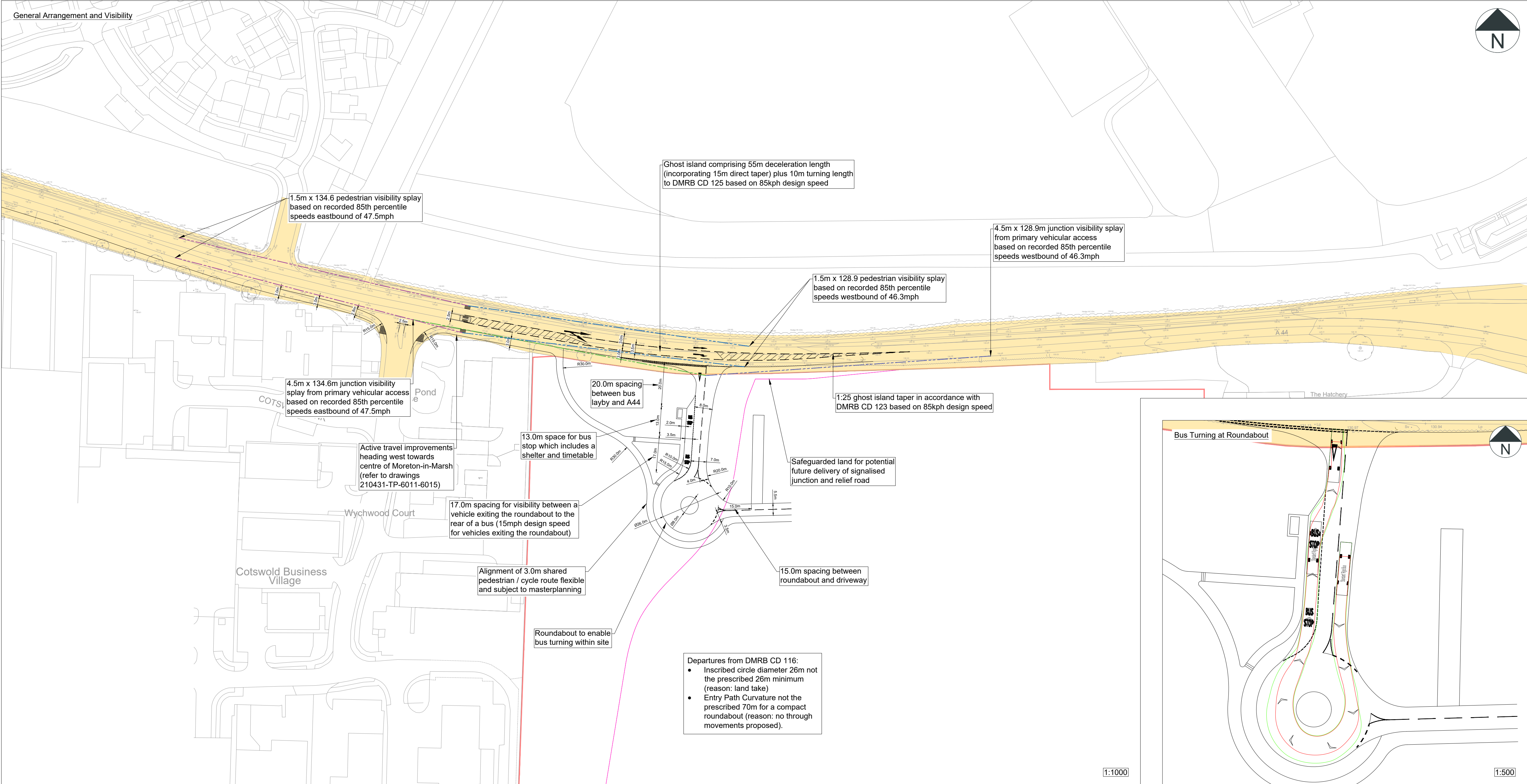
client
Bloor Homes
project
**Land south of London Road
Moreton-in-Marsh**

title
Illustrative Masterplan

FPCR | environment
& design

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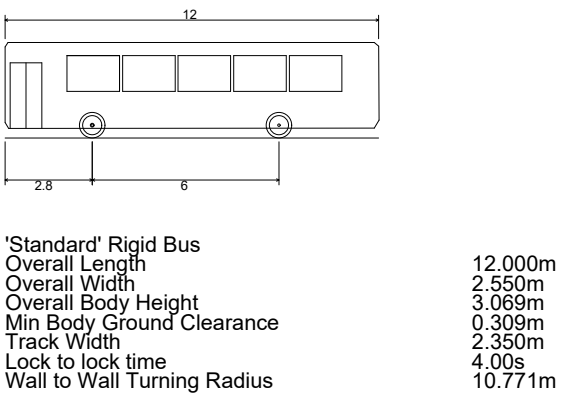
Notes:

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- Use of the drawing does not absolve the client from their responsibilities in regards to health & safety and CDM regulations.

Key:

- Site Boundary
- Adopted Highway Boundary
- 4.5m x 128.9m junction visibility splay from primary vehicular access based on recorded 85th percentile speeds westbound of 46.3mph
- 4.5m x 134.6m junction visibility splay from primary vehicular access based on recorded 85th percentile speeds eastbound of 47.5mph
- 1.5m x 128.9m pedestrian visibility splay from pedestrian crossing based on recorded 85th percentile speeds westbound of 46.3mph
- 1.5m x 134.6 pedestrian visibility splay from pedestrian crossing based on recorded 85th percentile speeds eastbound of 47.5mph

Vehicle Profile



P10	31.07.25	Added Refuse Island	SB	JM
P09	07.01.25	Roundabout amended to 26m ICD	PC	JM
P08	17.12.24	Area of safeguarded land added	AS	JM
P07	12.12.24	Roundabout amended	AS	JM
P06	05.12.24	Access amended to accommodate swept paths	AS	JM
P05	02.12.24	Access amended and SPA added	AS	JM
P04	12.06.23	Minor access amendments	BF	JM
P03	10.05.23	Emergency access relocated	AS	JM
P02	04.04.23	Western site access relocated	TG	BF
P01	18.03.22	Updated drawing	MP	JM
Rev	Date	Details	By	Chkd

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CLIENT:

Bloor Homes

PROJECT:

Land South of London Road,
Moreton-in-Marsh

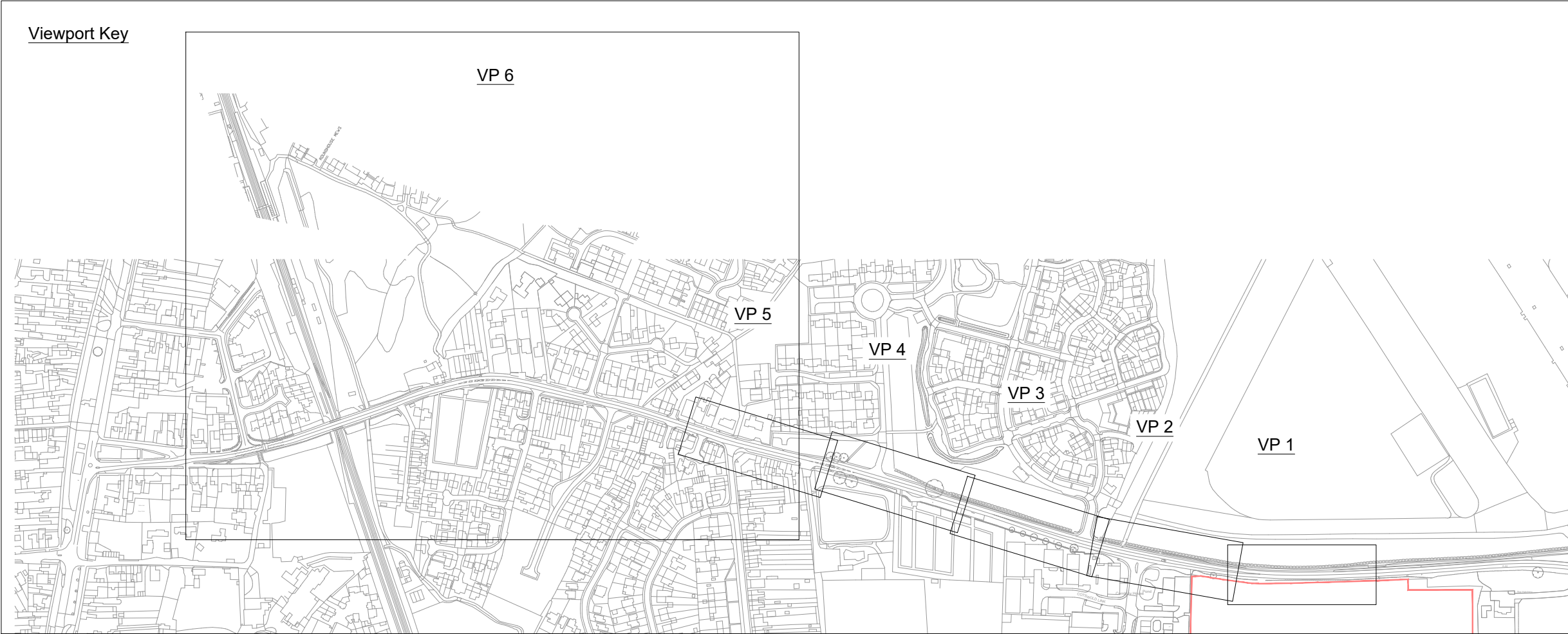
TITLE:

Proposed Site Access Junction
and Proposed Internal Roundabout

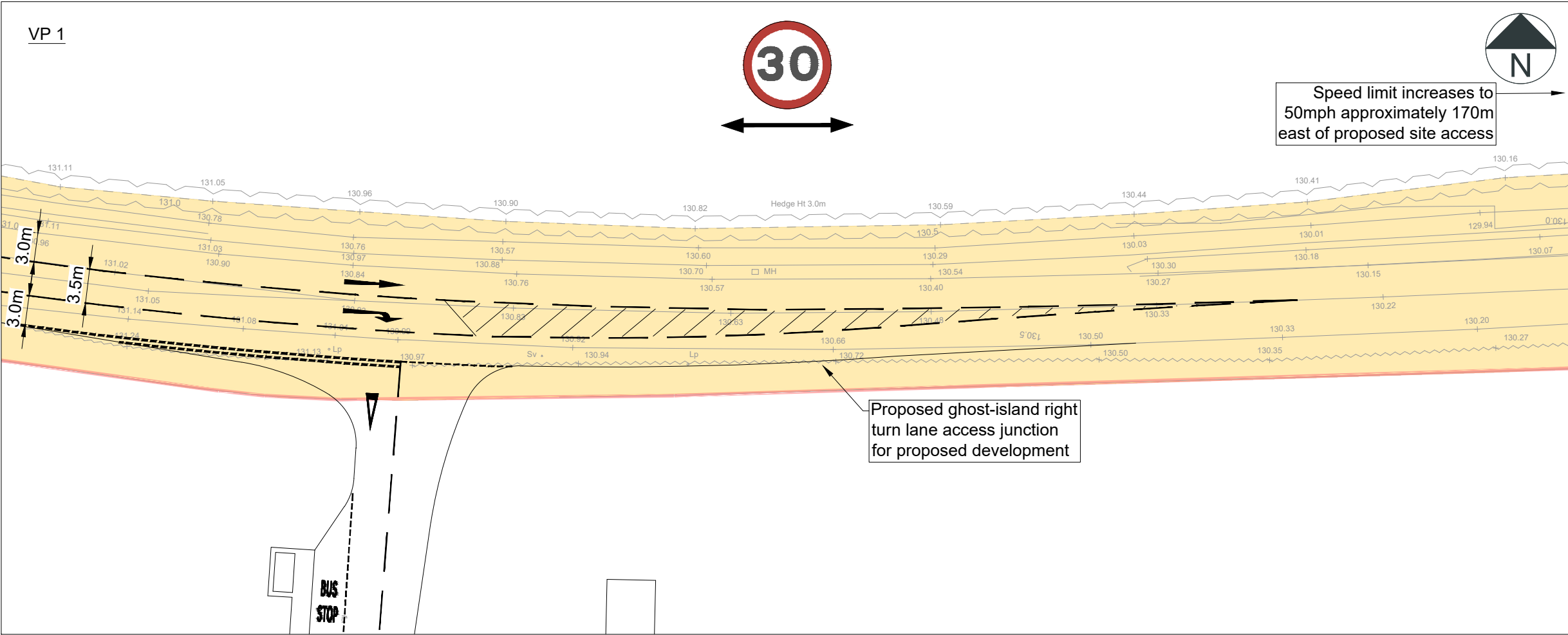
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1:500	01.07.21	MP	JM	BQ
STATUS: PRELIMINARY				
DRAWING NO: 210431-RAP-XX-XX-DR-TP-3200				REVISION: P10

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Viewport Key



VP 1



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6. The layout is subject to detailed design, capacity testing, ground investigations & earth modelling, road safety audit, utilities & services and confirmation of land ownership.
7. Use of the drawing does not absolve the client from their responsibilities in regards to health & safety and CDM regulations.

Key:

- Indicative Site Boundary
- Adopted Highway Boundary

P06	31.07.25	Updated drawing title & viewport key	SB	JM
P05	07.01.25	Updated internal highway layout	PC	JM
P04	12.12.24	Updated access junction	AS	JM
P03	05.12.24	Updated access junction dimensions	AS	JM
P02	02.12.24	Minor amendments	AS	JM
P01	05.11.24	Minor amendments	AS	JM

Rev	Date	Details	By	Chkd
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CLIENT: Bloor Homes

PROJECT: Land South of London Road, Moreton-in-Marsh

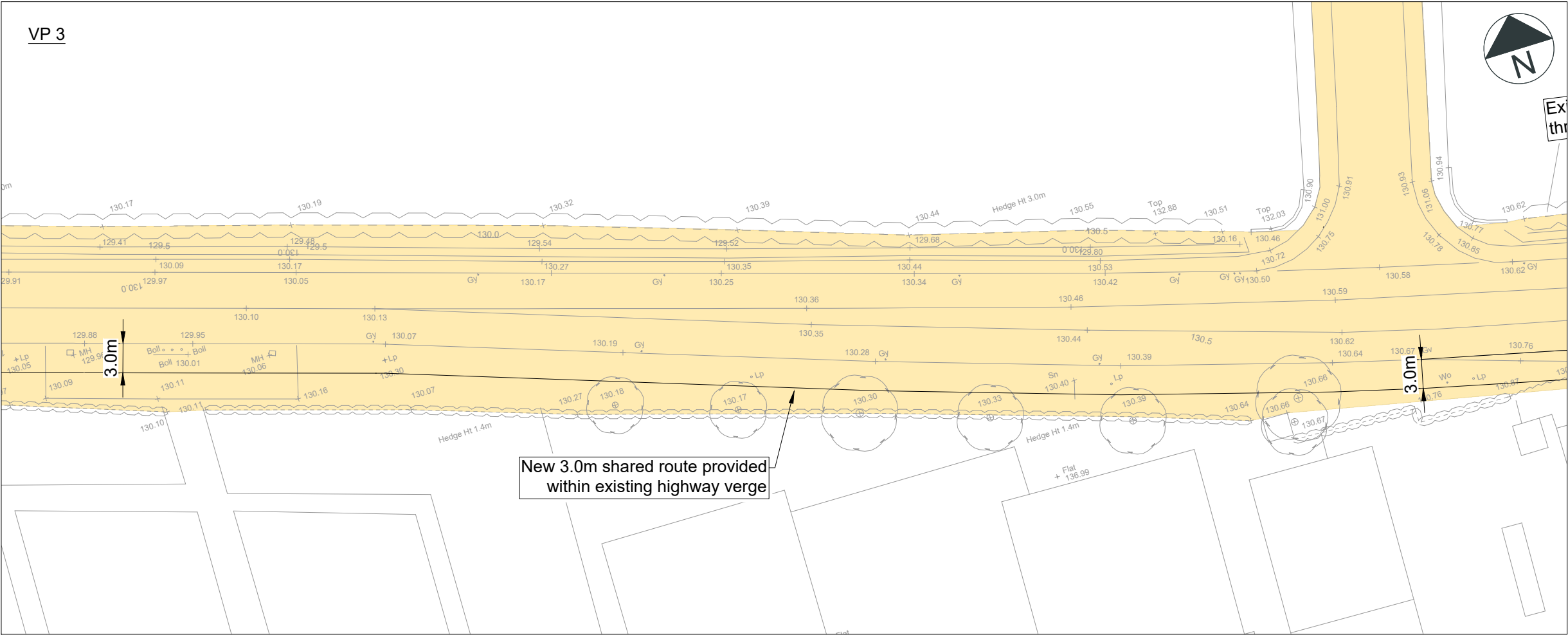
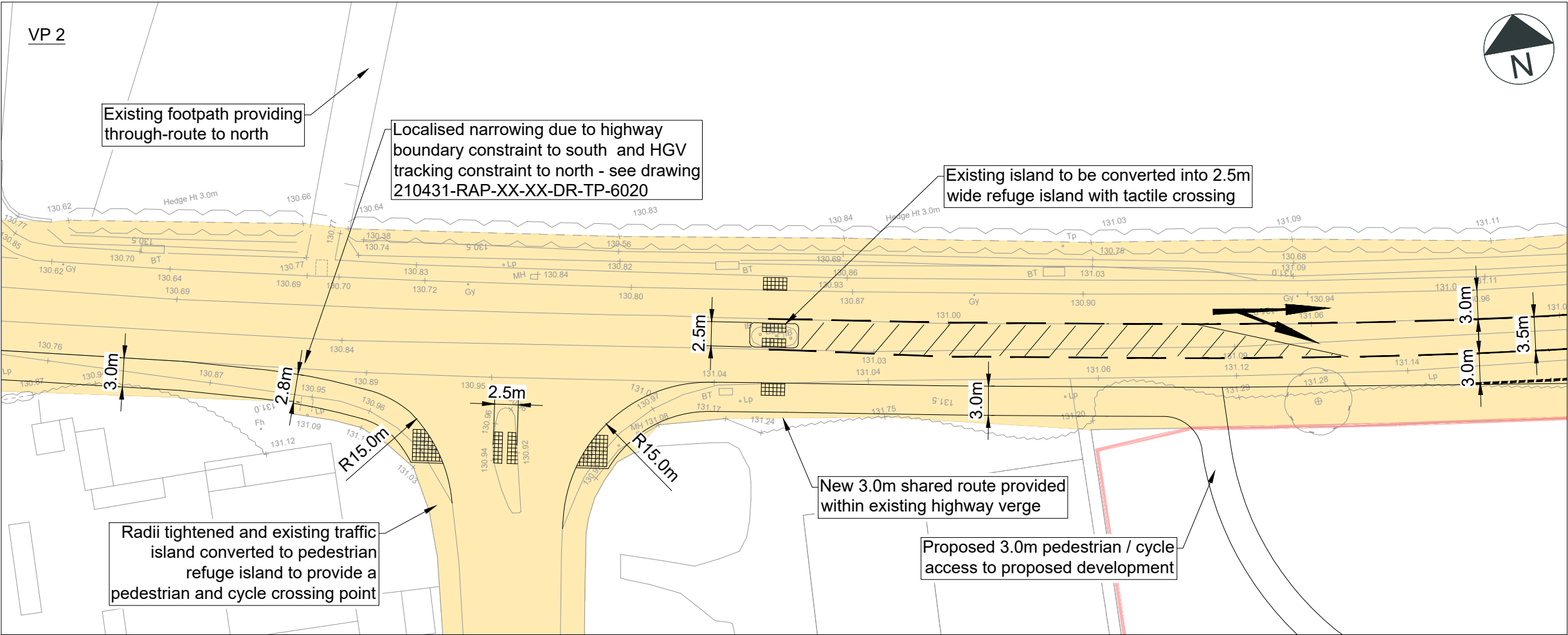
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SCALE @ A3: 1:500	DATE: 28.10.24	DRAWN: AS	CHECKED: JM	APPROVED: JM
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STATUS: INFORMATION

DRAWING NO: 210431-RAP-XX-XX-DR-TP-6011	REVISION: P06
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Key:

- Indicative Site Boundary
- Adopted Highway Boundary

P05	31.07.25	Updated drawing title & added refuge island	SB	JM
P04	07.01.25	Updated internal highway layout	PC	JM
P03	12.12.24	Minor amendments	AS	JM
P02	02.12.24	Minor amendments	AS	JM
P01	05.11.24	Minor amendments	AS	JM

Rev	Date	Details	By	Chkd
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CLIENT: Bloor Homes

PROJECT: Land South of London Road, Moreton-in-Marsh

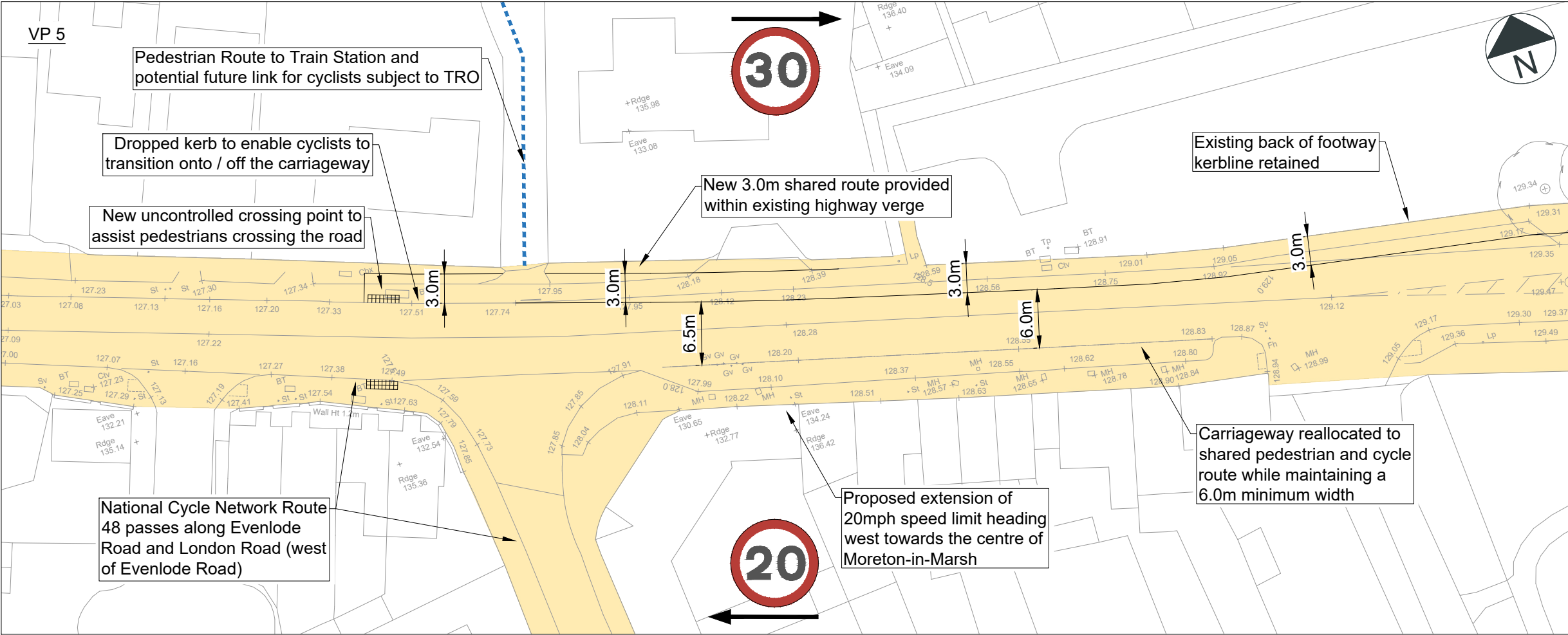
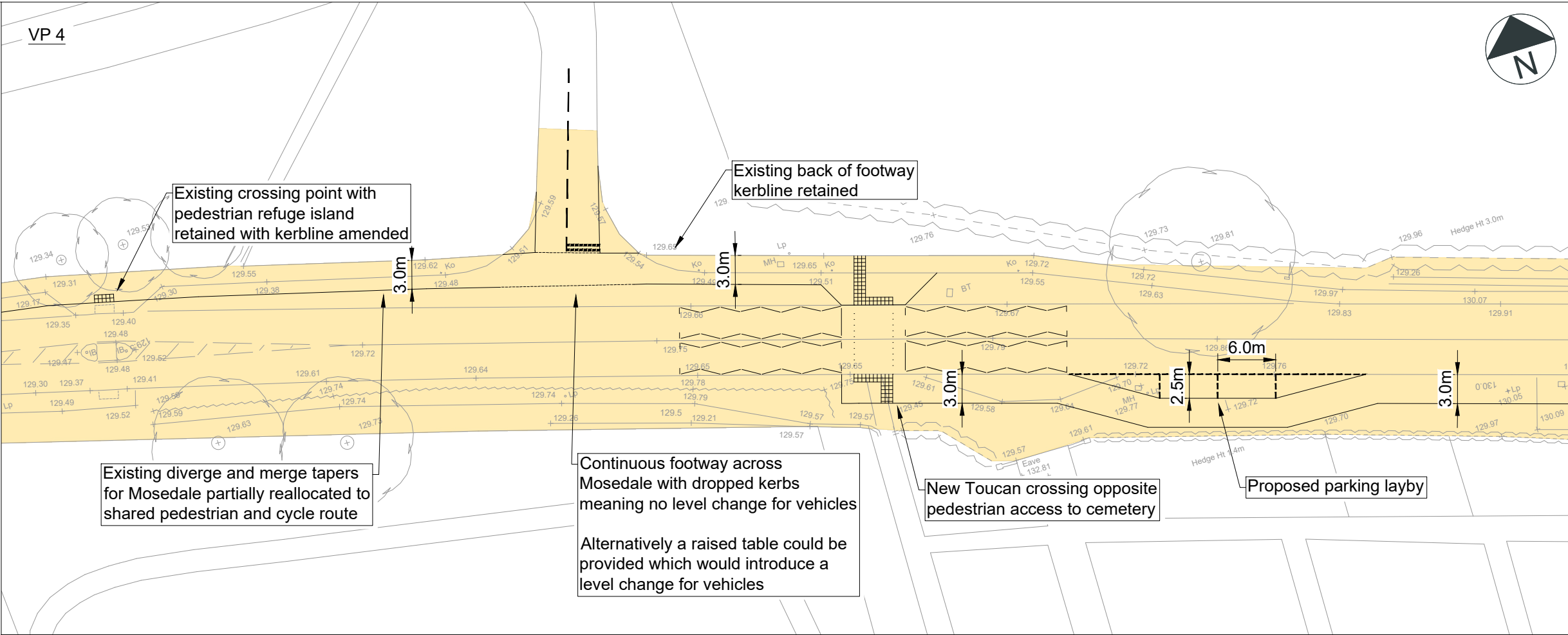
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1:500	28.10.24	AS	JM	JM

STATUS: INFORMATION

DRAWING NO:	REVISION:
210431-RAP-XX-XX-DR-TP-6012	P05

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3. Highway boundary information has been provided by Gloucestershire County Council, 11/08/2021, and has been overlaid by Rappor onto the Topographical Survey & Ordnance Survey on a best fit basis.
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Key:

- Indicative Site Boundary
- Adopted Highway Boundary
- Existing Public Right of Way

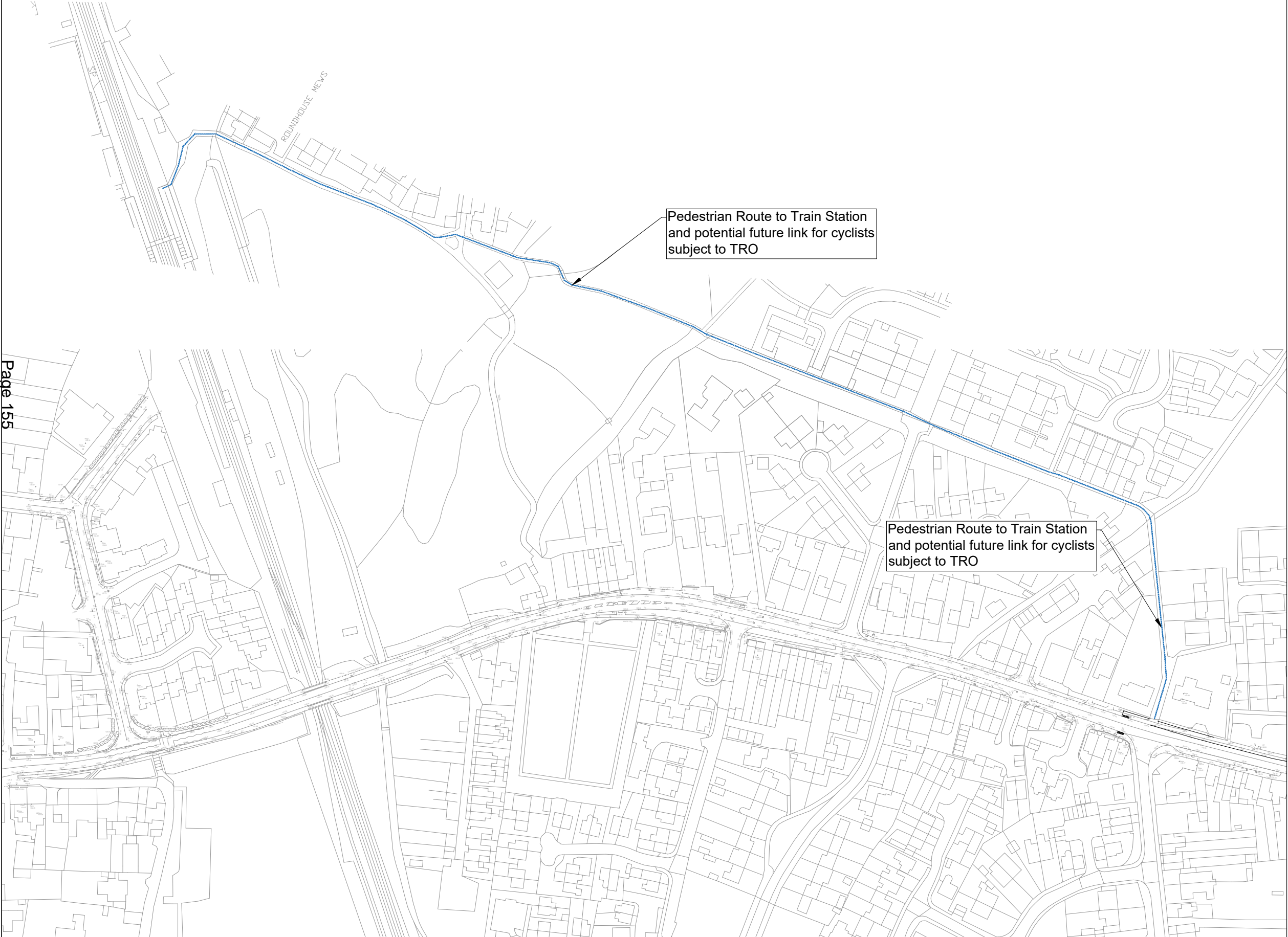
P03	31.07.25	Updated drawing title & annotation	SB	JM
P02	02.12.24	Minor amendments	AS	JM
P01	05.11.24	Minor amendments	AS	JM
Rev	Date	Details	By	Chkd

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CLIENT:	Bloor Homes			
PROJECT:	Land South of London Road, Moreton-in-Marsh			
TITLE:	London Road Active Travel Route (Sheet 3 of 4)			
SCALE @ A3:	DATE:	DRAWN:	CHECKED:	APPROVED:
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STATUS: INFORMATION				
DRAWING NO:	REVISION:			
210431-RAP-XX-XX-DR-TP-6013	P03			

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- 3. Highway boundary information has been provided by Gloucestershire County Council, 11/08/2021, and has been overlaid by Rappor onto the Topographical Survey & Ordnance Survey on a best fit basis.
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- 7. Use of the drawing does not absolve the client from their responsibilities in regards to health & safety and CDM regulations.

Key:

Existing Public Right of Way

P03	31.07.25	Updated drawing title & viewport	SB	JM
P02	02.12.24	Minor amendments	AS	JM
P01	05.11.24	Minor amendments	AS	JM
Rev	Date	Details	By	Chkd

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CLIENT:
Bloor Homes

PROJECT:
Land South of London Road,
Moreton-in-Marsh

TITLE:
London Road Active Travel Route
(Sheet 4 of 4)

SCALE @ A3: 1:2000	DATE: 28.10.24	DRAWN: AS	CHECKED: JM	APPROVED: JM
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STATUS:
INFORMATION

DRAWING NO: 210431-RAP-XX-XX-DR-TP-6014	REVISION: P03
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2006



2025



View from site entrance



17.09.2025 - GCC HIGHWAYS CONSULTATION RESPONSE

25/01036/OUT - Land East of Cotswold Business Village South of London Road London Road Moreton-In-Marsh Gloucestershire

Summary

No objection subject to conditions and financial contributions

Comments

Background

The application is sited along London Road and is proposed to be accessed by a ghost island right turn facility. The application is for 195 dwellings, with access and Highways Works details provided.

The applicant proposes to provide a cycle/pedestrian route from the site along London Road including a signalised crossing to a point where it meets a route used by cyclists and pedestrians that provides a connection to the station through the existing development area.

Traffic Impact

In terms of the impact of the traffic associated with the development the predicted numbers have been agreed using both a calculation using figures from the TRICS Database and a nearby development as a "donor" site.

There are long standing issues at the two mini-roundabout junctions in Moreton in Marsh both of which experience queuing on a regular basis. Many potential solutions have been considered over the years but none have been found to offer a practical solution to the problems.

It is acknowledged that a development of this size and in this location will inevitably worsen the situation but under the requirements of the NPPF any such impact needs to be considered "severe" in order to justify a refusal of planning permission.

The modelling that has been carried out to determine the impact of the development traffic shows that the access junction would operate within its theoretical capacity in all scenarios in 2028.

Based on the modelling results for the two mini-roundabouts (High Street (North) / A44 Oxford Street / High Street South & High Street (South) / East Street / A429 / Bourton Road mini-roundabout junctions), it can be seen, all scenarios show increases in junction delays, RFC (capacity) and vehicle queuing when comparing scenarios with and without development traffic in 2028.

Without the proposed development, the High Street north arm already illustrates a capacity issue, with delays of 381 seconds and a queue length of 64 vehicles during AM peak, while the A44 Oxford Street arm experiences delays of 677 seconds and queues of 99 vehicles in 2028.

With the proposed development in 2028, the worst-case scenario predicts the larger impacts, with delays increasing up to 46 seconds on High Street north during AM peak and 106 seconds on the A44 east during PM peak hour compared to the 2028 baseline without the development. The longest queue occurs on the A44 Oxford Street during PM peak. Scenario 4 shows smaller development impacts, with delays increasing up to 25 seconds on High Street north during AM peak and 65 seconds on A44 Oxford Street during PM peak.

Overall, the modelling results indicate that the proposed development would add further delay and queueing on already constrained arms at the two mini-roundabouts in the 2028 baseline scenario. It is acknowledged that a drone survey undertaken to record the existing junction operation observed queues comprising both 'rolling' and 'Stationary' vehicles.

However, a simple increase in delay and queuing does not in itself justify a refusal of planning permission. The predicted traffic with appropriate allowances for the impact of the Travel Plan and the cycleway/footway being provided show a 25 second additional delay on High Street and an existing delay of 381 seconds which represents a 7% increase, with a 65 second delay on Oxford Street in addition to the existing 677 second delay which represents a 10% increase.

On balance these increases, whilst undoubtedly inconvenient, are not considered to represent the required "severe" impact to justify an objection that could be sustained at a planning appeal.

Public Transport

In terms of connection to the public transport network the developer had stated that they wanted the bus stop within the development as indicated in the developers indicative masterplan. It is understood that this view has now changed, and they are aligned with the opinion of the GCCs Integrated Transport Unit (ITU) in that bus stops need to be provided on both sides of the A44 with a suitable crossing method to connect an eastbound stop to the development. Both Pulhams and the ITU now agree that requiring buses to depart the A44 into the development would result in unnecessary delay to bus services which contradicts with the LTP and BSIP aspiration to improve bus journey times. The details of the positions of the stops, the facilities provided and the type of crossing to be provided are yet to be agreed but have been conditioned below.

In addition, the 801 service currently operates an hourly service, however, this is currently not financially viable and a financial contribution is sought to extend this service, without it the service would reduce to a 2 hourly service.

Connections to Moreton Transport Hub

Connections to the station are enhanced by the proposed Footway / Cycleway making access to the rail network easier and safer without the need to use the private car. A £50,000 contribution to the Moreton Transport Hub has been agreed, which would help to contribute to facilities that would be used by residents of the site, such as ancillary walking and cycling facilities and parking spaces.

Home to School Transport

Phase of Education	Name of closest non-selective school and/or the education planning area.	No of qualifying dwellings (QD)	Total Pupil Yield from QD	Contribution Requested (£)	Number of places requested
Primary	St David's CofE Primary and/or Chipping Campden Primary Planning Area	195	58.500	£0.00	0 places
Secondary - 11-16	Chipping Campden School and/or the Cotswold (N) Secondary Planning Area	195	28.665	£0.00	0 places *
Secondary - 16-18	The Cotswold (N) Secondary Planning Area	195	9.750	£270,722.79	9.750 places

Details are shown above of GCCs calculation of the total pupil yield from the site and results in a contribution to provide bus services for secondary school pupils from the site to the Cotswolds N, Secondary Planning Area.

Financial Contributions

Moreton in Marsh Transport Hub

£50,000, to provide ancillary facilities for walkers and cyclists and a contribution towards parking spaces that may be used by residents of the development.

Public Transport Infrastructure 2 Bus Stops with :-

A shelter with power - £25,000

A bus stop clear way - £2,000

RTPI - £10,000

Hard Standing 6mx2m - £5,000

Total £84,000

Home to School Transport

£270,722.79

Travel Plan

GCCs guidance on Residential Travel Plans requires a contribution based on 195 dwellings of £58,230, inclusive of a £5,000 monitoring fee.

Extension of the 801 Hourly Service

£xxxx

Conclusion

It is therefore recommended that on balance, if the application is to be approved it should be subject to the above financial contributions and the conditions below :-

Conditions :-

Access and Highways Works

No part of the development shall be occupied until the Access Road and Highways Works details based on drawings

- 210431-TP-3200 P10 – Access Arrangements
- 210431-TP-6011 P06 – London Road Active Travel Route (1-4)
- 210431-TP-6012 P05 – London Road Active Travel Route (2-4)
- 210431-TP-6013 P03 – London Road Active Travel Route (3-4)
- 210431-TP-6014 P03 – London Road Active Travel Route (4-4)

Including, lines, widths, levels, gradients, cross sections, lighting, drainage, crossing points with refuges either side of the site access, 3m wide shared Footway/Cycleway(Excluding buffer), dropped kerbs, tactile paving, toucan crossing and a Traffic Regulation Order for the Prohibition of Waiting, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the access and Highways Works shall have been implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Provision of Bus Stops

Notwithstanding the approved Highways drawings, details of bus stops including, their locations on the A46, shelters and real time information systems shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation these shall be

implemented in accordance with the approved details and shall be retained and maintained for no other purpose for the life of the development.

Reason: To promote public transport

Visibility Splay

No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway with an 'x' set back distance of 2.4 metres and a 'y' distance of 129 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to: -

- 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);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway, including wheel wash facilities;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular accesses to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

Residential Travel Plan

The Development hereby approved shall not be occupied until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan shall achieve modeshift stars accreditation and will thereafter be implemented and updated for the life of the development.

Reason: To reduce vehicle movements and promote sustainable access.

No Drainage to Discharge to Highway

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason: In the interests of Highway safety

Cycle / Pedestrian Signing

Prior to first occupation details of cycle and pedestrian signing from the site to the railway station shall be submitted and approved in writing by the Local Planning Authority. Prior to first occupation, these signs shall be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason: To promote sustainable travel

Informatives :-

Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- 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.

Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

The cost of the legal order to implement the Prohibition of Waiting at the site access is £15,000 and this can be provided by the applicant via the Highways Legal agreement process.

Highway to be adopted

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.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details

- 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.

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Impact on the highway network during construction

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 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.

Travel Plan

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Construction Management Plan (CMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

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Permission in Principle for the erection of 1 self-build dwelling at Land at Ethans Orchard Middle Chedworth Gloucestershire GL54 4AL

Permission in Principle 25/01970/PLP	
Applicant:	Mr George Charnick
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor Paul Hodgkinson
Committee Date:	8 October 2025
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Impact on Highway Safety
- (c) Design and Impact of Residential Amenity
- (d) Biodiversity
- (e) Other Matters

2. Reasons for Referral:

- 2.1 Cllr Hodgkinson requested that the application be considered by the Review Panel for referral to the Planning & Licensing Committee, for the following reason(s):

2.1.1. "This application neither conserves or enhances the local area or the scenic and natural beauty of the Cotswold National Landscape - and it is within the Chedworth Conservation Area. This is a green field and space with a temporary structure in one part of it, previously an orchard. The Chedworth Conservation Area statement indicates that open spaces such as this one are critical to the character of the place and should be preserved.

2.1.2 It would present encroachment of development into the village and loss of a green space with views across the valley.

2.1.3 I would like this application to be assessed by the Planning Panel if the officer recommends permission."

Outcome:

- 2.2 The Review panel accepted the request for the application to be considered at the Development Control Committee, in order to consider the potential impacts on the conservation area and national landscape, and to consider the balancing of harm and benefits in the context of the presumption in favour of sustainable development.

3. Site Description:

- 3.1 The application site consists of part of a paddock, within which is also a modest area of hardstanding and a shed. The site lies outside of, but adjoining, the village of Chedworth which constitutes a Non-Principal Settlement as designated in the Cotswold District Local Plan 2011-2031.
- 3.2 The site is located north of the main village street running through Chedworth, it has a road frontage defined by a dry-stone walling and hedgerow.
- 3.3 To the eastern boundary of the paddock is Chedworth Footpath 52, a designated Public Right of Way (PROW). At present the site is predominately rough grassland, a timber outbuilding is the only building present in the paddock. The land slopes away to the north of the site into the valley.
- 3.4 The site lies within the Chedworth Conservation Area, and within the setting of 'Peach Tree Cottage and Studio' a grade II listed building to the west of the site. The site also lies within the Cotswolds National Landscape and the 15.4km Zone of Influence of the Cotswold Beechwoods Special Area of Conservation (SAC).

4. Relevant Planning History:

- 4.1 02/01726/FUL - Erection of 4 terraced cottages - Refused 30/09/2002;
- 4.2 06/01833/FUL - Change of use of paddock to domestic use to enable formation of driveway and associated hardstanding - Refused 09/10/2006. Appeal Dismissed 27/07/2007;
- 4.3 17/03940/FUL - Erection of new dwelling with associated ancillary engineering and landscape works - Refused 18/01/2018;
- 4.4 19/02065/FUL - Erection of new dwelling together with associated ancillary development and landscape works - Withdrawn 28/10/2024

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- DS1 Development Strategy
- DS3 Small-scale Res Dev non-Principal Settle
- DS4 Open Market Housing o/s Principal/non-Pr
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN14 Managing Flood Risk
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- H2 Affordable Housing

6. Observations of Consultees:

- 6.1 CDC Conservation Officer: No objections (additional comments received regarding setting of listed buildings)
- 6.2 CDC Flood Risk Management Officer: The technical details stage must provide an informed drainage strategy
- 6.3 CDC Biodiversity Officer: Appropriate assessment undertaken
- 6.4 Natural England: No objections

7. View of Parish Council:

7.1 16 July 2025 - Chedworth Parish Council objects to the application:

7.1.1 'Chedworth Parish Council objects to the principle of development on this site. The site lies within Chedworth Conservation Area. As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The site has been subject to a considerable number of planning applications including:-

- *Erection of new dwelling Ref. No: 19/02065/FUL - Validated: Thu 20 Jun 2019
- Status: Withdrawn following objections from Landscape Officer and others*
- *Erection of new dwelling Ref. No: 17/03940/FUL - Validated: Sat 23 Sep 2017
- Status: Refused*
- *Erection of 4 terraced cottages Ref. No: 02/01726/FUL - Validated: Mon 19 Aug 2002 - Status: Refused*

7.1.2 The refusal and objection reasons remain valid despite attempts by the owner to limit views through the site by strategic planting.

(1) The introduction of a new dwelling within this important area of open land within the settlement would fail to respect the local context in regards to harmony, street scene and views from the village road and footpath along the side of the site. As such the proposal would be harmful to the character and appearance of the Conservation Area, harm that would not be outweighed by any public benefits resulting from the proposal. As such the proposal would cause harm to the Conservation Area.

(2) The site lies within the Cotswolds National Landscape (CNL) an AONB, the proposal would represent encroachment of residential development into the AONB landscape and the replacement of a parcel of agricultural land. The introduction of a new dwelling, would be visually prominent in the landscape. The development would have a significant urbanising impact on the character and appearance of the AONB, the rural setting of the village and the built settlement pattern of Chedworth. and would fail to conserve or enhance the natural beauty of the AONB'

7.2 8 September 2025 - Chedworth Parish Council resolved to add comments to their previous submission:

7.2.1 'Having had sight of the officer report the council notes that the guidance of NPPF policy INF3 Sustainable Transport, has essentially been omitted from the report.

7.2.2 Chedworth has a minimal level of amenities since the Seven Tuns pub and the Farm shop closed post Covid, no shop or Post Office. The Village has one bus twice per week. It goes to Cirencester. The Foss Way bus stops are 1 mile from Ethans Orchard and the Inn at Fossebridge is a mile away across the fields.

7.2.3 All trips apart from those to and from St Andrews school will therefore be by private motor car (or Taxi)

7.2.4 This is contrary to NPPF INF 3 and this is sufficient reason by itself to refuse this application for planning in principle. (PLP)

7.2.5 A development of 9 affordable and open market houses within Chedworth but outside the Conservation area is nearing completion, two more have recently been built at the Village Hall again outside the Conservation area one sold and the other for sale for £1,000,000 and the last housing needs survey, again not referenced in the report, showed only a minimal local need.

7.2.6 There is a worrying reference to the site being outside the village envelope. This is incorrect as this is in middle Chedworth, well within the Chedworth Conservation Area boundaries, with residential properties on adjoining plots and well within the village envelope.

7.2.7 We therefore ask that you refuse this application on NPPF INF 3 sustainable transport grounds.'

8. Other Representations:

8.1 1 third party representation has been received supporting the application on the grounds of:

- i. Need for additional dwellings
- ii. Proposed house well designed and sits perfectly on its site
- iii. Wouldn't have an adverse impact on the surrounding dwellings
- iv. Improvement of the houses facing the site

8.2 47 third party representations have been received (including the Chedworth Society), objecting to the application on the grounds of:

- i. Harm to the conservation area
- ii. Harm to the Cotswolds National Landscape
- iii. Site a SSSI
- iv. Statutory obligations of the Council (including the duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)
- v. Harm to pattern of development within Chedworth
- vi. No other houses built to the north of the road since the 1970s
- vii. Loss of openness and green gaps

- viii. Loss of public and private views
- ix. Deliberate degradation of the site/loss of views
- x. Disagreement with Conservation Officer's opinion (and queries regarding professionalism)
- xi. Concerns over apparent disparity in the results of similar applications not appearing to reflect well on the management and direction of the planning department.
- xii. Support for application considered inconsistent with previous decisions
- xiii. Contrary to the Cotswolds AONB Management Plan
- xiv. Long term public interest should outweigh short term benefit to land owner
- xv. Existing building an eyesore
- xvi. Important to retain open space
- xvii. Refusal at Pump House (22/01035/PLP) with similar issues
- xviii. Previous refusals (and withdrawn application) on the site (and area to the east)
- xix. Planning history, with multiple refusals
- xx. Determination of other applications in the village or by committee
- xxi. Differences between wording of Paragraph 11 d) i) and d) ii), and tilted balance not applying in regard to harm to the conservation area or national landscape
- xxii. Planning In Principle application an inappropriate mechanism for a location as sensitive as this
- xxiii. The site was not identified as an important view was that the building and area was considered in need of improvement at the time of the creation of Chedworth Conservation Area (CCA) character statement.
- xxiv. No assessment of heritage harm
- xxv. Speculative enhancements such as orchard restoration cannot be secured via Planning in Principle process
- xxvi. Concerns over potential other developments if this is allowed
- xxvii. Untruths within the applicant's Planning Statement
- xxviii. Loss of orchard
- xxix. Issues with grass roof designs
- xxx. No housing need or public benefits
- xxxi. Risk of urbanisation due to other properties built within the village
- xxxii. Oversupply of properties in the village
- xxxiii. Assumption hedge shall remain considered flawed
- xxxiv. Highway safety concerns (access and pedestrian routes)
- xxxv. Level of community objection
- xxxvi. Inappropriate development next door
- xxxvii. Planning advice previous ignored so unlikely that scheme envisioned by Officers would be achieved

- xxxviii. Concerns over noise, mud, and disruption during build process
 - xxxix. Concerns over support comment
 - xl. Comments querying points raised by the Conservation Officer in the previous committee meeting
 - xli. Legality of conditioning an area outside the site boundary
 - xl.ii. Historic shed structure referred to in corner of plot associated with Janes Cottage and not part of the application site
 - xl.iii. Grey-water holding tank in corner of site
 - xl.iv. Old Oak Cottage dates from the 6th Century (rather than 18th)
 - xl.v. Dispute over why the site with the garage is more sensitive
 - xl.vi. Concern the hedges could be removed once the development was undertaken
 - xl.vii. Dispute over level of public benefit from the removal of the garage and associated earthworks
 - xl.viii. Concerns over domestic paraphernalia
 - xl.ix. Queries Councillors should ask themselves on site
- 8.3 1 third party representation has been received, raising general comments on the grounds of:
- i. Listing the planning history on the site
 - ii. Dispute over address (subsequently changed from Cheap Street to Middle Street)
- 8.4 Those matters considered to be material planning matters within the scope of this application type are discussed below.

9. Applicant's Supporting Information:

- Site Location Plan
- Completed S.111 agreement
- Planning Statement

10. Officer's Assessment:

- 10.1 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.'*

- 10.2 The Local Planning Authority have adopted the Cotswold District Local Plan (2011 - 2031), which forms the development plan for this area.
- 10.3 The application is requesting permission in principle to erect 1 dwelling within the site.
- 10.4 The National Planning Policy Framework (NPPF) outlines that permission in principle is a form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.
- 10.5 The Planning Policy Guidance (PPG) states that the scope of permission in principle is limited to:
- location of development;
 - land use; and
 - amount of development.

(a) Principle of Development

- 10.6 Chedworth has been identified as a Non-Principal Settlement within former planning applications and appeal decisions within the village. The village contains some limited services including a church, primary school and village hall. The village therefore contains a range of services that would create a 'sense of community' and has reasonable access to services within neighbouring principal settlements. Notwithstanding the fact that the village constitutes a Non-Principal Settlement, it is necessary to consider whether the site falls within the settlement, or otherwise outside of the village envelope within an area of open countryside.
- 10.7 Land at Ethan's Orchard comprises an undeveloped parcel of land set within an area of sporadic development adjoining the open countryside. Whilst the paddock is bordered by built form to the east, west and south (separated by a road, the north contains undeveloped land. The site is considered to constitute a valuable green gap in built form, which does not share a close relationship with the village and instead appears divorced from the linear pattern of development on the southern side of the highway. As such, the site is considered to lie outside of the envelope of the settlement of Chedworth, within an area of open countryside.

10.8 Local Plan Policy DS4 is therefore of relevance, and states:

'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

10.9 The supporting text to Policy DS4 states:

'6.4.3 Besides the provisions of paragraph [84] of the NPPF, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- affordable housing on rural exceptions sites (Policy H3);*
- housing for rural workers (Policy H5);*
- sites for gypsies and travellers (Policy H7);*
- and conversion of rural buildings (Policy EC6).*

6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.'

10.10 The current proposal is for the erection of new build residential development which is contrary to Policy DS4. In terms of the development plan, there is an in-principle objection to the erection of new build open market housing on this site. The current proposal is therefore considered to be in conflict with Local Plan Policy DS4.

10.11 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council is only able to demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum

as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

'11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 10.12 Footnote 8 of the NPPF advises that *'out-of-date'* for the purposes of paragraph 11 includes *'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'* In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 is engaged in such circumstances.

- 10.13 In the case of criterion d ii) of the above quoted Paragraph 11 of the NPPF, it is also necessary to weigh the benefits arising from the scheme, such as the delivery of housing against the adverse impacts of the proposal, such as the sustainability of the location and securing well-designed places. Footnote 9 elaborates that the policies referred to are those in paragraphs 66 and 84 of chapter 5. In this case, whilst the application site is considered to be outside the envelope of the village of Chedworth, it abuts it and is therefore considered not to be in an isolated location. As such, Paragraph 84 of the NPPF is not relevant in this case.
- 10.14 In the case of criterion d i) footnote 7 of the NPPF advises that *'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.'*
- 10.15 The application site is within the Chedworth Conservation Area, the Cotswolds National Landscape, and within 15.4 Kilometres of Cotswold Beechwoods (Special Area of Conservation). These matters shall be discussed in more detail later in the report.

(b) Impact on the Chedworth Conservation Area and the Setting of a Listed Building

- 10.16 The site lies within the Chedworth Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.17 The site is also within the setting of a listed dwelling. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving its setting in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.18 Local Plan Policy EN1 requires development, where appropriate, to 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 and enhancement of multi-functioning 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.'

10.19 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.20 Local Plan Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.21 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. Development in conservation areas will not result in loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the conservation area.

10.22 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 135 states

decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

- 10.23 Section 14 of the NPPF addresses climate change. Paragraph 166 of the NPPF requires that when determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.24 NPPF Section 16 states that historical *'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 10.25 Specifically, Paragraph 203 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 10.26 Paragraph 207 states *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'*
- 10.27 Paragraph 209 advises that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 10.28 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 10.29 Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.30 Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.31 The existing site comprises part of a paddock. Whilst the northern side of this road in Middle Chedworth is generally less developed than southern side, there are residential properties to the east and west of the paddock. To the east, this comprises the listed building "Peach Tree Cottage" and the immediate neighbour "Janes Cottage". "Janes Cottage" is located just off the road, with outbuildings forming the boundary to the road. "Peach Tree Cottage" is set further back from the road (around 11m) with the property clearly visible from the road. To the west are other dwellings, notably "Saffron Hill" a property set approximately 28m from the road edge. Views of the property itself are reduced somewhat due to planting; however, it is evident there is a house in this location, with the roadside appearing domestic.
- 10.32 Within the paddock, outside of the site but within the applicant's ownership, is a garage building on a levelled area. There is an existing access with field gate to the site, alongside the garage. The paddock has a dry-stone wall boundary with the road with hedge behind. This limits current views over the site. It is noted that this hedge is a relatively recent addition; with the area previously been open to views over the valley. It is also noted that the area previously contained an orchard, although the trees relating to this use have been removed.
- 10.33 The paddock provided a green gap between the road and valley, located between two areas of residential development. The site was not identified in the Chedworth conservation area character statement as an important open gap, or as an important view. The Conservation Officer advised that *"nevertheless, the open, rural character that it brings to this part of the conservation area, allowing views from the road across an open, predominantly paddock-like space towards the board rural valley beyond contributes positively to the attractive, rural character of this part of the conservation area."*

10.34 As part of this, they identify that the eastern part of this, where the garage is located, is particularly prominent (both from the approach down the hill from the east and from the PROW along the east of the paddock).

10.35 The Conservation Officer has advised:

10.35.1 "It is also pertinent that the site does have houses to both east and west, & a rather unsympathetic row of mid-twentieth-century houses on the higher ground to the [south]."

10.35.2 Thus considering the context, it would seem that were a proposal to actively enhance the site from its current state, that a very carefully-considered design, then preserved, and potentially improved the site, may be reasonable.

10.35.3 A key element of gain would be to enhance the visually more sensitive, eastern half of the site; removing the garage and the raised hardstanding, and restoring the site to its natural contours. This should then be the half of the site that is restored and retained as an open green space/paddock/orchard, with drystone walls and native hedgerows.

10.36 He thus concluded:

10.36.1 "Consequently, the acceptability of the principle of development was inseparably tied to the benefit that would accrue from the removal of the garage & hardstanding, the restoration of the natural contours, and the use of the area as a paddock or orchard, not as part of the residential curtilage. Without this mitigating benefit, the original concerns of 2017 would still stand.

10.36.2 Consequently, whilst something is possible on this site, given its sensitivity and the constraints that this imposes, any solution would have to be imaginative, of high architectural quality, and potentially unorthodox."

10.37 With regard to setting of listed buildings he has added:

10.37.1 "The application site at Ethan's Orchard does not lie adjacent to, of have any strong visual interconnection with any listed buildings; however, three listed buildings lie within 100 metres of the site, & which, possibly, could be considered to be within their wider setting.

Peach Tree Cottage and Studio

10.37.2 *This grade II-listed, 17th-century house lies to the west of Jane's Cottage, which separates it from the application site. The list description concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.*

10.37.3 *A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.*

Old Oak Cottage

10.37.4 *This grade II-listed, 18th-century house lies to the north-east of the site, effectively separated from it by the unlisted Safron Hill.*

10.37.5 *This list description also concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.*

10.37.6 *A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.*

Blakemoor Cottage

10.37.7 *This grade II-listed, 17th-century house lies to the north of Old Oak Cottage.*

10.37.8 *Again, this list description concentrates strongly on the architectural interest of the house, suggesting that this is where its significance primarily rests. Nonetheless, its historic, rather rural, edge-of-settlement location would make some contribution to its historical & aesthetic (fortuitous) value & significance.*

10.37.9 A sympathetic development on the application site, which would seek to preserve its rural, edge-of-settlement character, would consequently harm no aspect of the setting that contributes positively to the listed building's special interest/significance, which would thereby be preserved/sustained.

Summary

10.37.10 In summary it is considered that an appropriate development upon the site of Ethan's Orchard would neither harm, nor have any material impact upon the special interest or significance of any of the three nearby listed building, within whose wider setting the site could be considered to lie."

- 10.38 It is noted that a comment has been received querying the age of Old Oak Cottage, advising that it dates from the 16th Century. The 18th Century date was taken from the list description, although this may be inaccurate. The difference in potential age would result in little difference to the contribution the site makes to the significance of Old Oak Cottage.
- 10.39 The Planning in Principle application solely relates to the principle of the development, rather than the details of it. Whilst the design of a new dwellinghouse would require very careful consideration, and an acceptable resolution is not guaranteed, the principle of a dwellinghouse in this location is considered possible. It is noted that this would need to be mitigated by the removal of the garage on the eastern part of the site, and suitable restoration of it. The applicant has advised that the intent would be to remove the garage and to add planting. Given this area is within the applicant's ownership, it is considered it would be possible at the technical details stage to condition the removal of the garage and restoration of the land at this stage.
- 10.40 Subject to suitable design and detailing, it is considered that a proposal could be put forward which could preserve and enhance Conservation Area. Given this, it is considered that such a scheme would also be likely to preserve the setting of nearby listed buildings.
- 10.41 The applicant has not provided a statement assessing the significance of any heritage assets potentially affected by the proposal, as required under Paragraph 207 of the NPPF. Nevertheless, in light of the site's planning history and the information contained within the relevant Conservation Area Appraisal, Officers are satisfied that the absence of this statement does not materially hinder their ability to make an informed recommendation.

- 10.42 Whilst Paragraph 209 refers to *"evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision"*, it is considered that the removal of trees, growing a hedge around the site and construction of the garage they had permission for, would not be considered as deliberate neglect of, or damage to, a heritage asset.
- 10.43 It has been raised that in the previous committee meeting reference was made to a building in the south west corner of the site. It is noted that there was a stone outbuilding in the corner of the historic paddock, which was subsequently incorporated into the garden of Jane's Cottage, although pre-enclosure maps show additional structures in this corner, which would also have been within the current site.

(c) Impact on the Cotswolds National Landscape

- 10.44 The site is located within the Cotswolds National Landscape (Area of Outstanding Natural Beauty). Section 85(A1) of the Countryside and Rights of Way (CROW) Act 2000 (as amended by Section 245 of the Levelling-up and Regeneration Act 2023) states that relevant authorities have a duty to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.45 Local Plan Policy EN1 states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment.
- 10.46 Local Plan Policy EN4 states that *'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 that *'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.'*
- 10.47 Local Plan Policy EN5 states that *'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.'*

10.48 Paragraph 187 of the NPPF 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'*.

10.49 Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... National Landscapes which have the highest status of protection in relation to these issues.'*

10.50 Cotswold District Council endorsed the Cotswolds National Landscape Management Plan 2025-2030 on the 8th May 2025, with relevant policies within. Particularly Policy CE13: 'Development and infrastructure - principles' states:

'CE13.1. Development and infrastructure proposals in the Cotswolds National Landscape (CNL) and its setting should be delivered in a way that is compatible with and seeks to further the conservation and enhancement of the natural beauty of the CNL including its special qualities. In doing so, they should have regard to - and be compatible with the CNL Management Plan and guidance produced by the CNL Board, including the:

- (i) CNL - Landscape Strategy and Guidelines*
- (ii) CNL - Landscape Character Assessment*
- (iii) Cotswolds Nature Recovery Plan*
- (iv) CNL - Local Distinctiveness and Landscape Change*
- (v) CNL Board Position Statements*
- (vi) CNL Pathway to Net-Zero*
- (vii) CNL Climate Change Strategy'*

CE13.2. Development and infrastructure proposals in the CNL should be delivered in a way that is compatible with and seeks to further the purpose of increasing the understanding and enjoyment of the CNL's special qualities. They should also contribute to the economic and social wellbeing of CNL communities, in a way that is compatible with conserving and enhancing the natural beauty of the CNL.

CE13.3. Development and infrastructure proposals in the CNL and its setting should comply with relevant national planning policy and guidance, particularly with regards to those paragraphs of the National Planning Policy Framework (NPPF) that relate to national landscapes.

CE13.4. The purposes of conserving and enhancing the natural beauty of the CNL and increasing the understanding and enjoyment of the CNL special qualities should be identified as strategic priorities in Local Plans, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the CNL Management Plan as a material consideration when considering development and infrastructure proposals.

CE13.5. The cumulative impacts of development proposals on the natural beauty of the CNL should be fully assessed.

CE13.6. A landscape-led approach should be applied to the planning, design and implementation of development and infrastructure proposals in the CNL and its setting, proportionate to the type and scale of development being proposed, whereby proposals:

- a) Address the natural beauty of the CNL as primary consideration at all stages of the development process, from initial conception through to implementation*
- b) Address all of the factors that contribute to the natural beauty of the area*
- c) Address access to natural beauty including the character of the public rights of way network and its role within wider green infrastructure*
- d) Reflect and enhance the character of the local area*
- e) Avoid adverse effects where possible and, if adverse effects can't be avoided, minimise them*
- f) Seek opportunities to enhance the natural beauty of the CNL and*
- g) Deliver more beneficial effects than adverse effects for the natural beauty of the CNL.*

This landscape-led approach is particularly important for major development

- 10.51 The Cotswold Landscape Character Assessment (CLCA) identifies the site as lying within the Landscape Character Type (LCT) 10 High Wold Dip-Slope Valley and the Landscape Character Area (LCA) 10b Middle Coln Valley. The LCT and LCA are characterised by well-defined, gentle concave valley forms with intermittently very steep and indented valley sides dissected by minor watercourses. Intermittent stone-built villages occupy sheltered locations in valley bottoms, with Farmsteads and individual buildings within the more open valley sections link to farmed areas on the adjacent High Wold Dip-Slope. The site currently reflects a number of the characteristic of the LCT and LCA.
- 10.52 The CLCA identifies the development, expansion and infilling of settlements within and on to the High Wold, including residential, industrial and leisure as

a Local Force for Change. The CLCA states that the Potential Landscape Implications of such development can include:

- *'Intrusion of expanded settlement fringes into the landscape;*
- *Erosion of distinctive settlement patterns due to settlement growth and coalescence;*
- *Built development on the margins of the floodplain forms a prominent edge alongside open meadows/pastures having impacts on views along the river valley;*
- *Loss/dilution of organic growth patterns of settlements including the relationship between the historic core and adjacent historic fields, paddocks and closes;*
- *Proliferation of suburban building styles, housing estate layout and materials and the introduction of ornamental garden plants and boundary features;*
- *Upgrading of minor roads and lanes associated with new development and the introduction of suburbanising features such as mini roundabouts, street lighting, Highway fencing, kerbs and traffic calming measures;*
- *Increased traffic leading to increased damage to road verges and roadside hedges and walls and the creation of informal passing places;*
- *Introduction and accumulation of lit areas and erosion of characteristically dark skies.;*
- *Urban fringe impacts such as fly tipping and dumping of cars ;*
- *Loss of wet meadows and riverine habitat;*
- *Potential loss of archaeological remains and historic features;*
- *Loss of archaeological and historical features, field patterns and landscapes;*
- *Interruption, weakening or loss of the historic character of settlements and the historic context in how they have expanded, especially the importance of the relationship between the historic core of the settlement and surviving historic features such as churchyards, manor houses, burgage plots, historic farms, pre-enclosure paddocks and closes.'*

10.53 The LCA sets out a number of Landscape Strategies and Guidelines for development of the nature proposed. Of particular relevance to this scheme are:

- *'Maintain the secluded, sparsely settled character of the High Wold Dip-slope Valley by limiting new development to existing settlements;*

- *Ensure new development is proportionate and does not overwhelm the existing settlement;*
- *Control the proliferation of suburban building styles and materials;*
- *Conserve the existing dark skies of the valleys;*
- *Adopt measures to minimise and where possible reduce light pollution;*
- *Retain existing trees, dry stone walls, hedges etc as part of the scheme;*
- *Ensure the density of new development reflects its location relative to the 'core' of the settlement and its proximity to the surrounding rural landscape.'*

10.54 The application site currently constitutes a valuable gap between built form, characteristic of the northern side of the highway. The green spaces reinforce the rural character of the village, with the site abutted to the north by undeveloped open countryside. The existing hedge limits the formerly available long-range views across the valley, as does the existing garage building. The site is highly visible from public vantage points, with views from the highway and Chedworth Footpath 52 which runs to the east and north. The site is therefore considered to be highly sensitive.

10.55 The settlement fringes are characterised by a decreasing density, as the more built-up core of the village transitions into the more sparse open countryside. Chedworth deviates in terms of its layout from the traditional nucleated village, with its linear form seeing built form more predominant on the southern side of the highway, with the northern side characterised by a more sparse built pattern set within a patchwork of open agricultural fields and paddocks.

10.56 The existing site has materially changed since previous applications, notably the 2006 appeal, with a hedgerow established around most of the site. Trees have also grown to the north of the site resulting in seasonal reduction in views of the valley. The hedgerow particularly has resulted in the visual connection between the paddock with the wider valley to be diminished. As a result, the value of this open space, and the benefits it once provided as a link between the village and open countryside are less than at the time of the 2006 appeal.

10.57 The 2017 refusal is noted; however, this considered a proposal replacing the existing garage with a structure which appeared single-storey to the roadside and two-storey to the north. The property itself was not proposed on the existing site. The current application is for the principle of a dwellinghouse which could, for instance, be subterranean, and would therefore not result in the same visual impacts of a more traditional property.

- 10.58 A dwellinghouse on the site may result in elements of intrusion of suburban form into the settlement fringes and open countryside, as well as the use resulting in associated vehicle trips, noise, lighting and domestic paraphernalia.
- 10.59 However, current site area allows for the area to the east to be opened up to provide an enhanced open space, including with the removal of the existing garage, re-landscaping and/or re-planting of an orchard.
- 10.60 Given this potential enhancement, it is considered that a suitably designed property on the site may be plausible, whilst still conserving and enhancing the natural beauty of the National Landscape.

(d) Highways and Access

- 10.61 The site is to be accessed via an existing access onto the main (classified) road. It is noted that the access is existing and sufficient visibility splays should be possible (subject to potential alterations).

(e) Biodiversity

- 10.62 Local Plan Policy EN8 seeks to protect features, habitats and species and as such supports proposals which would conserve and enhance biodiversity. This policy seeks to avoid fragmentation or loss of habitats, in accordance with Section 15 of the NPPF.
- 10.63 Local Plan Policy EN9 seeks to safeguard the integrity of designated biodiversity and geodiversity sites at international, national and local scales. This conforms with Section 15 of the NPPF.
- 10.64 Paragraph 193 of Section 15 of the NPPF states that *'When determining planning applications, local planning authorities should apply the following principles:*
- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;(...).'*
- 10.65 The application site is within the identified Zone of Influence for the Cotswold Beechwoods Special Area of Conservation (SAC). Where residential development results in a net increase in occupants within the Zone of Influence are proposed, the Local Planning Authority is required to undertake an

Appropriate Assessment under the Habitats Regulations. As such, a net increase in occupants is considered to contribute to an impact on site integrity due to increased recreational pressure in combination with other development in the surrounding area. In addition to this, however, The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 states that:

'5B.-(1) A local planning authority may not grant permission in principle, on an application to the authority, in relation to development which is-

- (a) Major development;*
- (b) Habitats development;*
- (c) Householder development; or*
- (d) Schedule 1 development'*

10.66 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 provides an amendment to the Town and Country Planning (Permission in Principle) Order 2017, which includes the following definition at paragraph 4.(2)(b):

"habitats development" means development-

- (a) Which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and*
- (b) For which the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Assessment of implications for European sites and European offshore marine sites).'*

10.67 The SAC is of international importance and, as the application site is located within the identified Zone of Influence for the SAC, it is considered to fall within the definition of habitats development. Suitable measures are required for any new residential development within the SAC so as to mitigate the potential impact of the development upon this internationally designated wildlife site. This applicant has chosen to contribute to the Council's strategy, and confirmation that this satisfied the Biodiversity Officer has been provided, with a response from Natural England still pending, although expected.

Biodiversity net gain

- 10.68 This is a type of application that establishes the broad principle of development on a site, but doesn't grant full planning permission, as such, biodiversity net gain is not dealt with at this stage. It would be addressed at the technical details stage.

(f) Other matters:

- 10.69 The application site lies within Flood Zone 1 therefore no immediate concerns regarding flooding are raised; however, an informed drainage strategy was requested by the CDC Flood Risk Management Officer at the technical details stage.

11. Conclusion and Planning Balance:

- 11.1 The application site is considered to be outside the settlement of Chedworth, and therefore a dwellinghouse in this location would be contrary to the requirements of Local Plan Policy DS4. As such, Paragraph 11 (d) of the NPPF would apply.
- 11.2 With regard to criteria (i) of this Paragraph, the site is located within Chedworth Conservation Area, the Cotswolds National Landscape and a zone of influence for the Cotswold Beechwoods SAC. As discussed above, it is considered that there is a potential for a property on the site to meet the requirements of the relevant policies (within the Local Plan and Framework) in regard to the above. As a result, it is considered that these constraints would not provide a strong reason for refusing the development proposed.
- 11.3 Whilst the site is outside a defined settlement, it abuts it and is therefore considered not to be in an unsustainable location. One dwellinghouse on the site is considered a reasonable extent of what could be accommodated, and as such the proposal is considered an effective use of land. The design of the proposal would be a matter for the technical details application. As such, no adverse impacts of the proposal have been identified which would significantly and demonstrably outweigh the benefits of providing an additional dwellinghouse in this location.

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Location Plan

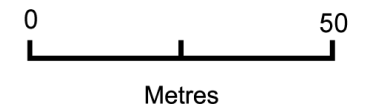
Site Address: Ethans Orchard Studio, Road From Cheap Street To Upper Barn, Middle Chedworth, Chedworth, GL54 4AL

Date Produced: 25-Jun-2025

Scale: 1:1250 @A4



Planning Portal Reference: PP-14123511v1



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Tree T32 - London Plane. Reduce back to previous pruning points and crown thin by 10% - to be repeated every three years - at Abbey Grounds Dugdale Road Cirencester Gloucestershire GL7 2EG

Works to trees with a TPO 25/02584/TPO	
Applicant:	Cotswold District Council
Agent:	
Case Officer:	Jordan Hawes
Ward Member(s):	Councillor Mark Harris
Committee Date:	8 October 2025
RECOMMENDATION:	PERMIT

1. Main Issues :

- (a) The potential loss of amenity

2. Reasons for Referral :

- 2.1 This application has been referred to the Planning and Licensing Committee for determination because it involves works to a protected tree on Council-owned land.

3. Site Description :

- 3.1 This application relates to a tree that lies within a parcel of land to the front of 13 Blake Road within the Abbey Grounds, Cirencester. The land is a public open space used as an amenity park.
- 3.2 The site lies within the Corinium Roman Town Scheduled Ancient Monument (SAM).
- 3.3 The site is covered under TPO 06/00118/TPO. Cotswold District Council became responsible for the TPO in 1974, which was previously under an Area Tree Preservation Order (TPO 1964) served on the land by Gloucestershire County Council in 1964.

4. Relevant Planning History :

- 4.1 14/05063/TPO - T.32 - London Plane prune back to the 2013 pruning cuts, and up to 500mm beyond if decay is found, into sound wood: Permitted 13.11.2014

- 4.2 16/02696/TPO - T32 London Plane - Crown raise to 4m above ground level, T41 Horse Chestnut - Crown raise to 4m above ground level, T2 Horse Chestnut - Crown raise to 3m above ground level, T3 Yew - Remove all growth from trunk to 5m above ground level: Permitted 11.08.2016.
- 4.3 16/05272/TPO - T32 London Plane. Prune back to the previous crown reduction pruning cuts and up to 500mm beyond if decay is found, into sound wood. Pruning to prevent reoccurrence of subsidence: Permitted 12.01.2017.
- 4.4 19/00025/TPO - T32 London Plane: Prune back to previous crown reduction pruning cuts, and up to 500mm beyond if decay is found, into sound wood: Permitted 14.02.2019.
- 4.5 20/03941/TPO - T32 on plan, London Plane. 1. Reduce tree back to previous pruning points, and up to 1m beyond to ensure cutting into sound and solid wood. Reason: Prevent recurrence of subsidence, insurance request; 2. Reduce back from houses to give 4m clearance from building, including gutter and roof. Reason: General maintenance and prevent encroachment; 3. Remove epicormic growth. Reason: General maintenance; 4. Crown raise to give 5m clearance between ground and tree by removing drooping secondary and tertiary branches only. Reason: Improve shape of tree to blend in with crown reduction: Permitted 13.01.2021.
- 4.6 22/00421/TPO T3 (Yew) - Remove deadwood; T26 (Snakebark Maple) - remove dead limb; T32 (Plane) - Crown lift; and T37 (Turkey Oak) - reduce weighted limbs: Permitted 03.03.2022.
- 4.7 23/00289/TPO - T32 - London Plane - Crown reduction: Permitted 14.03.2023.

5. Planning Policies:

- NPPF National Planning Policy Framework
- EN7 Trees, Hedgerows & Woodlands
- EN10 HE: Designated Heritage Assets

6. Observations of Consultees:

- 6.1 The Council's Tree Officers have submitted the application on behalf of the Council, and as such, the works proposed are as they have advised. Given the Tree Officers are the agents for the application and are recommending the proposed works, they have not been consulted as part of the application process.

6.2 GCC Archaeology: No objection.

6.3 Historic England: No comment.

7. View of Town/Parish Council:

7.1 No comments received at the time of writing.

8. Other Representations:

8.1 No comments received at the time of writing.

9. Applicant's Supporting Information:

- Location of Tree
- Photograph

10. Officer's Assessment:

10.1 Paragraph 090 of the Planning Practice Guidance (PPG) states that when considering an application for works to a tree protected by a Tree Preservation Order the Local Planning Authority should:

"assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;

- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- consider whether any requirements apply in regard to protected species;*
- consider other material considerations, including development plan policies where relevant; and*
- ensure that appropriate expertise informs its decision."*

10.2 National Planning Policy Framework (NPPF) Paragraph 187 requires decisions to:

"contribute to and enhance the local environment by ... 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."

10.3 Local Plan Policy EN7 (Trees, Hedgerows and Woodlands) stated:

"1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

a. trees of high landscape, amenity, ecological or historical value;

b. veteran trees;

c. hedgerows of high landscape, amenity, ecological or historical value; and/or

d. woodland of high landscape, amenity, ecological or historical value."

Within the supporting text to this Policy, Paragraph 10.7.3 advises *"For the avoidance of doubt, clause (a) of part one of the policy includes trees protected by a Tree Preservation Order or located within a conservation area;"*

10.4 It is proposed to reduce the tree back to previous pruning points and thin the crown by 10%, to be repeated every three years.

10.5 The works are proposed to leave the crown even and balanced. These works are part of ongoing management of the tree to ensure it does not pose a risk to members of the public and to limit any damage to properties, directly or via subsidence.

10.6 The works would not significantly reduce the size of the tree, nor cause it harm. The positive amenity contribution the tree currently makes to the park would be conserved by the proposed works.

10.7 The works are therefore considered to accord with the guidance within the PPG, NPPF Paragraph 187, and Local Plan Policy EN7.

11. Conclusion:

11.1 The works are considered acceptable and as such, the application is recommended for approval.

12. Proposed Conditions:

1. Works subject to this application must be carried out in accordance with the British Standard for tree works BS3998:2010.

Reason: To ensure that works are carried out to an industry pre-defined standard, in the interests of the health, safety and appearance of the preserved trees.

2. Climbing spikes/irons must not be used whilst undertaking any form of works on living trees, except on those that are to be felled.

Reason: Climbing spikes can cause extensive and long-term damage to tree health.

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CDC TREES

Abbey Grounds

Cirencester

Tree Schedule

- T1 - Yew
- T2 - Horse Chestnut
- T3 to T4 - Yew
- T5 - Box
- T6 to T9 - Yew
- T10 - Lawson Cypress
- T11 - Yew
- T12 - Western Red Cedar
- T13 - Yew
- T14 to T18 - Yew
- T19 - Lawson Cypress
- T20 to T23 - Yew
- T24 - Purple Plum
- T25 - Walnut
- T26 - Snakebark Maple
- T27 - Acer
- T28 - Blue Cedar
- T29 - Beech
- T30 to T31 - Hawthorn
- T32 - London Plane
- T33 - Birch
- T34 - Whitebeam
- T35 to T36 - Apple
- T37 - Turkey Oak
- T38 to T39 - Prunus
- T40 - Beech
- T41 - Horse Chestnut
- T42 - Sycamore
- T43 - Corsican Pine
- T44 - Sycamore
- T45 to T51 - Yew
- T52 - Coast Redwood
- T53 - Western Red Cedar
- T54 - Robinia
- T55 to T57 - Yew
- T58 - Thuja
- T59 - Yew
- T60 - Thuja
- T61 - Sycamore
- T61A to T63 - Yew
- T64 - Sycamore
- T65 - Hawthorn
- T66 - Lime
- T67 to T75 - Yew
- T76 - Japanese Maple
- G1 - Linear group of 7 Yew beside path
- G2 - Linear group of 3 Yew
- G3 - Group of 6 Yew
- G4 - Group of 5 Yew
- G5 - Group of 8 Yew
- G6 - Group of 6 Yew

- Ownership Boundary
- Scheduled Ancient Monument



Scale: 1:1000

Date: 4th June 2014

N



Cotswold District Council, Trinity Road, Cirencester, Glos.
Crown Copyright Ordnance Survey Licence No.100018800

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Abbey Grounds -T32 Plane Tree

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COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 08.10.2025
Subject	TREE PRESERVATION ORDER – 25/00002 – 5 MILL CLOSE, BLOCKLEY
Wards affected	Blockley
Accountable member	Cllr Juliet Layton. Deputy Leader and Cabinet Member for Housing and Planning. Email: juliet.layton@cotswold.gov.uk
Accountable officer	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: justin.hobbs@cotswold.gov.uk
Report author	Justin Hobbs (Tree Officer, Natural, Built and Historic Environment) Email: justin.hobbs@cotswold.gov.uk
Summary/Purpose	To consider the Tree Preservation Order (TPO) made on trees at 5 Mill Close, Blockley. To determine whether the TPO should be confirmed, confirmed subject to modification, or not confirmed.
Annexes	Annex A – Site location and position of trees. Annex B – Section 211 to fell the trees. Annex C – CDC TPO Assessment for 5 Mill Close. Annex D – Photographs of the trees subject to the TPO Annex E – Copy of the TPO. Annex F – Copy of objection to the TPO.
Recommendation(s)	That Planning and Licensing Committee resolves to: Confirm TPO 25/00002
Corporate priorities	<ul style="list-style-type: none"> • Delivering Good Services • Responding to the Climate Emergency • Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Natural, Built & Historic Manager, Chair of the Planning and Licensing Committee, Ward Member, and Parish Council. Landowner and all interested parties were also served with a copy of the TPO and Notice as per section 6 of the

1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise members of a Tree Preservation Order (TPO) at 5 Mill Close, Blockley (CDC ref TPO 25/00002).
- 1.2 5 Mill Close is located in Blockley Conservation Area.
- 1.3 On 09.06.25 Section 211 Notice to fell a mature copper beech, a mature ash, and a small evergreen tree in the garden of 5 Mill Close was submitted to the council.
- 1.4 In response to the Notice, I visited site and undertook an assessment to determine the expediency of making a TPO. The assessment indicated that it was expedient to make a TPO to protect the mature copper beech and ash trees.
- 1.5 Section 198 of the Town & Country Planning Act 1990 allows the Council to make TPOs if it appears expedient in the interests of amenity.
- 1.6 The TPO was made and served on 08.07.2025.
- 1.7 One objection to the making of the TPO was submitted to the council within the statutory 28-day consultation period following the making of the TPO.
- 1.8 The Council has a legal obligation to thoroughly consider objections and/or representations made regarding the TPO.
- 1.9 This report considers and responds to the grounds for objection.
- 1.10 The conclusion of the report is a recommendation that the TPO is confirmed.

2. BACKGROUND

- 2.1 Located centrally in Blockley Conservation Area, 5 Mill Close is the end dwelling of a row of properties previously used for cottage industries since the 19th century. The large garden area of property lies to the east of the dwelling. The trees subject to the TPO are located towards the eastern boundary of the garden. **Refer to Annex A for a site location and position of the trees.**
- 2.2 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies.
- 2.3 A Section 211 Notice to fell a mature copper beech, a mature ash, and a small evergreen tree was received on 09.06.25. The Notice was given a planning reference of 25/01741/TCONR. **Refer to Annex B for a copy of the Section 211 Notice.**
- 2.4 Upon receipt of a valid Section 211 Notice the council has the following options:
 - make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;



- decide not to make an Order and inform the person who gave notice that the work can go ahead within 2 years of the date of the notice; or
 - decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
- 2.5 On 24.06.25 I visited site and undertook an assessment to determine if it was expedient in the interests of public amenity to make a TPO in response to the Notice.
- 2.6 CDC uses a TPO Assessment form which follows Government Guidance¹, which states "*When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way*".
- 2.7 The TPO assessment indicated that the mature copper beech and ash tree were worthy of a TPO and the small evergreen (cypress) tree was not. The TPO does not include the cypress tree which, if has not been removed already, can be removed. **Refer to Annex C for a copy of the TPO Assessment form.**
- 2.8 The copper beech and ash trees are mature trees between 20 – 25m in height. No tree is ever 100% 'safe' and trees of this size will contain small amounts of deadwood and minor dysfunction. However, physiologically and structurally, I could not find any significant risk features.
- 2.9 Both trees are growing in an elevated position within the village and are clearly visible from numerous public places including the village green and well-used rights of way and roads through the village. **Refer to Annex D for photographs of the trees.**
- 2.10 Following consultation with the Chair of the Planning & Licensing Committee and the local Ward Member, the TPO was served on 08.07.25. **Refer to Annex E for a copy of the TPO.**
- 2.11 On 08.07.25 and in line with the legislation relating to TPOs, all interested parties (in this case the property owner & neighbouring properties) were served with a copy of the TPO and a Regulation 5 Notice.
- 2.12 The Regulation 5 Notice included the reasons for making the TPO as:
A section 211 Notice has been submitted to fell the trees. The trees contribute significantly to public visual amenity in the locality. The removal of the trees will degrade the conservation area. The TPO ensures the trees are fully considered in any future decisions that affect them.
- 2.13 Under the provisions of the legislation the TPO takes effect immediately but must be confirmed as it was made or confirmed subject to modifications by the Council within six months if it is to take permanent effect. Prior to doing this, the Council must thoroughly consider any objections and/or representations that have been made.
- 2.14 The regulations relating to TPOs allow for a 4-week consultation period from the date the TPO is served for written representations to be submitted to the council. After this period has passed, it is for the Council to determine whether to take account of any further representations.
- 2.15 Within the 4-week consultation period the site owner submitted a formal objection. **Refer to Annex F for a copy of the objection.**

¹ <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>



3. THE GROUNDS FOR OBJECTION TO THE TPO

3.1 To assist members, the grounds for objections are summarised below:

1. The ash tree has early symptoms of Ash Dieback.
2. The Ash tree is causing problems with neighbouring telephone wires.
3. General concerns about the size of the trees and potential for large limb loss – a large limb fell on a previous owners parked car, and concern about “summer branch drop”.

4. OFFICER RESPONSE

4.1 The grounds for objections are considered as follows.

4.2 Response to grounds for objection 1

- 4.2.1 Ash Dieback, caused by the fungus *Hymenoscyphus fraxineus*, poses a significant threat to ash trees across the country. Initial symptoms include leaf loss and crown dieback, leading to the increased amount of deadwood in the canopy and eventually death.
- 4.2.2 At the time of my assessment, I could not find definitive ash dieback symptoms. Some minor dieback and minor deadwood were evident in the canopy, but this is not uncommon for any tree of this age.
- 4.2.3 For non-woodland ash trees the estimated mortality rates are at least 50%². However, it is not a foregone outcome that this tree will become infected with ash dieback.
- 4.2.4 New research indicates that ash trees in a woodland setting are, through natural selection, working to combat the disease³. It is therefore vital that uninfected ash trees are retained wherever possible.
- 4.2.5 If this tree becomes infected with ash dieback, remedial works can be applied for and if the proposed works are appropriate to the level of infection, the application would be granted consent.

4.3 Response to grounds for objection 2

- 4.3.1 An application to prune branches interfering with overhead services has been made and granted consent (CDC ref 25/02499/TPO).

4.4 Response to grounds for objection 3

- 4.4.1 Society widely recognises that trees provide substantial socio-economic and environmental benefits.
- 4.4.2 However, it is understandable that large trees can cause concern for people and properties near them.

² [A summary of the impacts of ash dieback on UK biodiversity, including the potential for long-term monitoring and further research on management scenarios](#)

³ [British ash woodland is evolving resistance to ash dieback - Queen Mary University of London](#)

- 4.4.3 Summer branch drop is a very rare but potentially hazardous phenomenon where large, mature trees shed substantial branches during summer, often without any visible signs of defect. The phenomenon is extremely rare and the overall risk to public safety is negligible.
- 4.4.4 It is reasonable therefore that in managing large trees, a pragmatic, realistic approach is required to reduce the risk of harm and damage from trees, including the trees subject to this TPO.
- 4.4.5 For context, the overall risk to human safety from trees is low. The level of risk of an individual being killed by a falling tree (or part of a tree) in any given year, during the period of 1997 to 2022, was one in 15 million per year. So far as non-fatal injuries in the UK are concerned, the number of accident and emergency (A&E) cases attributable to being struck by trees (about 55 a year) is exceedingly small compared with the approximately 2.9 million leisure-related A&E cases per year. Footballs (262 000), children's swings (10 900) and even wheelie bins (2200) are involved in many more incidents.⁴
- 4.4.6 While the context provided does not seek to downplay the potential risks posed by large trees—whether protected by a TPO or not—it is factually accurate to state that the overall risk to human safety from trees is low. Given the significant benefits trees provide, their management should be proportionate to their setting.
- 4.4.7 In my opinion, felling these trees because they are large, and may at some point in the future shed a large limb, or fail, is not proportionate.
- 4.4.8 A reasonable approach to reducing the risks large trees pose is for periodic inspections and appropriate remedial works based on the findings of the inspections.
- 4.4.9 This approach is also likely to be more cost effective to an owner of a large tree; the removal or pruning of a branch will cost considerably less than the felling of an entire tree.
- 4.4.10 The making and confirmation of the TPO does not prevent applications for works in the future. Such applications would be treated on their merits.

5. ALTERNATIVE OPTIONS

- 5.1 To not confirm the Order, or to confirm the Order as modified (in this case by removing one of the trees from the Order).

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications for the Council

7. LEGAL IMPLICATIONS

- 7.1 There are no legal implications of this report beyond those associated with the serving of a TPO.

8. EQUALITIES IMPACT

- 8.1 There are no equalities impacts related to this report.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

⁴ [NTSG-summary.pdf](#)

- 9.1 The protection and retention of trees can provide both climate emergency and nature recovery benefits.

10. BACKGROUND PAPERS

- 10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- None

(END)

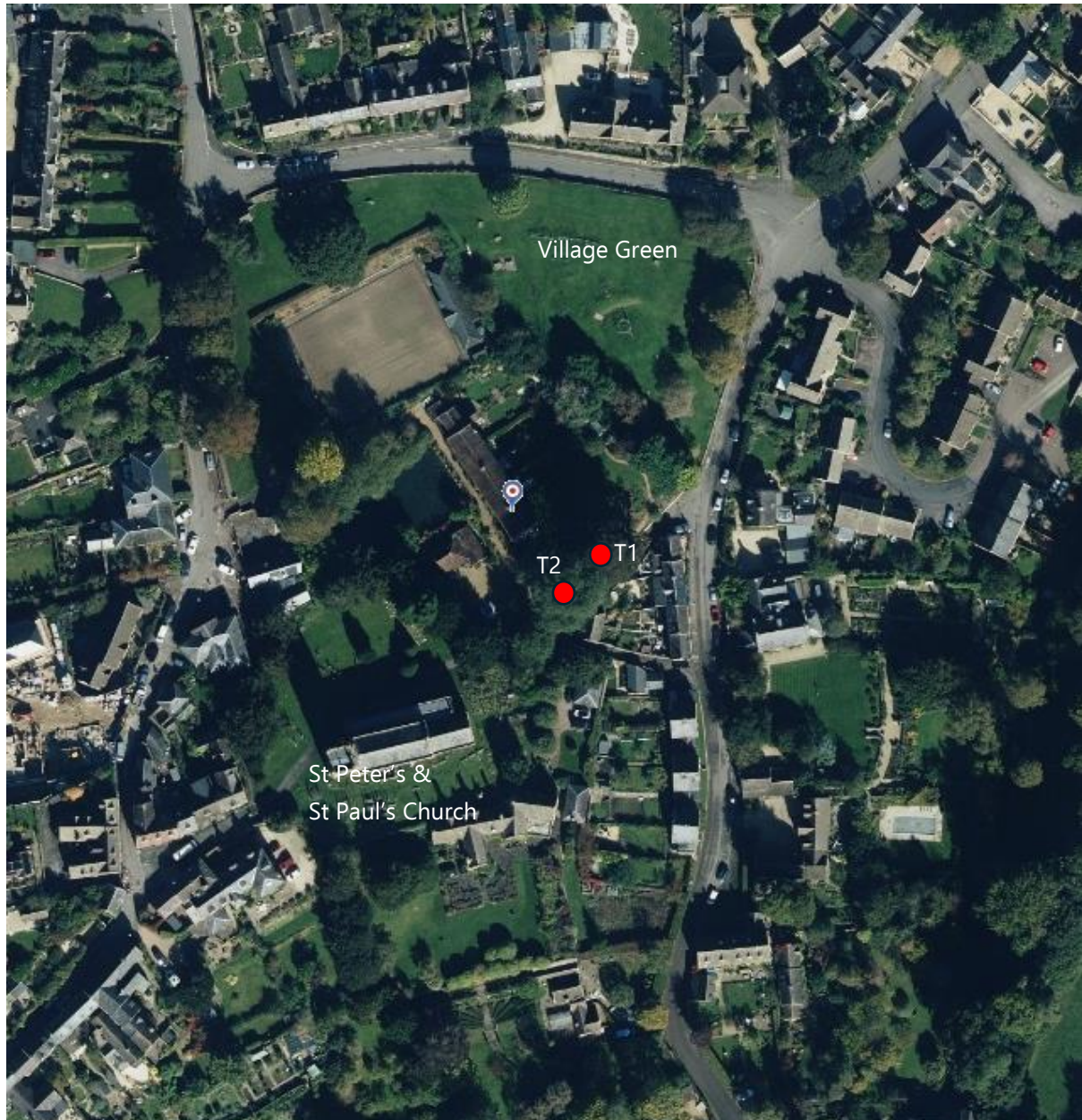


ANNEX A – LOCATION PLAN

 - 5 Mill Close

T1 – Beech tree

T2 – Ash tree



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ANNEX B – COPY OF SECTION 211 NOTICE



Trinity Road, Cirencester, Glos. GL7 1PX

Email: planning@cotswold.gov.uk Tel: 01285 623000www.cotswold.gov.uk

Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

5

Suffix

Property Name

Address Line 1

Mill Close

Address Line 2

Address Line 3

Gloucestershire

Town/city

Blockley

Postcode

GL56 9DN

Description of site location must be completed if postcode is not known:

Easting (x)

416488

Northing (y)

234977

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Applicant Details

Name/Company

Title

Miss

First name

Lucinda

Surname

O'Dowd

Company Name

Address

Address line 1

5 Mill Close

Address line 2

Blockley

Address line 3

Moreton -in -Marsh

Town/City

County

Country

United Kingdom

Postcode

GL56 9DN

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

- ☐ Yes
☒ No

Are you wishing to carry out works to tree(s) in a conservation area?

- ☒ Yes
☐ No

Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of work for the question 'Identification of Tree(s) and Description of Works')?

- ☒ Yes
☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application

1. Tree Application - Sketch
2. Photo of Ash Tree
3. Photo of Copper Beech Tree
4. Photo of Cypress (?) Tree leaning on the path

Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

1. Ash Tree - Ash Tree is marked with a purple dot on the Sketch Plan (and labelled "Ash"). This is a very large, overpowering tree which has outgrown its surroundings. Due to its close proximity to the house, the roots have caused structural damage to the exterior porch (loggia) [NB which I have already applied for planning permission to rebuild due to the damage caused to the loggia]. It would cause tremendous damage to the Grade II listed building if the Ash Tree was to fall during a storm, especially when the ground gets very wet due to the high rain fall in this area. I am making this application to seek Council's approval to have the tree felled.

2. Copper Beech - Copper Beech is marked with a blue dot on the Sketch Plan (and labelled "Copper Beech"). As with the above-mentioned Ash Tree, this is a very large and overpowering tree which has outgrown its surroundings, and is in close proximity both to the house and to the main access road up to the house (which also serves as the only access road to most of the properties at Mill Close), it could potentially cause great damage if the tree were to fall. I am making this application to seek Council's approval to have the tree felled.

3. Cypress Tree (? - unsure of exact species) - This tree is marked with a black dot on the Sketch Plan (and labelled "Tree leaning on path (possibly a Cypress tree?)"). The tree is covered in ivy, and is leaning onto the pathway that is used by all other owners at Mill Close (1, 2, 3 and 4). The tree is leaning onto another tree on the path, which is bearing its full weight and could collapse at any moment. If the tree collapsed under the weight, it could potentially bring down the wall and damage/cause disruption to the road which runs up the side of the wall leading to the church and again is the access road used by the properties at Mill Close. I am making this application to seek Council's approval to have the tree felled.

I am willing to replace all the trees mentioned above with smaller, more suitable, species.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) – Whole crown reduction to 12m above ground level, to provide sufficient clearance to property.

Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
 - mark and name surrounding roads
 - sketch in buildings, including adjoining properties
 - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
 - marking all trees on the plan, but only numbering those to which you want to carry out work
 - showing the approximate distance between the application tree(s) and buildings
 - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

Tree Ownership

Is the applicant the owner of the tree(s)?

☒ Yes

☐ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

☐ Yes

☒ No

Declaration

I/We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Lucinda O'Dowd

Date

08/06/2025



ANNEX C – CDC TPO ASSESSMENT

Cotswold District Council Tree Preservation Order Assessment

Site: **5 Mill Close, Blockley** Date: **24.06.25**

Officer: **JH**

General Description of Tree(s) (or group of trees/woodland):

1no mature copper beech & 1no mature Ash approx. 25m height, TD – 900 - 1000mm, 1no cypress tree, 3m height, TD – 150mm

1 Public Visibility

Public places from which the tree can be seen (including future considerations such as development)

Beech & Ash clearly visible from Mill close & surrounding roads & busy footpath through adjacent Church. Upper crowns visible from village green – copper beech especially prominent. Cypress tree, small & inconsequential.

Is/are the tree/trees a skyline feature?

Beech & Ash yes, trees are growing in an elevated position. Cypress tree no.

Is/are the tree/trees seen against a backdrop of other trees?

Not in the main.

Is/are the tree/trees a visual feature in a Conservation Area or AONB?

Beech & Ash Yes. Prominent trees in the heart of Blockley Conservation Area. Cypress no.

Cypress not worthy of a TPO

2 Arboricultural Quality

Is/are the tree/trees in reasonable arboricultural condition?

Yes – No significant structural or physiological risk features at time of assessment. Good crown vitality, no significant deadwood, no evident basal issues, no fungal fruiting bodies. Ash not definitely infected with Ash Dieback.

Is/are the tree/trees an appropriate species for the character of the locality and landscape?

Yes – mix of ornamental & native in a large, historic garden setting.

Is/are the tree/trees a particularly old or large example of its species and/or does the tree have veteran characteristics?

No veteran characteristics.

Does/do the tree/trees have specific cultural, historic or biodiversity interest?

Partially. Ash is native, and whilst the beech is ornamental, it will provide biodiversity value.

3 Life Expectancy and Replaceability

Has/have the tree/trees a biological life expectancy of more than 20 years?

Yes (unless ash is infected with ADB). Both mature and not showing characteristics of over maturity/decline.

Is/are the tree/trees growing in sufficient space to be allowed to grow for a further 20 years?

Yes. The trees are fully grown and in a large garden setting.

Could the visual amenity value of the tree/s be replaced by new planting within 10 years?

No, absolutely not.

Is there clear evidence of structural damage to property caused by the tree(s) that could only be resolved by removal of the tree(s)?

No – No evidence of structural damage provided. Both trees are approx. 2m from top of a retaining wall. No evidence of damage to wall.

4 Impact of Removal

Would the loss of the tree(s) be noticeable from public places?

Yes, significantly

Would the removal of the tree(s) harm or benefit the health or stability of other trees?

The removal of 1 tree would expose the other tree to increased wind pressure from the direction of the removed tree.

Would the removal of the tree(s) result in loss of screening of an eyesore or poor quality landscape feature?

No

Is/are the tree/trees part of an agreed landscape/ tree retention scheme or replacement planting scheme subject to a planning condition?

No

Conclusions

Would the removal of the tree(a) have a significant negative impact on the local environment and its enjoyment by the public?

Yes

Would protection with a TPO bring a reasonable degree of public benefit in the present or future?

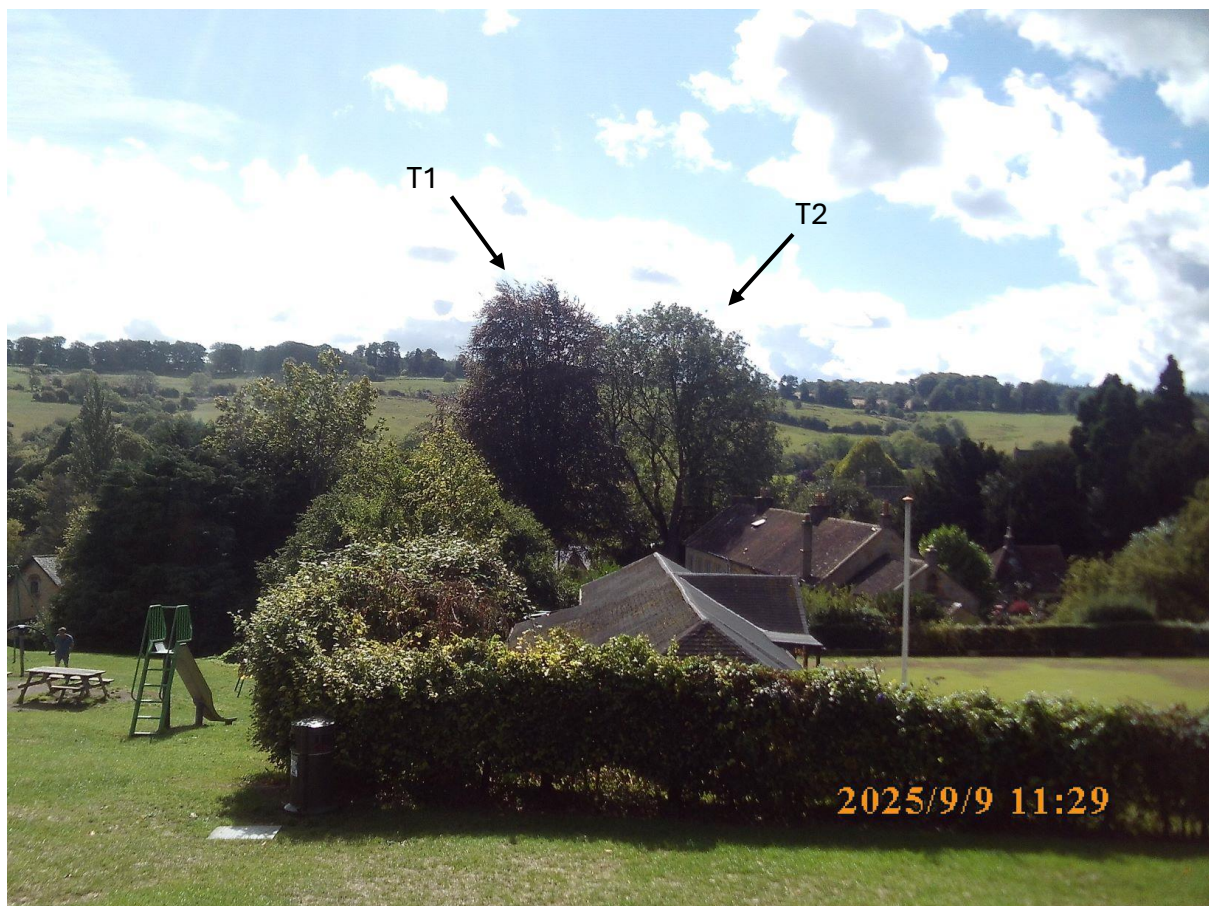
Yes, if the ash tree develops Ash Dieback, it can be managed accordingly as/when/if this happens.

Expedient to serve a Tree Preservation Order - **Beech & Ash Yes, as individual trees.**

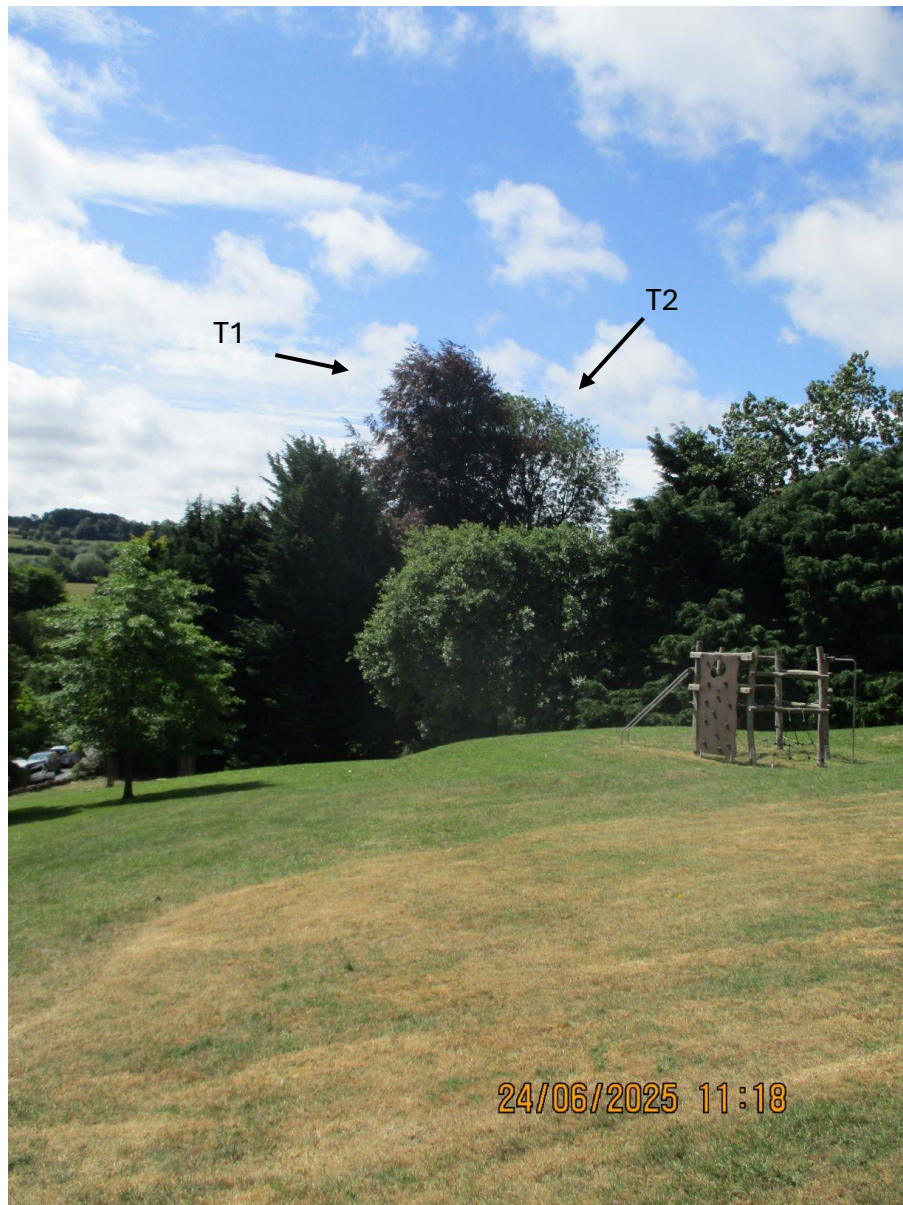
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ANNEX D – 4 PHOTOGRAPHS OF THE TREES

Photograph 1. The trees from village green looking south



Photograph 2. The trees from village green looking south west



Photograph 3. T1 from entrance to Mill Close of Lower Street



Photograph 4. The trees from Lower Street looking north





ANNEX E – COPY OF TPO 25/00002



COTSWOLD
DISTRICT COUNCIL

Dated 8th July 2025

**COTSWOLD DISTRICT COUNCIL
TREE PRESERVATION ORDER NO 25/00002**

**5 MILL CLOSE, BLOCKLEY, MORETON-IN-MARSH,
GLOUCESTERSHIRE, 2025**

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation)(England)
Regulations 2012**

TREE PRESERVATION ORDER

relating to

5 MILL CLOSE, BLOCKLEY, MORETON-IN-MARSH, GLOUCESTERSHIRE, 2025

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE
PRESERVATION)(ENGLAND) REGULATIONS 2012**

**COTSWOLD DISTRICT COUNCIL TREE PRESERVATION ORDER
NO 25/00002**

5 Mill Close, Blockley, Moreton-in-Marsh, Gloucestershire 2025

The Cotswold District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number **25/00002, 5 Mill Close, Moreton-in-Marsh, Gloucestershire, 2025**

Interpretation

2. (1) In this Order "the authority" means the Cotswold District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

13735

Authorised by The Council to sign in that behalf

[illegible]

This Order was confirmed by the Cotswold District Council, subject to the modifications indicated by

Signed on behalf of The Cotswold District Council

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A decision not to confirm this Order was taken by Cotswold District Council on the _____ day of _____ 20_____

.....

This Order was varied by the Cotswold District Council on the
day of 20

.....

This Order was revoked by the Cotswold District Council on the
day of 20

Page 233

SCHEDULE
SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	Close to eastern boundary of property. Grid reference SP 16518 34969
T2	Ash	Close to southeastern edge of property. Grid reference SP 16509 34959

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

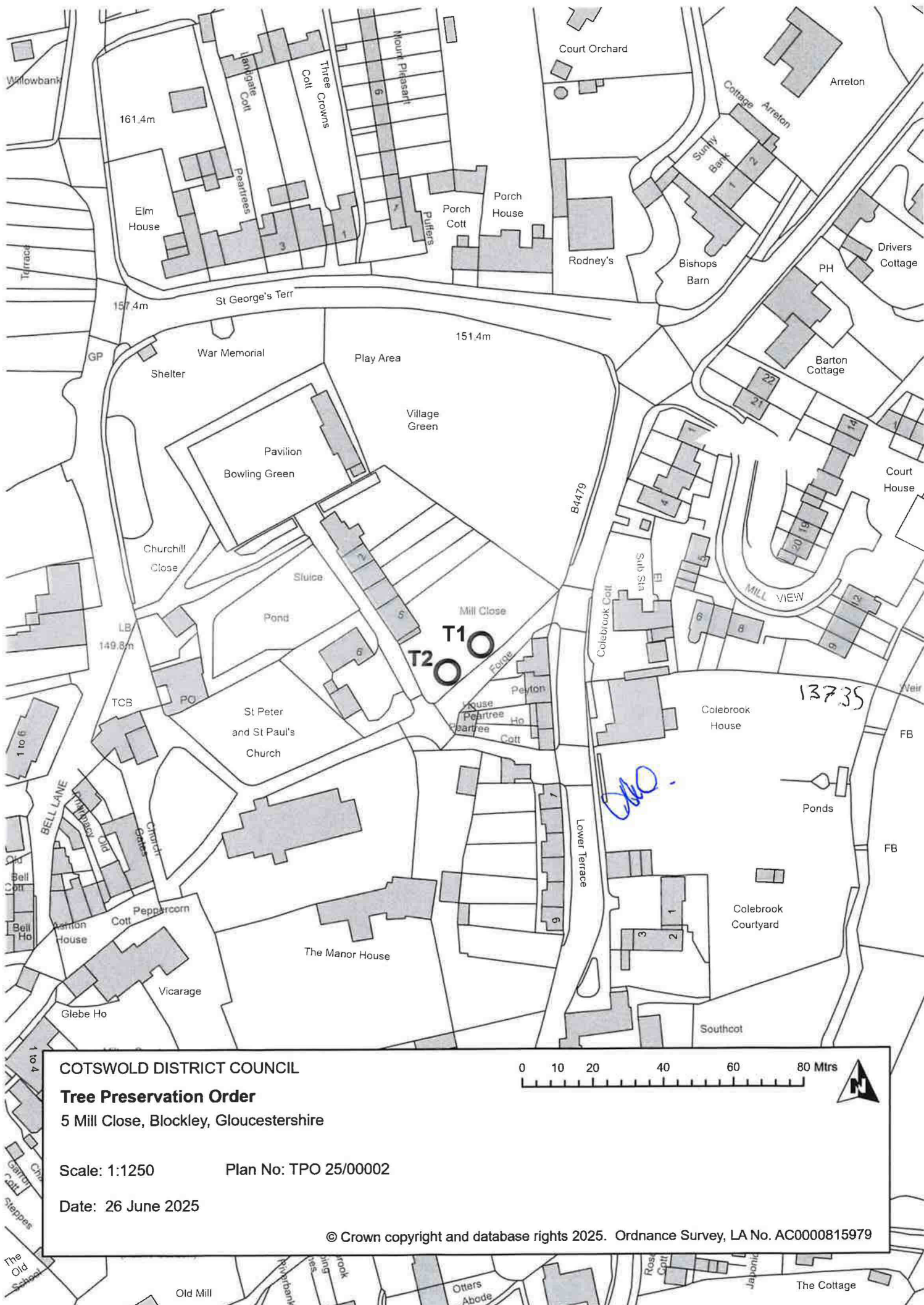
Reference on map	Description	Situation
None		

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
None		

WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
None		



COTSWOLD DISTRICT COUNCIL

Tree Preservation Order

5 Mill Close, Blockley, Gloucestershire

Scale: 1:1250

Plan No: TPO 25/00002

Date: 26 June 2025

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ANNEX F – COPY OF THE OBJECTION TO THE TPO

From: Lucinda O'Dowd
Sent: 04 August 2025 09:28
To: Justin Hobbs
Subject: Re: New TPO - 5 Mill Close Blockley

Dear Mr. Hobbs,

Reference: TPO 25/00002

Thank you for clarifying about the third tree. I will make the necessary arrangements.

With regard to the temporary TPOs, I have the following comments to make:

As temporary TPOs have now been placed on both the Ash and Beech tree, in spite of their excessive height as well as other reasons listed on the application, I should like to express my concern.

I am particularly worried about the TPO on the Ash tree. It would seem that there are now some additional problems. Therefore, I should like to bring to your attention the following points regarding this tree:

1.I have been advised by a reputable tree specialist that it has early signs of Ash die back. I believe that once this progresses, branches will become brittle and more prone to falling and eventually the whole tree will become affected, with felling being the only solution.

2.This tree is causing additional problems with a neighbour's telephone wires due to its excessive height. I have been asked by them to remedy this (see attached photo).

3.The previous owners had a branch fall on the roof of their car causing substantial damage to the vehicle. Thankfully nobody was hurt. The space below the tree, is a parking space and the only one available for 5 Mill Close's use.

I should be grateful if you would take these additional points into consideration when making a final decision on the TPO.

Thank you for your help and support.

Yours sincerely,
Lucinda O'Dowd



From: Justin Hobbs

Sent: Wednesday, July 9, 2025 19:44

To: 'Lucinda O'Dowd'

Subject: RE: New TPO - 5 Mill Close Blockley

Dear Miss O'Dowd

Thank you for your email. Apologies, I should have clarified the situation with that tree. The third tree subject to the Notice to fell, the evergreen tree, is not protected by the TPO and the council does not object to its removal.

Kind regards

Justin Hobbs

Tree Officer

From: Lucinda O'Dowd
Sent: 09 July 2025 17:34
To: Justin Hobbs
Subject: Re: New TPO - 5 Mill Close Blockley

Dear Mr. Hobbs,

Ref: 5 Mill Close, Blockley

Thank you for your email.

Apart from the letter stating that TPOs have been placed on the Ash and Beech, there appears to be no mention as to whether permission has been granted to fell the third tree. I should be grateful if you would clarify the situation.

Yours sincerely,

L. V. O'Dowd (Miss)

From: Justin Hobbs
Sent: Tuesday, July 8, 2025 2:26:28 PM
To: Lucinda O'Dowd
Subject: New TPO - 5 Mill Close Blockley

Dear Miss O' Dowd

I hope this email finds you well.

Please find attached a copy of the TPO made today that protects the Ash and Copper Beech trees at 5 Mill Close Blockley. Also attached is the required Notice informing you of the TPO, the reasons for making the TPO and how you can make representations to the council about the TPO.

Please contact me if you have any queries.

Hard copies will also be delivered to 5 Mill Close.

Kind regards

Justin Hobbs

Tree Officer