

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 right 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.

xl ii) 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?

xl iii) 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.

xl iv) 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.