

**Residential development for up to 280 dwellings, associated works including infrastructure, ancillary facilities, open space, landscaping and pumping station. Construction of a new vehicular access off Kingshill Lane (Outline application) at Land West of Kingshill Lane Cirencester Gloucestershire**

<b>Outline Application 24/02854/OUT</b>	
Applicant:	Robert Hitchins Limited
Agent:	
Case Officer:	Martin Perks
Ward Member(s):	Councillor Mike Evely
Committee Date:	11 June 2025
<b>RECOMMENDATION:</b>	<b>PERMIT subject to no objection from Gloucestershire County Council Highways and completion of S106 legal agreement covering provision of affordable housing, self-build/custom build plots, highway improvements works (if required), Public Open Space management and maintenance, Biodiversity Net Gain, financial contributions to libraries and North Meadow and Clattinger Farm Special Area of Conservation</b>

## **1. Main Issues:**

- (a) Residential Development Outside a Development Boundary
- (b) Housing Mix, Affordable and Self-Build/Custom Build Housing
- (c) Impact on the Character and Appearance of the Area
- (d) Impact on the Setting of Heritage Assets
- (e) Accessibility and Highway Safety
- (f) Flooding and Drainage
- (g) Biodiversity

## **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 to a group of agricultural fields located adjacent to the eastern edge of the settlement of Cirencester. The application site measures

approximately 13.49 hectares in size and primarily consists of arable fields bordered by hedgerows and trees. The site occupies a sloping area of land which rises approximately 14-15m from its south to its north. The western boundary of the application site lies adjacent to a 21st century housing development and an allotments. The northern boundary of the site adjoins sports field and recreation/sports/leisure development (Cirencester Town Football Club, Cirencester Arena). Hedgerows and trees separate the site from the respective development to the north. The eastern boundary of the application site adjoins a highway (Kingshill Lane). A mix of trees and hedgerows form a boundary between the aforementioned road the wider application site. The village of Preston is located to the east of the aforementioned lane and to the south-east of the application site. The southern boundary of the site adjoins agricultural fields and is defined by hedgerows and a watercourse.

- 3.2 The western boundary of the site is located adjacent to Cirencester Development Boundary.
- 3.3 Public Right of Way BPR4 extends in an east-west direction through the application site. It lies just to the north of the central part of the site.
- 3.4 The application site is located approximately 320m to the west of Preston Conservation Area. The nearest listed buildings to the site are the Grade II listed Forty Farmhouse and the barn to its north, which are located approximately 110m and 90m respectively to the south of the application site. The Grade II\* Church of All Saints in Preston is located approximately 390m to the east of the proposed development. The Grade II listed Church Farmhouse and Preston Place are located adjacent to the aforementioned church.
- 3.5 The site is not located within the Cotswolds National Landscape nor a Special Landscape Area.
- 3.6 The site is located within Flood Zone 1. However, land lying adjacent to the south/south-west of the application site is located within Flood Zones 2 and 3.
- 3.7 The application site is located within the zone of influence of North Meadow and Clattinger Farm Special Area of Conservation (SAC).
- 3.8 A line of electricity pylons and overhead cables extend in a north-south direction adjacent to the western edge of the application site.

#### **4. Relevant Planning History:**

- 4.1 16/05245/OUT Outline application (with all matters reserved for subsequent consideration) for residential development (up to 375 dwellings), infrastructure, ancillary facilities, open space and landscaping, creation of new vehicular access and emergency vehicular access from Kingshill Lane. Withdrawn 2018
- 4.2 16/05246/OUT Outline application (with all matters reserved for subsequent consideration) for residential development (up to 130 dwellings), infrastructure, ancillary facilities, open space and landscaping, and creation of new vehicle access from Kingshill Lane. Withdrawn 2018
- 4.3 22/02351/SCR Request for Environmental Impact Assessment Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for residential development of up to 280 dwellings. EIA not required 2022
- 4.4 23/01597/OUT Residential development for up to 280 dwellings, associated works including infrastructure, ancillary facilities, open space, landscaping and pumping station. Construction of a new vehicular access off Kingshill Lane (Outline application). Refused 2023. Appeal Withdrawn 2024

#### **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
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF1 Infrastructure Delivery
- INF2 Social & Community Infrastructure
- INF3 Sustainable Transport
- INF4 Highway Safety

- INF5 Parking Provision
- INF7 Green Infrastructure
- INF8 Water Management Infrastructure
- NPP Preston Neighbourhood Development Plan 2
- NPP1 Policy 1: Preston Countryside and Landsc
- NPP2 Policy 2: Design
- NPP5 Policy 5: Footpaths and Cycleways
- NPP6 Policy 6: Community Infrastructure
- NPP7 Policy 7: Transport and Village Amenity

## **6. Observations of Consultees:**

- 6.1 Gloucestershire County Council Highways: Awaiting response.
- 6.2 Gloucestershire County Council Public Rights of Way: Comments incorporated in Officer Assessment section of this report
- 6.3 Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions.
- 6.4 Gloucestershire County Council Community Infrastructure: Requests financial contribution of £54,880 to library services. No education contribution is sought.
- 6.5 Gloucestershire County Council Archaeology: No objection subject to condition
- 6.6 Housing Officer: Comments incorporated in Officer Assessment section of this report
- 6.7 Conservation Officer: Objection - comments incorporated in Officer Assessment section of this report
- 6.8 Biodiversity Officer: No objection subject to conditions.
- 6.9 Tree Officer: No objection.
- 6.10 Environmental and Regulatory Services Air Quality: No objection
- 6.11 Environmental and Regulatory Services Contamination: No objection subject to condition
- 6.12 Environmental and Regulatory Services Noise: No objection

- 6.13 Thames Water: Comments incorporated in Officer Assessment section of this report
- 6.14 Historic England: No response to date. The following comments were received in relation to the previous application: *'Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.'*
- 6.15 Active Travel England:
- 6.15.1 *'ATE retains its recommendation that the application is refused in the absence of a contribution towards improving accessibility to the west of the site, between the development and the town centre, in accordance with the recommendations of Gloucestershire County Council (GCC)'s Local Cycling and Walking Infrastructure Plan (LCWIP).*
- 6.15.2 *Consequently, this risks the potential for car-based living amongst the new population while the proposals remain unable to demonstrate that the site will be readily accessible to a range of local facilities (other than local schools) by attractive, safe and inclusive walking, wheeling and cycling routes, while public transport opportunities continue to be limited.*
- 6.15.3 *As a result of the paucity of direct, safe and attractive linkages to local facilities that meet modern standards, which is evidenced by the resultant low mode share forecast for walking, cycling and public transport and the lack of ambitious targets for modal shift or robust Travel Plan monitoring and failsafe measures, ATE is unable to support the application proposals in their current state.*
- 6.15.4 *The proposals consequently remain contrary to the vision-led approach to transport planning, as expected by the National Planning Policy Framework (NPPF) paragraphs 109, 115, 117 and 118 where movements by active and sustainable modes require to be prioritised.'*

## **7. View of Parish Council:**

- 7.1 16 page letter of objection received on the 27th November 2024.

Conclusion states:

7.1.1 *'it is our view that the application proposals will result in the erection of new- build open market housing on an unallocated, windfall site, outside a Principal or Non-Principal Settlement contrary to Policy DS4 of the Local Plan.*

7.1.2 *Furthermore, due to the scale of the proposals, it is considered that the development would take the form of a large urban extension into the open countryside, severing the existing green wedge between the settlements. Set against the skyline it would appear prominent and legible as a large urban extension. In addition, the application proposals are considered to have an adverse impact on heritage assets.*

7.1.3 *We respectfully request therefore that the application is refused on the basis of the overriding evidence that the proposals are contrary to the relevant planning policies and material considerations.'*

7.2 Full response is attached as an appendix to this report.

## **8. Other Representations:**

8.1 38 objections received.

8.2 Main grounds of objection are:

- i) I am far more convinced over the calculations on housing supply from CDC than the applicants. I note that whether previous oversupply of residential is taken into account is currently a planning judgement. Whilst residential supply is not expressed as a maximum, this development would be a significant increase on the requirement. CDC in the last 3 years has also delivered 120% of its defined need, not the 96% stated by the Government. There is clear evidence that CDC does not to add there 280 dwellings and the tilted balance, is not relevant.
- ii) The area's roads will not be suitable for the extra traffic following such a development as they already struggle and the nearby Steadings development has not yet completed. Local infrastructure including Medical facilities, schools and community hubs are insufficient. Water issues at the bottom of the hill/ main Swindon Road see frequent flooding which is a major issue. Local wildlife and environment will be heavily impacted.

- iii) Preston village and conservation area would be heavily impacted and the area would become part of the main town of Cirencester with no green belt.
- iv) Using up more green land and countryside.
- v) Not enough infrastructure for this development traffic wise.
- vi) Already so much being built in Cirencester eg the Steadings.
- vii) Loss of peaceful green leisure and wellbeing areas.
- viii) Too many houses on a small plot.
- ix) Impact on Tesco roundabout.
- x) The development would add extra traffic to an already congested area (especially Kingshill Lane and the 'Tesco' roundabout, would impact heavily on the village of Preston by creating a contiguous area from Cirencester to the village itself, and likely generate a lot of traffic through and within the existing Kingshill Estate.
- xi) No flood risk assessment can properly and fully anticipate what will happen to the lower levels of the propose development.
- xii) It is not clear how the proposed development would interface with the existing estate (especially the proposed 'cycleway'.
- xiii) Living in the village of Preston this will impact negatively on the village with increased traffic through the village and in Kingshill Lane. The noise of extra traffic will be audible in the village. Kingshill Lane doesn't have pedestrian access ie no pavements thus dangerous for pedestrians walking up and down.
- xiv) Areas of Preston are in a conservation area and building near to the area will have a negative impact on the village of Preston with increased traffic driving through the village, noise levels too. Kingshill has already been developed and I believe these additional houses will be over development in the area, joining Cirencester to the village of Preston means Preston loses its identity as a village.

- xv) Access to the development will be a problem, increasingly traffic on Kingshill Lane which in turn will increase traffic congestion at Preston Toll Bar and at London Road.
- xvi) Adverse impact on privacy.
- xvii) There is now a danger that Cirencester and its suburbs will be over developed and some of the precious character of a lovely market town will be lost for good.
- xviii) Continuous development around the town will just add to the overall traffic congestion and frustration we already experience. Almost continuous roadworks, creeping traffic at rush hour and insufficient and (costly) parking at present will only become worse.
- xix) The proposed 280 dwelling will increase traffic congestion along Kingshill Lane and its exit onto the A419 which is already bad in the rush at present and will be further exacerbated.
- xx) Why do we need more houses in Cirencester after the big new development in Chesterton?
- xxi) What provision will there be for people to cycle and walk to the site? There is currently no pavement along Kingshill Lane?
- xxii) What steps will be taken to ensure there is no damage to the Kingshill allotments during the building of the new development?
- xxiii) Noise and air pollution
- xxiv) Impact on wildlife.
- xxv) Visually, the current Kingshill Meadow development is dominant on the approach to Cirencester along the A419 from the South East, yet is somewhat softened by the arable.
- xxvi) The development could result in an increase of 1000 people moving into the area. Where is the extra school capacity, doctors and dentists surgeries and other amenities?
- xxvii) With regard to the water networks, in the last few years there has been a number of floods blocking pedestrian access to Cirencester along



Cricklade road, Adding further developments and associated storm waters could increase the frequency and severity of this issue. Noting that the water networks are unsuitable for the proposed development in any case, with no plan in principle to address this.

- xxviii) Preston is a village with a distinct and individual character, separate from Cirencester which has a distinctly urban character. The development would encroach on the rural setting of Preston and bridge the rural buffer between the village and the outskirts of Cirencester town. The views from the village, and the setting of the village are part of a historic landscape, that is important to both the village, and to the wider Costwolds area, which has significant importance to tourism in this part of the country.
- xxix) The development would be accessed from Kingshill lane, which is not a major road, and would be unable to support the increased traffic. The junction to the A419 in particular would be a significant issue, having access only in one direction. The lane itself has no pedestrian pavement, so pedestrian access would be limited, and I suspect disabled/accessible pedestrian access would be nearly impossible. The village has limited public transport provision, so it is unrealistic to assume residents of the new development would use public transport options.
- xxx) Preston currently population is currently approx 300 people. This development would triple the population. I don't see any amenities such as community hall etc in the plan. Are the current Preston amenities expected to absorb this level of population increase?
- xxxi) This development will result in the loss of Preston as stand alone village and would see it become a suburb of Cirencester. This is not what the community of Preston want which is evidenced by Preston Neighbourhood Plan. ( which was supported by 90% of the Village).
- xxxii) I don't see any reference our consideration given to the Preston Neighbourhood Plan in this application. This is not acceptable given this is a legal doc which was supported ( in vote) by people of Preston.
- xxxiii) View coming into Cirencester on the Swindon road will be impacted by this development.
- xxxiv) the existing water network infrastructure cannot cope with the needs of this development. Flooding in this area occurs frequently.

- xxxv) Allotment to the rear of the proposed development. Current access is through a housing estate but once there it feels and sounds like you are in your own tranquil countryside area while overlooking the surrounding fields. I feel that this development would ruin that feeling for many allotment holders and it would lose the individuality of being the place it is once it was surrounded by houses in all directions. This development could also cast potential shade upon the allotment causing issues with growing produce, destroying the sole purpose of what it is intended for.
- xxxvi) The drainage system in the area is already struggling to cope with the heavy rainfall. Main roads are already subject to frequent flooding. The building of housing on this area will affect rainwater drainage, increasing areas of standing water, and the threat to an already flood prone area.

### 8.3 Cirencester Town Council

*'CTC objected to this proposal when it was originally submitted in 2023 (23/01597/OUT). There has been no change, since that application was refused, in policy or 5YHLS terms, and so CTC continues to OBJECT strongly to this application for outline permission on grounds that it is contrary to Cotswold District Council's (CDCs) adopted Local Plan 2011-2031, in particular it does not accord with DS4 Open Market Housing Outside Principal and Non-Principal Settlements and DS2 and DS3 which preclude development outside the Cirencester development boundary - as also referenced in the Preston Parish Made Neighbourhood Development Plan 2020-2031 (Preston Countryside and Landscape), this means that only small scale development can be allowed in Preston. Cirencester Town Council also objects on grounds that CDC currently has a 5 Year Housing Land Supply (5YHLS), so there is no need nor any justification for granting planning permission to this application . This is a largely unspoilt agricultural section of the Preston Parish which serves an important purpose as a green gap / 'green wedge' between Cirencester and Preston, which prevents coalescence of the two settlements, making each settlement distinct. The Local Plan describes it as follows: 'The 'green wedges' and views of Cirencester Parish Church tower are particular characteristics of Cirencester when approaching the town from various directions.'* (para 7.2.3'

### 8.4 Siddington Parish Council:

*'Siddington Parish Council fully supports the other objectors' comments, and feels that the traffic assessment is unconvincing and the assessment of the flooding impact is implausible. The Council also feels that the existing social*

*services infrastructure (schools, doctors' surgeries, dentists, etc) is already overstretched.'*

## 8.5 Cirencester Civic Society

*8.5.1 'Object. This is a major application. The main reasons for the refusal of the previous application (Ref: 23/01597/OUT) are still valid. Even if the development was considered to be acceptable in principle, many potentially contentious aspects would need careful consideration and further detailed collaborative work. Premature approval of some of the outline details, without full knowledge of the implications, would make it impossible to change them later. Increased flood risk to the Kingsmeadow area arising from more run-off flowing into the River Churn, must be a concern. There appears to be insufficient public open space within the current illustrative master plan to provide amenity and focus. Sites for landmark trees should be incorporated. The plan doesn't show divisions between private gardens and public spaces. This suggests it could be another featureless housing estate maximising density with nothing to distinguish between one area and another which would give residents a sense of belonging and identity.'*

*8.5.2 Our general view is that proposals for the development of this land are far too early. It will be sad to see Preston becoming a virtual suburb of the town and no longer a distinctive settlement. The present rate of the town's growth is a major concern. The rapid expansion of the population resulting from The Steadings development will be significant. It will be more than enough to satisfy national housing targets. Most of that development should be built before the development of other areas around the town are considered. That development alone will put considerable pressure on the local infrastructure and services generally, especially schools and healthcare provision. The latter is already overstretched. We have concern that this will be harmful to the town's special character and the convenience and needs of those now living within it. More assimilation time is required to allow for the necessary changes to be made to respond to this increase in population. This process can only be achieved if change is properly managed in an incremental and measured way, allowing progressive planning decisions to be made which are relatively small in scale and are adjustable. Decisions which prove to be impractical, or inappropriate should be reversible if negative implications become clear.'*

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

- Energy & Sustainability Strategy Briefing Note
- Preliminary Geotechnical Design Report
- Noise Impact Assessment
- Waste Management & Waste Minimisation Plan (Including Refuse Disposal Details)
- Utility Statement
- Air Quality Assessment
- Built Heritage Assessment
- Biodiversity Net Gain Assessment
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Tree Survey and Site Feasibility Report
- Landscape and Visual Impact Assessment (LVIA)
- Statement of Community Involvement
- Design and Access Statement
- Planning Statement
- Archaeological Assessment
- Preliminary Permeable Paving Designs
- Phase One Geo-Environmental Desk Study Report
- Ecology Addendum: Updated Habitat & BNG Assessment and Response to Council Comments

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

### **Background and Proposed Development**

- 10.1 Outline planning permission for the development of this site for 280 dwellings was initially refused in 2023 (23/01597/OUT). The aforementioned application was refused on 7 grounds, including a conflict with Local Plan Policy DS4, harm to the landscape and to heritage assets, insufficient highway information, lack of a S106 legal agreement covering affordable housing and financial contributions to library services, lack of an agreement to mitigate the impact of the scheme on the North Meadow and Clattinger Farm Special Area of Conservation and insufficient information regarding the impact of the scheme on nesting birds and important hedgerows. The applicant lodged an appeal against the decision which was subsequently withdrawn in 2024.
- 10.2 This application seeks permission for essentially the same scheme as that determined in 2023. The applicant seeks Outline planning permission for the

erection of up to 280 dwellings and associated works, including open space, landscaping, a pumping station and new vehicular and pedestrian accesses. The applicant is seeking to establish the principle of development on the site. Detailed matters relating to Access, Appearance, Scale, Layout, Landscaping have been reserved for later approval should Outline permission be granted.

- 10.3 An illustrative masterplan has been submitted with this planning application. It indicates that the proposed housing would occupy the central and northern parts of the site. A central green corridor/area of open space would be created around the hedgerow that extends east to west across the site. The southern part of the site (approximately 3 hectares) would be set aside as open space. It would incorporate landscaping, biodiversity enhancement and drainage features such as an attenuation basin. Landscape buffers would be created along the western and eastern edges of the application site.
- 10.4 The illustrative plan indicates that the proposed development would be served by a single vehicular access, which would open onto Kingshill Lane to the east. The proposed access point is currently shown as being located approximately 100m to the south of the northern boundary of the application site. A new pedestrian/cycle entrance is also proposed onto Kingshill Lane in the southern part of the application site. A new pedestrian footway would be created alongside Kingshill Lane from the aforementioned entrance to the village of Preston.
- 10.5 An existing Public Right of Way which extends in an east-west direction to the north of the centre of the site would be upgraded to provide a footpath/cycle route. It would connect into the existing footpath network extending through the existing residential development to the west, as well as a Public Right of Way that extends to the village of Preston to the east. The submitted plans also show the creation of footpath/cycle path extending up to the northern boundary of the site, where it adjoins the adjacent recreation/sports grounds.
- 10.6 Following discussions with Officers, the applicant is also proposing to introduce a new pedestrian/cycle link to the primary and secondary schools to the north of the site.

**(a) Residential Development Outside a Development Boundary**

- 10.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate*

*otherwise.*' The starting point for the determination of this application is therefore the current development plan for the District which, in this instance, consists of the Cotswold District Local Plan 2011-2031 and the Preston Neighbourhood Plan 2020-2031

- 10.8 The application is located outside Cirencester Development Boundary. It is also located outside of a Non-Principal Settlement. The erection of new build open market housing on the application site is subject to the following Local Plan policy:

Local Plan 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 In respect of Local Plan Policy DS4, the supporting text to the policy 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....*

*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 open market dwellings on the application site 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) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes it is noted that the Council is now only able to demonstrate a 1.8-1.9 year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned

update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

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

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

10.12 Footnote 8 of the NPPF advises that 'out-of-date' for the purposes of paragraph 11 includes 'for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.' In light of this guidance, it is considered that Local Plan Policy DS4 is out-of-date at the present time and that paragraph 11 is engaged.

10.13 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that designated heritage assets, such as conservation areas and listed buildings, or habitats sites such as Special Areas of Conservation (SACs) are areas or assets of particular importance. Harm to such areas or assets could therefore provide a strong reason to refuse an application for housing even if a 5 year supply of housing land cannot be demonstrated. In the case of 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, such as its landscape and visual impact, its impact on habitats site and/or heritage assets. 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.

10.14 The application site, along with a parcel of land to its south-west, have been assessed as part of the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) process. The document titled *"Strategic Housing and Economic Land Availability Assessment (2021)"* gives the application site reference C80 and the land to its south-west reference C185. The summary section of the aforementioned report states the following in relation to the two sites:

*10.14.1 'The development of either site would be a significant eastwards extension of Cirencester and would lose agricultural land. Both sites have 'High /medium' landscape sensitivity, primarily because of their open nature and their prominent position, which is highly visible to users of the A419(T) to the south. The development would also cause a level of harm to the historic environment. However, there are also opportunities for enhancements that the development could bring.'*

*10.14.2 Recommendation*

*C80 is a candidate for further consideration for allocation for residential development in the Local Plan.*

*C185 is unsuitable for residential development but may be considered as part of the development of the adjacent land in order to deliver some of the planning benefits associated with the wider scheme.'*

10.15 It is evident that the application site is a candidate for consideration for allocation as part of the Local Plan review or in a future version of the Local Plan. The SHELAA has not therefore ruled out the residential development of



the site on the grounds that it is unsuitable for development. Whilst it is noted that the suitability of a site of this size for residential development would normally be addressed through the Local Plan process, the December 2024 changes to the NPPF mean that this Council is now in a position where it has to consider development proposals on a case by case basis. Moreover, the in-principle policy objection to the residential development of this site as set out in Local Plan Policy DS4 is now considered to be '*out-of-date*'. As such, it is necessary to assess this proposal against the criteria set out in paragraph 11 of the NPPF. This assessment is set out in the following sections of this report.

- 10.16 In addition to the findings of the above report, the application site has also been assessed as part of the document titled '*Integrated Impact Assessment (IIA) for the Cotswold Local Plan Update*' (February 2024). The aforementioned document evaluates the relative sustainability merits of various areas in the vicinity of each of the Principal Settlements in the District. The proposed site forms part of a larger area of land identified as CIR4. Of the 6 areas of land assessed around Cirencester, the aforementioned area ranks No.1 in terms of its relative sustainability merits advising that '*this makes CIR4 the relatively least constrained area overall.*'

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

- 10.17 With regard to housing mix, affordable and self-build/custom build housing, the proposed development is subject to the following Local Plan policies:

10.18 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.*

#### 10.19 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.*

- 10.20 As this application is in Outline form, the final layout of dwellings on the site would be established at the Reserved Matters stage should Outline permission be granted. Notwithstanding this, the applicant has stated that the proposed scheme would make provision for 40% affordable housing in accordance with the requirements of Policy H2. The proposed affordable housing mix comprises 50 social rented units (45%), 28 affordable rented units (25%), 28 First Homes (25%) and 6 shared ownership units (5%). A total of 112 affordable units are proposed. In terms of size, 23 units would be 1 bedroom, 59 would be 2 bedroom, 25 would be 3 bedroom and 5 would be 4 bedroom. The proposed mix is considered to provide a good range of dwelling sizes and tenures. It would also provide a high number of units for social rent which will help to ensure that the scheme accords with Cotswold District Council's document 'Our Cotswolds Our Plan 2024-2028' which states *'We will deliver good quality housing that is genuinely affordable, to enable local people on low incomes to stay local.'*
- 10.21 The Council's Housing Strategy Officer has no objection to the proposed affordable housing mix. The final mix would be secured through a S106 legal agreement. It is considered that the proposed development would contribute in a significant way to the delivery of affordable housing in the District. The benefits arising from the affordable housing are considered to carry considerable weight and to represent a significant material consideration when weighing the benefits of this proposal against its potential impacts.
- 10.22 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. 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. 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. It is therefore recommended that a condition is attached to a grant of Outline permission that would ensure that no more than 20% of the completed dwellings have 4 bedrooms or more, and that the remaining dwellings would be 1, 2 and 3 bed units.

- 10.23 With regard to self-build/custom build plots, a scheme of 280 dwellings would need to provide 14 such plots in order to meet the 5% requirement set out in Local Plan Policy H1. The Council has a statutory duty to ensure that it delivers an adequate number of serviced self-build/custom build plots. Local Plan Policy H1 is the principal means of securing such development. The Council continues to receive requests to join the self-build/custom build register and the delivery of plots to meet such needs is considered necessary and reasonable. It is expected that the delivery of such plots would be secured as part of a S106 legal agreement.
- 10.24 Subject to the condition and S106 agreement set out above, it is considered that the proposal accords with Local Plan Policies H1 and H2.

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

- 10.25 The application site occupies an area of agricultural land located between the town of Cirencester to the west and the village of Preston to the south-east. Whilst the site lies adjacent to Cirencester Development Boundary it is located within the parish of Preston. The site is not located within the Cotswolds National Landscape, nor a Special Landscape Area.
- 10.26 The following policies and guidance are considered applicable to this proposal:

**Cotswold District Local Plan 2011-2031**

- 10.27 Local Plan 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 of multi-functional green infrastructure;*
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;*
- d. Seeking to improve air, soil and water quality where feasible; and*
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.'*

#### 10.28 Local Plan Policy EN4 The Wider Natural and Historic Landscape

- 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.'*

#### 10.29 Local Plan 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).*

## **Preston Neighbourhood Development Plan 2020-2031**

### **10.30 Policy 1: Preston Countryside and Landscape**

*'Other than within the AONB, new development should where appropriate promote the following:*

- i. Replanting non-native tree plantations with native broadleaved native species as part of the woodland succession planting;*
- ii. Avoiding unsympathetic new woodland planting including new dense linear shelterbelts, particularly in character areas 4a, 4b and 5, which would enclose the character of the landscape at points where it is currently open;*
- iii. Managing existing shelterbelts with selective thinning to retain native specimens and open up views below their canopies; maintaining dry-stone wall boundaries and restore any in disrepair;*
- iv. Restoring historic hedgerow lines;*
- v. Maintaining the existing network of open ditches and streams to ensure continuity of irrigation to fields and surface water management to grass and agricultural fields;*
- vi. Protecting open views between buildings of Preston's agricultural setting when viewed from the village main street (Witpit Lane);*
- vii. Establishing a pedestrian link using the route of the old railway line to create a public footpath which connects the whole of the parish on a north/south axis;*
- viii. Resolving footpath links across the dual carriageway to improve connectivity across the parish. '*

### **10.31 Policy 2: Design**

*10.31.1 'Proposals for new development, including extensions to existing buildings, and conversions of farm buildings, should be of the highest design standards in accordance with the relevant policies of the Cotswold District Local Plan, including the Cotswold Design Code.*

*10.31.2 Proposals should have specific regard to the following conclusions derived from the Design in Preston Design Statement (2017):*

- i) Publicly accessible green spaces (such as the formal spaces around community infrastructure and incidental spaces such as grass verges) within the village built-up area should be retained if possible.*
- ii) Proposals should use locally characteristic building materials, for example Cotswold stone and reconstituted Cotswold stone for walling, roofing and timber for windows and doors, where appropriate.*
- iii) Properties should have high quality boundary features, such as hedges and Cotswold Stone walls where appropriate, particularly where these are visible from public vantage points.'*

10.32 The application site is not located within the Cotswolds National Landscape nor a Special Landscape Area. In addition, it is not subject to any other landscape designations. As a consequence, it is considered not to represent a valued landscape for the purposes of paragraph 187 of the National Planning Policy Framework (NPPF). Notwithstanding this, paragraph 187 b of the NPPF states that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. The current site consists of agricultural fields lying between the settlements of Cirencester and Preston and is considered to contribute positively to the rural setting of both settlements.

10.33 The application site has been assessed in the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA). The current application site occupies an area covered by SHELAA site reference C80. A smaller parcel of land lying to the south of the current application site has also been assessed as part of the SHELAA under reference C185.

10.34 With regard to site C80, the SHELAA states:

*'C80: The parcel was assessed as part of the 'Study of land surrounding Key Settlements in Cotswold District Update, Additional Sites: Final Report' (Cotswold District Council and White Consultants, October 2014) report. The description provided for this parcel is reproduced below and remains an appropriate description:*

*'The site comprises of three arable fields with moderately regular boundaries on the sloping valley sides of the River Churn. The field boundaries are low cut hedges running along the slopes but a mixture of low hedge and fence along*

*Kingshill Lane to the east. The site is therefore open. The western boundary is open abutting a line of pylons and power lines which are a detractor. Beyond this to the west is the recently constructed Kingshill development which has been built reflecting vernacular forms and has a moderately varied structure and a positive edge, though unmitigated with vegetation at present. There is a public footpath running along the slope through the site. To the east there is a young mixed tree belt. To the south, the site abuts the relatively open floodplain and views are possible across this from the busy A419(T) which also reduces tranquillity through movement and noise. A sports building and low floodlights are visible on the skyline to the north of the site. Listed buildings lie at Preston Forty Farm to the south and Preston Conservation Area lies to the east beyond the tree belt'.*

10.35 With regard to landscape sensitivity, the SHELAA states:

*'Landscape sensitivity C80 evaluation: High/Medium*

*10.35.1 The landscape sensitivity given to the parcel as part of its inclusion within the 'Study of land surrounding Key Settlements in Cotswold District Update, Additional Sites: Final Report' (Cotswold District Council and White Consultants, October 2014) report was High/Medium. The justification provided for this rating is reproduced below and remains an appropriate justification for the parcel's landscape sensitivity:*

*10.35.2 'The site is susceptible to change because it is open and lies on a prominent slope highly visible to users of the A419 to the south. Development on this site would be a major extension of built form into open countryside. The presence of the sports facilities to the north are not sufficient justification for a major built extension as they are relatively low key in nature. The power lines provide a logical boundary to the built form and the new development will provide a positive edge once landscape planting is established'.*

10.36 The SHELAA goes on to state:

*'Recommendation*

*10.36.1 C80 is a candidate for further consideration for allocation for residential development in the Local Plan.*

*10.36.2 C185 is unsuitable for residential development but may be considered as part of the development of the adjacent land in order to deliver some of the planning benefits associated with the wider scheme.*



*10.36.3 Proposed site design brief if the site was allocated in the Local Plan.*

*10.36.4 This following is not an exhaustive list and further guidance on design requirements will be provided through the pre-application process. If this site were to be redeveloped:*

- The neighbouring country park should be extended into C185 to promote health and wellbeing through recreation and also allow a greater level of habitat management to improve biodiversity. The natural functions of the parcel should remain and still form an active part within local flood management and should retain a rural setting for the listed farm.*
- The design of houses should be set within parkland to break up the buildings so that their impact is minimised.*
- Landscaping should be included within the design to make appropriate provision for significant new tree planting within and around the boundaries of the site and maintain separation between Cirencester and Preston.*
- Consideration must be given to how the impact of the power lines across the site can be minimised.*
- Demonstrate how development will to contribute towards modal shift in transportation, permeability with the wider town/countryside and accessibility to services and facilities.'*

*10.36.5 Key actions required*

- An indicative masterplan that shows the mitigation of issues and a demonstration that development is achievable.'*

10.37 In addition to the SHELAA assessment, the application site has also been assessed as part of Preston Neighbourhood Plan, which states:

*'Sensitive receptors are the users of the Country park, the village residents, users of Kingshill Lane and of the public footpath which runs east to west along the north of this area, and users of the A419 Ermin Way. Views of the Kingshill Meadow estate are prominent on the approach to Cirencester, although the presence of the recently established parkland along the road will create screening to this development in the longer term. For any proposed development to be considered appropriate in this sub-area, it would need to*

*retain the open agricultural character of the landscape, ensure the identity of the village of Preston to be retained as a separate settlement and with its own countryside setting, maintain the visual amenity of PRoWs, and ensure that the green wedge approach to Cirencester is retained. It would be appropriate if the existing country park along the Ermin Way is extended to the east.'*

10.38 Paragraph 44 of the Neighbourhood Plan states:

*'44. Since its first settlement, Preston village has maintained a separate identity from other villages in the area, particularly Cirencester. Villagers have demonstrated their passion for retaining Preston's separate identity throughout the NDP consultation. The importance to them of retaining this - geographically in terms of built development, and socially in terms of preserving a village where people know and like one another - was stressed time and time again during public consultation. What residents fear the most is the coalescence of Preston with Cirencester and a merging of the two areas'*

10.39 Paragraphs 59 and 60 go on state:

*'59. The character of Cirencester is strongly informed by areas of open landscape which, through varying degrees of parkland and agricultural character, reach close to the town centre from several directions, principally from the west (Bathurst estate), the north-east (Abbey Home Farm estate) and the south-east (Preston parish & Kingshill Country Park) 9. The largely unspoilt agricultural section of the parish serves this important 'green wedge' purpose, which is described by the Local Plan as follows: 'The 'green wedges' and views of [Cirencester] Parish Church tower, are particular characteristics of Cirencester when approaching the town from various directions.' (para 7.2.3)*

*60. In this context, Preston Parish lies at a critically important location. Its immediate proximity to Cirencester forms a major constituent of one of the 'green wedge' approaches (particularly Area 4b). It also emphasises by contrast to the open views of the urban town itself, the importance of the parish as an open landscape setting to the largest of the Cotswold towns'.*

10.40 It is evident from the above, that the application site constitutes an important area of green space that contributes positively to the rural setting of Cirencester and to the rural character and appearance of the parish of Preston. The site forms part of a green buffer between the aforementioned settlements. The introduction of development of the size now proposed onto the site could potentially erode this buffer and result in a coalescence of the 2 settlements. Due to the sloping nature of the site, the proposed development would be

readily visible from a number of public vantage points in the area. Views of the development would not therefore be limited to adjacent roads and Public Rights of Way. Road users entering Cirencester along the A419 to the south-east of the site would also have a clear view of the proposed development. At present, the site has an undeveloped agricultural character and appearance, albeit set against a backdrop of the eastern edge of Cirencester to its west and a number of electricity pylons.

10.41 In response to the previous application for the same proposal submitted in 2023, the Council's Landscape Officer stated:

*10.41.1 'A Landscape and Visual Impact Assessment (LVIA, March 2023, Issue 3) has been completed for the site. It is identified within the LVIA that views are available from Kingshill Lane, public footpath BPR4 within the site, public footpath BPR6 to the east of the site, residents of Kingshill Meadow development, users of the Kingshill Meadow Country Park, road users using the A419 road, Preston Conservation Area and from the sports fields to the north.*

*10.41.2 It is identified within the LVIA that the most notable views are from footpath BPR4 which lies within the site, the significance of effects at year 1 is identified to be moderate adverse and after the establishment of mitigation planting (10 year period) the significance would lessen to moderate / slight adverse. Moderate adverse effects are also identified from residents of properties in Kingshill Meadow and Kingshill Meadow Country Park, it is noted that this would lessen to slight adverse at year 10. Slight adverse effects are identified from users of Kingshill Lane, the A419 and users of the sports stadium, it is identified that this would lessen to not significant at year 10. The significance from all other visual receptors is identified to be not significant at year 1, this includes views from Preston Conservation Area and public footpaths to the east, the LVIA states that 'in views from the south, east and west the development would be seen in the context of the existing settlement edge which already creates the skyline to the immediate west of the study site'. Overall the LVIA identifies that the significance of visual effects would be moderate adverse at year 1 and moderate/slight adverse once planting of new green infrastructure has been established.*

*10.41.3 I generally agree with the visual assessment above, however I consider that views from the south and east have been downplayed. The site provides visual separation between the built edge of Cirencester and Preston and this is apparent from the footpaths to the east and the A419. Furthermore, this assessment is reliant on a robust landscape mitigation scheme and I have concerns regarding the housing density proposed and the strength of the green*

*infrastructure provided across the site. This is in relation to the width of green buffers proposed and I also question whether the street trees shown can be successfully accommodated within the street scene, this relates mainly to highways maintenance and proximity of dwellings.'*

10.42 In conclusion, the Landscape Officer went on to state:

*10.42.1 'The supporting LVIA concludes that 'the overall impacts arising from the development to the landscape and visual amenity will be a not significant effect'. It is noted that the site is influenced by urbanising features including pylons, the existing settlement edge and the road network. In addition it is noted that the features within the site are not locally scarce. Overall, it is concluded that the development can be successfully accommodated and would be appropriate to the setting and landscape character of the site and provides acceptable levels of landscape mitigation.*

*10.42.2 I have reviewed all the supporting material and I consider that the site contributes positively to the rural setting of the town and provides an important green buffer between Cirencester and Preston. The proposed development would form a large urban extension into the countryside and would be visible, prominent and seen against the skyline when viewed from a number of viewpoints. While landscaping would offer some mitigation, planting would take time to establish and I do not consider that the planting margins proposed would provide sufficient mitigation to overcome my principle concerns. While I accept that the layout is illustrative at this stage this should provide reassurance that a development of this scale can be suitably accommodated.'*

10.43 The concerns raised by the Landscape Officer during the course of the previous application about the potential landscape and visual impact of the scheme are still considered to be pertinent to this current application. In response to these comments, and following discussions with Officers, the applicant has submitted a broad illustrative masterplan which sets out areas of potential future housing development and areas that can be set aside for landscape buffer zones and open space. The submitted plan indicates that a reasonable level of green infrastructure can be introduced across the site. Such infrastructure would help to mitigate the landscape and visual impact of the development to a certain extent. In order to provide further re-assurance that a future reserved matters application would adhere to the principles set out in the illustrative masterplan, a condition is proposed that will require the submission of a detailed masterplan prior to the submission of a reserved matters application. The aforementioned masterplan can set out parameters for the arrangements of streets, building heights and densities, landscape buffer zones, public open

space etc, which would then form the basis for detailed plans to be submitted at the reserved matters stage should Outline permission be granted.

- 10.44 It is noted that the existing site is seen against a backdrop of residential development when viewed from Kingshill Lane to the east and the A419 to the south. The site is therefore seen in context with existing urban development rather than as a distinct parcel of land unrelated to existing residential development. A number of electricity pylons and overhead lines also extend along the western edge of the application site. The aforementioned features also have an impact on the landscape and visual quality of the existing site. As a consequence, it is considered that the introduction of residential development onto the site would not represent a form of development that would appear as an incongruous feature within the landscape. Notwithstanding this, it is still acknowledged that the development of the site will result in a discernible encroachment of built development into the open countryside and would therefore impact on its prevailing character and appearance, even if mitigation landscaping can be secured. However, in contrast to the previous application when there was no overriding need to release the land for development, there is now a strong need to release suitable land for new housing. The need to deliver additional housing is therefore a significant material consideration that weighs in favour of the proposed scheme and which is considered to outweigh the landscape and visual impact arising from the release of the land for housing.
- 10.45 With regard to the impact of the proposal on the village of Preston and the potential coalescence of the aforementioned settlement with Cirencester, it is noted that Kingshill Lane lies between the site and Preston. In addition, a belt of woodland extends alongside much of the eastern side of the aforementioned road. At present, there is strong definable boundary between the site and the eastern side of the road where the village is located. Views of the site from the northern, central and eastern parts of the village are largely screened by existing woodland, with the result that the village will continue to retain a separate identity when viewed from these locations. Views are available of the site from the western edge of the village, however, these place the site against a backdrop of existing residential development forming the eastern edge of Cirencester. The creation of the open space proposed at the southern end of the application site would ensure that a degree of separation would be retained between the proposed development and the village of Preston. Whilst it is considered that the proposal would result in a closure of the gap between Preston and Cirencester, it is considered that a reasonable degree of space will continue to exist between the 2 settlements thereby ensuring that the rural identity of Preston can be retained.

- 10.46 In principle, it is considered that the site is of sufficient size to accommodate appropriate levels of green infrastructure and open space, whilst also delivering up to 280 dwellings.
- 10.47 At the time of the determination of the previous application in 2023, the Council could demonstrate a robust 5 year supply of housing land. As a consequence, there was no overriding need to release greenfield sites outside development boundaries for residential development. The landscape and visual harm arising from the development was considered to outweigh the need to deliver additional housing. However, following the changes made to the NPPF in December 2024, the Council now has to more than double the number of dwellings it delivers per annum. As a result, far greater weight now has to be given to the delivery of new housing than existed prior to the aforementioned date. Whilst it is considered that the current proposal would still have an impact on the character and appearance of the area, it is also considered that this impact is outweighed by the need to deliver a significant increase in housing numbers, of which 40% are affordable units. Moreover, as the site is not located within the Cotswolds National Landscape nor a Special Landscape Area, it is not afforded the same level of protection as if it were a designated or valued landscape. In light of the fact that the proposal would make a significant contribution to the Council's housing supply and that the scheme can be delivered in a manner that would ensure that a degree of separation would be retained between the settlements of Cirencester and Preston, it is considered that the benefits of the proposal outweigh the landscape and visual impacts arising from the proposed development.

**(d) Impact on the Setting of Heritage Assets**

- 10.48 The application site is located approximately 320m to the west of Preston Conservation Area. The nearest listed buildings to the site are the Grade II listed Forty Farmhouse and the barn to its north, which are located approximately 110m and 90m respectively to the south of the application site. The Grade II\* Church of All Saints in Preston is located approximately 390m to the east of the proposed development. The Grade II listed Church Farmhouse and Preston Place are located adjacent to the aforementioned church.
- 10.49 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. Considerable weight and importance must be given to the aforementioned legislation.

10.50 The following policies and guidance are considered applicable to this application:

10.51 Local Plan Policy EN10 Designated Heritage Assets

- 1 In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.*
- 2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.*
- 3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:*
  - The importance of the asset;*
  - The scale of harm; and*
  - The nature and level of the public benefit of the proposal.'*

10.52 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas

*'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:*

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;*
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*

*d. Have regard to the relevant Conservation Area appraisal (where available); and*

*e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.53 Paragraph 210 of the NPPF states *'in determining planning applications, local planning authorities should take account of:*

*a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) The desirability of new development making a positive contribution to local character and distinctiveness.'*

10.54 Paragraph 212 states *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

10.55 Paragraph 213 states *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.'*

10.56 Paragraph 215 states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

10.57 With regard to the historic environment, the SHELAA states:

*' Historic Environment (excluding archaeology) These comments are made on the basis of a desktop and site survey conducted by a Principal Planning Policy Officer. A full historic environment or heritage assessment would be required of any development proposal. The 350 dwelling planning application on C80*



*included a response from the Council's Conservation Officer. The issues identified are relevant to both sites and included:*

- Preservation of the character of Kingshill Lane, which is a predominantly rural road. The development will encroach on the boundary of the lane and will potentially suburbanise the character of this part of the lane, which would be an adverse impact.*
- Forty Farm is located to the south-east of the site. There are two Grade II Listed buildings associated with the farmstead, the Farmhouse and the threshing barn. Other structures within the site may be considered curtilage listed. The proposal was considered to cause harm to the significance of the listed building and its setting.*
- Setting of Preston Village, Conservation Area and associated listed buildings to the east - Preston village is located to the south-east of the site. The historic core of the village contains several buildings that are Grade I and II listed including All Saints Church. The core of the village is also located within a Conservation Area. The response identified that the proposal for 375 houses would not provide capacity to introduce appropriate buffers and tree screening from the southern and eastern boundaries in order to protect the setting of listed buildings including the setting of Forty Farm and also the Preston Conservation Area. Nor did the proposal appear to provide capacity for suitable public amenity space. This would need to be addressed if the site were allocated in the Local Plan.*
- The development of either site would be a significant eastwards extension of Cirencester and would lose agricultural land. Both sites have 'High / medium' landscape sensitivity, primarily because of their open nature and their prominent position, which is highly visible to users of the A419(T) to the south. The development would also cause a level of harm to the historic environment. However, there are also opportunities for enhancements that the development could bring.'*

10.58 The open agricultural character of the existing site contributes to the rural setting of the listed buildings to its south and the village of Preston to its east. The SHELAA identifies that the proposed eastwards extension of Cirencester could result in harm to the historic environment.

10.59 In response to the current application, the Council's Heritage and Design Officer has advised the following:

*'Forty Farm.*

*10.59.1 Forty Farm, which includes a grade II listed farmhouse, and a grade II listed barn, lies at the southern edge of this north-south buffer/green corridor, just to the south of the current application site. The farmhouse itself lies to the south, and is orientated primarily south, with a range of farm buildings to the north, including both the listed barn, and other modern agricultural buildings; the whole complex forming a visually distinct and coherent farmstead.*

*10.59.2 Although the farmhouse itself is well screened, this farmstead group as a coherent whole is readily visible and appreciable from Kingshill Lane, from where the rising ground of the application site forms an appropriate, open, agricultural backdrop. As such, the application site forms part of the setting of the farmstead, in so far as it forms part of the surroundings within which it is experienced.*

*10.59.3 Whilst much of the significance of the listed buildings relates to their intrinsic fabric and architectural form, their fundamental character, specifically as a farmhouse and a barn, does have wider associations and implications, as farmhouses and agricultural buildings, have a direct interrelationship with the wider, working agricultural landscape, which can complement and reinforce the buildings' historic character, thereby not just forming an aesthetically attractive backdrop, but actively making a positive contribution to their significance. This contribution would be enhanced by the historical functional relationship between the Forty Farm and the site, which is considered probable by the submitted heritage statement. Historic England's Setting of Heritage Assets identifies that features such as topography, green space, openness, functional relations, landscape character, tranquillity, sense of seclusion and land use can all contribute positively to significance.*

*10.59.4 Paragraph 9 specifically advises that: 'Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance'. The application site certainly appears little altered since the first edition O.S. map. No tithe map or enclosure map appears to be readily available, and whilst enclosure may have affected the method of agriculture, the fundamental agricultural character of the site is likely to be little altered.*

*10.59.5 The wider setting of Forty Farm has undergone change, with the development of Kingsway to the east and the dual-carriageway A417 to the south in the latter-20th century, the aforementioned development to the north-west in the early-21st century. However, the visual impact of the former two is*

*comparatively limited due to their position, and the modest scale and height of the development. The 21st century development is at some distance from Forty Farm, it does not form a backdrop to it, and where the two are visible, open land between them forms a clear buffer. It is acknowledged that these previous developments have already encroached on, and eroded the rural setting of Forty Farm; but the surviving agricultural land and backdrop to the north still retains this historic physical and visual relationship between the agricultural farmstead, and the working agricultural landscape, thereby sustaining and reinforcing the significance of the listed buildings within the farmstead.*

*10.59.6 A further development of relevance is the permitted, but not yet implemented redevelopment of the modern agricultural buildings to the north of Forty Farm. The proposal would see the modern buildings, set well back from Kingshill Lane, replaced with three contemporary, barnstyle dwellings, and the Dutch barn that runs parallel to the listed barn replaced with a linear, shelter-shed style parking barn. This scheme would not erode the visual interrelationship between the farmstead and the agricultural fields behind, as they replace existing buildings. The dwellings are set back so would not impede in the key views from Kingshill Lane, and the proposed parking barn is lower than the existing Dutch barn.*

*10.59.7 The current proposal, whilst retaining a modest, rather urban, park-like space immediately to the rear of the farmstead, would entail the suburban development of the agricultural, sloping backdrop, severing the last remaining link between the farmstead and the agricultural landscape that was its historical raison d'être; from Kingshill Lane the farmstead would be seen not against a sloping agricultural field, but against a cascade of modern roofs and housing, street-lighting, vehicular movements, and suburban bustle and sprawl generally. This fundamental transformation of the historically and functionally appropriate surviving rural backdrop would harm aspects of the setting that contribute positively to the listed buildings' significance, which would thereby not be sustained. The harm would be less-than-substantial, but would be considerable.*

*Preston conservation area and listed buildings.*

*All Saints' Church.*

*10.59.8 The historic settlement of Preston is centred on All Saints' Church (grade II\*), Church Farm (grade II) and Preston Place (grade II). The listed buildings are at some distance from the application site. The church itself is substantially screened from views to the west by the existing buildings of*

*Church Farm. Whilst some glimpses of any development upon the application site may be possible, there would be little impact upon any aspects of the setting that contribute positively to the church's significance.*

*Church Farm.*

*10.59.9 The farmstead of Church Farm lies to the west of the historic core, and would potentially have some views towards the application site. These views are currently somewhat limited by the coniferous screening belt that currently runs along the eastern side of Kingshill Lane. However, this screening belt is not within the application site, and its long-term existence cannot be assured; and indeed, the very character of a coniferous belt of trees is itself, contrary to the traditional character of the Cotswolds. The weight that can be placed on the screening provided by this potentially ephemeral and itself incongruous screening belt is limited.*

*10.59.10 As with Forty Farm, the rural agricultural context of Church Farm does make a positive contribution towards its significance, and the further encroachment of suburban sprawl towards the farmstead would erode this significance; however, due to the greater distance the impact would be proportionally smaller, being at the lower end of less-than-substantial.*

*Preston Conservation Area.*

*10.59.11 The significance of the Preston Conservation Area rests in part in the character and history of Preston as a small, rural, distinct settlement. As such, both its rural, agricultural setting, and its separation from nearby Cirencester, are aspects of the conservation area's character and setting that contribute positively to this significance.*

*10.59.12 The proposed development, both by the further encroachment of suburban development towards the rural settlement, and the halving in width of the green buffer/corridor that separates the two settlements, would harmfully erode aspects of Preston's distinct character and setting that contribute positively towards its significance. The level of harm would be less-than substantial, but would be moderate.'*

10.60 It is evident that the Heritage and Design Officer has concerns about the proposal with regard to its impact on designated heritage assets. With regard to statutory consultees, Historic England has not responded to this application. However, it advised the following in relation to the application previously submitted in 2023: ' *Historic England provides advice when our engagement*

*can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.'*

- 10.61 The current proposal would result in the encroachment of development into the agricultural landscape that currently contributes to the historic and rural setting of the listed buildings at Forty Farm to the south of the application site. The existing fields reinforce the rural identity of the farmstead and are therefore considered to contribute to its significance. The applicant's Heritage Note submitted with this application also acknowledges that the proposed development would have an impact on the setting of the aforementioned listed buildings. It states that the harm arising from the development would be *'very minor, less than substantial harm, at the lowermost end of this spectrum of harm.'* In light of the comments of both the Heritage and Design Officer and the applicant, it is considered that the proposed development would cause less than substantial harm to the setting of the listed buildings at Forty Farm.
- 10.62 With regard to the impact of the proposal on the setting of Preston Conservation Area, the Grade II\* All Saints' Church and the Grade II listed Church Farm) and Preston Place, it is noted that the aforementioned heritage assets are located 300m-400m to the east of the application site. Kingshill Lane, a woodland and a line of trees (planted in a plantation style) provide a buffer between the site and the conservation area and listed buildings. A range of fields are also located between the heritage assets and the land/roadside planting. The degree of intervisibility between the application site and the heritage assets is severely limited by existing vegetation. The rural space lying immediately around the conservation area and listed buildings would therefore largely remain unaltered should this development proceed. However, it is noted that the loss of the roadside trees in the future would open up views of the application site. In such circumstances, the residential development of the site would have a far greater impact on the setting of the heritage assets within the village than would be the case if the field remained in agricultural use. The applicant's Heritage Note considers that the proposal will not cause harm to the heritage assets in Preston. However, Officers consider that it is necessary to have regard to a situation where the roadside trees are felled/removed as part of woodland management practises or bad weather. If this were to be the case, it is considered that the proposal could cause less than substantial harm to the setting of the heritage assets in the village.
- 10.63 On the grounds that the proposal is considered to cause less than substantial harm to a number of heritage assets, it is necessary to have regard to paragraph 215 of the NPPF which requires harm to be weighed against the public benefits of the proposal. In the case of this application it is noted that the proposed

development would deliver 280 dwellings (including 112 affordable dwellings). The delivery of the housing is necessary to meet house building requirements set out by central government. The current proposal would therefore make a sizeable contribution to the Council's housing supply. As a consequence, it is considered that significant weight must be given to the need to deliver additional housing within the District. In addition, the delivery of an additional 280 dwellings would contribute to the local economy both during the construction phase of the development and by virtue of potential expenditure arising from future residents of the scheme. It is therefore considered that the proposed development would generate significant public benefits. In addition, sympathetic layout, design and landscaping could mitigate some of the less than substantial harm that has been identified. For instance, a degree of open space would be retained between the Forty Farm site and the built area of the proposed development. In addition, residential development is taking place on the Forty Farm site which has implications for the historic character of the existing farmyard. Whilst considerable importance and weight must be given to the protection of heritage assets, it is considered that the public benefits arising from the proposal, most notably the delivery of a significant amount of new housing (including affordable housing), would outweigh the less than substantial harm arising from the proposed development in this instance.

- 10.64 Whilst there may be instances where harm to heritage assets can provide strong grounds to refuse an application, even when there is a deficit in the housing land supply, it is considered that the public benefits in this case outweigh the less than substantial harm that has been identified.

**(c) Accessibility and Highway Safety**

- 10.65 The following Local Plan and Neighbourhood Plan policies are considered applicable to this proposal:

- 10.66 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.*

#### 10.67 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.*

10.68 Neighbourhood Plan Policy 7: Transport and Village Amenity

*Where appropriate, development proposals that are likely to lead to an increase in motorised traffic in the parish, particularly at the Toll Bar junction, on Kingshill Lane and on the village high street, will be encouraged to mitigate impacts to maintain or improve upon the 2018 baseline with regard to:*

- a. *Traffic speeds;*
- b. *Noise and vibration;*
- c. *Conflict with other road users and feelings of safety.*

10.69 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.*'

10.70 Paragraph 117 states that '*Within this context, applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*



- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

- 10.71 The proposed development would be served by a new vehicular entrance onto Kingshill Lane to the east. This would in turn result in additional movements onto the A419 to the south and the A417 to the north. The proposal therefore has the potential to impact on the operation of the local highway network. Pedestrian and cycle access would also be available through the existing housing development to the west. The proposed scheme also seeks to create a new pedestrian footway linking the site to the village of Preston to the south-east. A pedestrian/cycle link is also proposed from the northern boundary of the application site to the primary and secondary schools to the north.
- 10.72 Public Right of Way BPR4 extends in an east-west direction through the application site. It lies just to the north of the central part of the site. The aforementioned route would be retained and upgraded to serve additional pedestrian flows. The existing route of the Public Right of Way would ultimately need to be crossed by the principal estate road serving the proposed development.
- 10.73 This application is accompanied by a Transport Assessment (TA) and Travel Plan (TP). The TA includes speed survey information relating to traffic movements on Kingshill Lane. The aforementioned road has a 60mph speed limit where it passes the proposed site entrance. The 85th percentile road speeds for northbound and southbound traffic are recorded as 51.5mph and 53.2mph respectively. Vehicle speeds therefore fall below the established speed limit for the road. The submitted information demonstrates that the requisite visibility of 160m in both directions can be achieved from the proposed site entrance.
- 10.74 With regards to trip rates, the TA states that the proposed development would generate 39 arrivals and 97 departures during the AM Peak (08:00-09:00) and 98 arrivals and 60 departures during the PM Peak (17:00-18:00).
- 10.75 With regard to traffic flows, the applicant has undertaken an assessment of the capacity of the following junctions:
- Kingshill Lane Access Junction;
  - Junction 1 - A419 Swindon Road/Kingshill Lane;
  - Junction 2 - A417 London Road/Kingshill Lane;
  - Junction 3 - A419 Swindon Road/Cirencester Road/Siddington Park Roundabout;

- Junction 4 - Kingshill Lane/Preston;
- Junction 5 - A417 London Road/A429 Burford Road;
- Junction 6 - A429 Swindon Road/London Road/Grove Lane roundabout;  
and
- Junction 7 - A419 Swindon Road/Bristol Road/Middlemead roundabout

10.76 The TA has assessed the impact of traffic flows on the junctions set out above. It has also taken into account potential traffic movements arising from the approved development for 2,350 dwellings, 9.1 hectares of employment, a primary school and a neighbourhood centre on the land at Chesterton Farm (The Steadings) which was granted permission in 2019 under reference 16/00054/OUT. With regard to junction capacity, the TA has adopted the following approach:

*The impact of development traffic and need for mitigation has been based upon the following:*

- *Does the impact of the development traffic result in the Degree of Saturation (DoS) exceeding the standard threshold of 0.85 ratio of flow to capacity (RFC) at priority and/or roundabout junctions and 90% at signal junctions, and if so to what extent; and*
- *If the RFC or DoS threshold is exceeded, does the development make the situation significantly worse and the impact can be considered to be severe.*

10.77 The TA indicates that the majority of the above junctions would continue to operate within capacity, or in instances where capacity is already exceeded (such as Junction 7 in the PM Peak period), the resulting increase in traffic would have a negligible impact on traffic flows ( eg an increase in queue length of 1.3 vehicles in the case of Junction 7). The only junction that is predicted to be subject to a material change is Junction 1 to the south of the application site where the RFC would increase from 0.89 in the AM Peak period to 1.04, or a queue increase from 5.9 to 18.4 vehicles. The TA indicates that existing vegetation limits visibility at the junction which can hamper traffic flows. The clearance of vegetation could change the RFC to 0.91 in the AM Peak period which would equate to a queue of 7 vehicles or an increase of 1.1 vehicles when compared to the current situation.

10.78 Gloucestershire County Council (GCC) Highways is currently in discussions with the applicant and a formal response to this application has yet to be received. However, it is expected to be available in time for the Committee meeting.

- 10.79 With regard to the accessibility of the site by modes other than the private motor car, it is noted that the application site joins onto existing residential development to the west which provides connectivity for pedestrians and cyclists to Cirencester town centre and an existing bus stop. With regard to bus stops in general, the nearest stops can be found at Mulberry Court within Kingshill Meadow to the west and at Preston Toll Bar to the south. The bus stops are located approximately 500m and 600m from the centre of the application site respectively. No bus stops are proposed within or adjacent to the application site. The introduction of a new pedestrian footway alongside Kingshill Lane to Preston to the south-east would, however, provide a dedicated pedestrian route from the site to the bus stop at Preston Toll Bar.
- 10.80 In more general terms, the application site is located adjacent to the Principal Settlement of Cirencester, which is the largest and most sustainable settlement in the District in terms of the availability of services and facilities on offer within the settlement. The town offers a range of retail, employment, educational, leisure and healthcare facilities. In addition, a range of bus services operate to and from the town. With regard to the location of the site in relation to existing services and facilities, the site is located approximately 30 minutes from the town centre in terms of walking time. Employment development, such as that at Love Lane, is a similar distance from the site. Healthcare facilities, leisure and college/university facilities are more distant. However, the nearest primary and secondary schools to the site are Watermoor Church of England Primary School and Cirencester Kingshill Secondary School. The aforementioned schools are located approximately 480m and 650m respectively from the northern boundary of the application site. However, in order to access the schools from the site it is necessary to walk/cycle through the housing development to the west, which equates to a distance of approximately 1.45km to 1.8km. In addition to the aforementioned facilities, Cirencester Arena and Cirencester Town Football Club are located to the north of the application site (between the schools and the application site). Kingshill Meadow Country Park is also located adjacent to the south-western edge of the application site.
- 10.81 With regard to walking distances, the TA refers to the Institute of Highways and Transportation (IHT) 'Guidelines for providing for Journeys on Foot' (2000) in relation to acceptable walking distances to services and facilities'. It sets out a preferred maximum walking distance of 800m to town centres, 2000m to schools and 1200m to other locations. Officers note that the site falls beyond the aforementioned distances in relation to the town centre and a number of other facilities such as the hospital, colleges or employment estates. Active Travel England (ATE) has raised concerns about the accessibility of the site to a range of services and facilities by pedestrians and cyclists. ATE is the

government's 'executive agency responsible for making walking, wheeling and cycling the preferred choice for everyone to get around in England'. It is a statutory consultee in relation to applications for developments in excess of 150 dwellings. ATE states:

10.81.1 *'ATE retains its recommendation that the application is refused in the absence of a contribution towards improving accessibility to the west of the site, between the development and the town centre, in accordance with the recommendations of Gloucestershire County Council (GCC)'s Local Cycling and Walking Infrastructure Plan (LCWIP).*

10.81.2 *Consequently, this risks the potential for car-based living amongst the new population while the proposals remain unable to demonstrate that the site will be readily accessible to a range of local facilities (other than local schools) by attractive, safe and inclusive walking, wheeling and cycling routes, while public transport opportunities continue to be limited.*

10.81.3 *As a result of the paucity of direct, safe and attractive linkages to local facilities that meet modern standards, which is evidenced by the resultant low mode share forecast for walking, cycling and public transport and the lack of ambitious targets for modal shift or robust Travel Plan monitoring and failsafe measures, ATE is unable to support the application proposals in their current state. '*

- 10.82 The comments of ATE are noted. It is also noted that the distance of the site from a number of services and facilities means that future occupants of the proposed development would need to walk in excess of the preferred maximum walking distance set out previously. Notwithstanding this, the town of Cirencester is constrained by a number of factors, such as heritage, landscape, flood and archaeological constraints. The availability of suitable sites around the town is therefore limited, especially in light of the fact that land to the south-west of the town already has permission for residential development. Moreover, the current site provides footpath connections with the existing footway network to the west thereby providing a safe route for pedestrians to the town centre and other facilities within the town. Bus stops are also within reasonable walking distance of the site. In addition, the current proposal seeks to provide footpath/cycle connections to the schools to the north of the application site and an improved footway connection with the village of Preston. It is therefore considered that the location of the site combined with the proposed infrastructure improvements would ensure that the proposed development would have a reasonable degree of pedestrian and cycle connectivity with the rest of the town. In light of the Government's desire to significantly increase the

amount of new housing that is delivered across the District, it is inevitable that compromises will need to be made when considering the accessibility of new sites for development. This is considered to be of particular relevance to rural settlements where the availability of public transport services and facilities in general tend to be more limited than larger urban conurbations. In this instance, it is considered that the site does offer reasonable connectivity to services and facilities for non-car users and that the proposal accords with Local Plan Policy INF3, Neighbourhood Plan Policy 7 and Section 9 of the NPPF in these respects.

**(f) Flooding and Drainage**

- 10.83 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. This application is accompanied by a Flood Risk Assessment and Drainage Strategy report which states that the proposed development would incorporate Sustainable Drainage Systems (SuDS). On-site infiltration is the preferred means of surface water drainage, with water directed to an infiltration basin in the southern part of the site. It is also possible to discharge water at a controlled rate into an ordinary watercourse that crosses the southern part of the site.
- 10.84 Gloucestershire County Council Lead Local Flood Authority (LLFA) in its role as a statutory consultee has assessed the submitted information and raises no objection in relation to surface water drainage matters. The applicant has provided additional drainage information during the course of the application to address initial comments from the LLFA relating to infiltration and potential flow routes. The Preliminary at Source Infiltration Assessment document outlines how infiltration features could be incorporated into the design of the development and demonstrates that there will be sufficient space on site to do so.
- 10.85 With regard to foul drainage and water supply, Thames Water states *'Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.'*
- 10.86 With regard to foul water, Thames Water states that it has identified *'an inability of the existing foul water network infrastructure to accommodate the needs of*

*this development proposal.'* It therefore recommends the attachment of a condition requiring ' 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. 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 also requested a condition requiring ' all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. 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.'

- 10.87 It is considered that the proposed development can be undertaken without having an adverse impact on foul or surface water drainage and in accordance with the requirements of Local Plan Policy EN14 and guidance in Section 14 of the NPPF.

**(g) Biodiversity**

- 10.88 This application is accompanied by an Ecological Assessment and a Biodiversity Net Gain report. The site primarily consists of large open arable fields bordered by hedgerows. The field is considered to be of low ecological value. However, the hedgerows are considered to be of a high ecological value with a number also qualifying as important hedgerows under the Hedgerow Regulations 1997. It is proposed to retain the existing hedgerows in and around the site, although there will be a need to cut through the hedgerow on the eastern site boundary and through the central hedgerow in order to facilitate access to and through the site in the future.

- 10.89 The submitted ecological report has included a number of species surveys, including reptiles, bats, otter, water vole, great crested newt and badger surveys. The report summary states:

*7.6 'No evidence of reptiles, Otter or Water Vole was recorded during the surveys undertaken. Specific eDNA surveys of ponds within 250m of the site recorded no evidence of Great Crested Newts being present.*

*7.7. Only low levels of bat activity were recorded associated with the hedgerows within the site.*

*7.8. A potential outlier/subsidiary Badger sett was observed on site during the updated surveys in 2024. Monitoring requirements have been outlined, and a mitigation licence regarding this protected species may need to be obtained from Natural England prior to the commencement of works.*

*7.9. A suite of breeding bird surveys carried out in 2024 recorded a total of 34 bird species which categorised the site to be of Local importance. Within the assemblage recorded, low numbers of five bird species of conservation concern were recorded to probably be breeding on site. Precautionary measures have been outlined in regard to the nesting bird season during the site clearance / construction phase, and habitat enhancements have been recommended to provide enhanced opportunities for birds post-development.*

*7.10. The planting of new native trees and hedgerows and the creation of new areas of open space, including areas of wildflower grassland and a new SuDs feature, will diversify habitats present and provide enhanced and new foraging opportunities for Badgers, foraging and navigational opportunities for bats, and foraging and nesting opportunities for birds.'*

- 10.90 The Council's Biodiversity Officer considers the reports to be acceptable and that the proposal would not have an unacceptable impact on any of the aforementioned species. However, further information was requested during the course of the application in relation to ground nesting birds and badgers. In relation to former, the Council's Biodiversity Officer states:

*10.90.1 'Additional information submitted to address ground-nesting birds, important hedgerows and badger is considered sufficient. No additional survey work is required at this stage however, a construction ecological management plan condition, informed by an up-to-date ecological impact assessment should be imposed, ensuring protected and priority species are safeguarded during the construction phase of the development.*

#### *Lighting*

*10.90.2 Hedgerows are of greatest ecological value within the context of the site, with all hedgerows except for H4 considered to be species-rich and hedgerows H2, H7 and H9 potentially qualifying as 'important' under the Hedgerow Regulations 1997. In addition, most of the bat activity recorded was associated with these features, particularly H1, H7 and H9, whilst H3 was*

*identified as a key commuter route for badger. Consequently, a lighting condition should be imposed to ensure all external lighting is sensitively designed to minimise light spill towards these features.*

#### *Skylark mitigation strategy*

*10.90.3 Whilst the inclusion of skylark plots in the scheme is welcomed, the presence of a multi-use games area adjacent to the proposed plots will permit disturbance and prevent skylark from utilising this habitat. Therefore, I would advise that the MUGA is moved away from the proposed plots or alternatively, suitable off-site provision for skylark should be secured. A condition to secure an appropriate skylark mitigation strategy should be imposed to ensure the development delivers suitable compensatory nesting habitat for ground-nesting birds.'*

10.91 With regard to badgers, the applicant has undertaken additional survey work which indicates that the sett is no longer in use, although there is evidence of badgers utilising the site. The existing sett forms part of an existing hedgerow which is to be retained. The protection of the existing badgers will be covered by the proposed construction ecological management plan condition.

10.92 The latest illustrative plan submitted by the applicant also shows increased buffer zones around hedgerows, especially around the central hedgerow, which will mitigate the impact of the development on existing wildlife corridors.

10.93 With regard to Biodiversity Net Gain (BNG), the Biodiversity Officer states:

#### *'Biodiversity net gain*

*The pre-development biodiversity values are considered accurate, the biodiversity metric demonstrates a net gain in both habitat (17.97%) and hedgerow (13.29%) units is achievable on-site. Due to the size of the scheme a s106 agreement is required to secure monitoring fees.'*

10.94 It is considered that the proposed development can reasonably meet the minimum 10% biodiversity enhancement required by BNG legislation.

10.95 The application site is located within the Zone of Influence of the North Meadow and Clattinger Farm Special Area of Conservation (SAC). The SAC is an internationally important biodiversity site. Over recent years, recreational pressures from visitors to the site have increased and are now causing considerable damage to the wildlife value of the SAC. Visitor surveys have been



undertaken at the SAC and this has shown that the majority of visitors come from within 9.4km of the SAC. Under the Conservation of Habitats and Species Regulations 2017 (as amended) and other relevant legislation and guidance, Local Planning Authorities have to assess whether any development proposal could harm the biodiversity value of an SAC. This works on the precautionary principle. In order to permit any proposals there has to be certainty that the proposals will not cause any significant likely effects (i.e. negative impacts) on that SAC either on their own or in combination with other proposals. As the proposed development falls within Zone of Influence and will provide additional living accommodation, there is potential for the proposal to lead to more visitors to, and thus more recreation pressures on the SAC.

- 10.96 The applicant has confirmed they will enter into a s.106 agreement to make a financial contribution to deliver mitigation consistent with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy (2023). On this basis, and provided that the s.106 agreement is signed prior to determination of the application, Officers have reached the conclusion, based upon the best available scientific evidence, that there will not be an adverse effect on the SAC, arising from the application, either alone or particularly in combination with other projects and proposals. Therefore, Officers have no objections to this application on the grounds of the Conservation of Habitats and Species Regulations 2017 (as amended), insofar as this relates to adverse recreational effects on the North Meadow SAC.
- 10.97 It is considered that the application accords with Local Plan Policies EN1, EN8 and EN9 of the Local Plan and paragraphs 187, 192 and 193 of the NPPF.

### **Other Matters**

- 10.98 The application site is bordered by existing residential development, allotments, agricultural land, a road and recreational/sports grounds. It is considered to be a location that could be developed for residential purposes without resulting in future occupants being subject to unacceptable levels of noise, odour, pollution or general disturbance. It is also considered that the site is of a size that could reasonably accommodate adequate outdoor amenity space and gardens in accordance with the aspirations of the Cotswold Design Code.
- 10.99 With regard to archaeology Gloucestershire County Council Archaeology states that *'I can confirm that desk based research, geophysical survey and trial trench evaluation have been carried out within the proposed development site which have identified the presence of archaeological remains of interest, with settlement and field systems dating from the late prehistoric to Roman period*

*and one feature of possible Anglo-Saxon date. In line with the advice by my predecessor, I recommend that a condition is attached to planning permission to ensure that the archaeological remains within the site are investigated via a programme of strip, map and sample excavation prior to construction works.'* Subject to condition, it is considered that the proposed development can be undertaken without having an adverse impact on archaeology.

10.100 The Council's Environmental and Regulatory Services section raises no objection in relation to air quality, noise or contamination.

10.101 With regard to the impact of the proposal on Public Right of Way BPR4, which extends in an east-west direction through the site, the submitted illustrative plan indicates that the existing route would be retained, although it may be subject to re-surfacing. In addition, the route would also need to cross a new estate road. Whilst final details relating to layout and surfacing would be addressed at the Reserved Matters stage should Outline permission be granted, GCC Public Rights of Way has advised *'The developer's attention is drawn to DEFRA Rights of Way Circular (1/09) par 7.8, 'In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic'.* GCC Public Rights of Way has also advised of the applicant's requirement to obtain the consent of GCC for works that affect a Public Right of Way such as diversion, temporary closure, changes to surfacing, encroachment onto the Public Right of Way or the storage of building materials on the route.

10.102 The applicant states that the agricultural land falls into the Class 3/Class 4 category. Whilst Class 3 is typically split into Class 3a and Class 3b for land classification purposes, it is noted that land in Class 3b or 4 would not fall into the best and most versatile agricultural land category. With regard to land in Class 3a, paragraph 187 of the NPPF states that planning decisions should recognise the *'intrinsic character and beauty of the countryside, and the wider economic benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.'* In this instance, the economic benefits arising from the arable use of this particular site are considered to be limited given its size and relative disconnection from other agricultural land. It is considered that the benefits arising from the delivery of the new housing would outweigh the more limited impacts arising from the loss of the agricultural land.

- 10.103 With regard to energy efficiency, the applicant has submitted an Energy & Sustainability Strategy Briefing Note which sets out various measures such as air source heat pumps, solar panels, water conservation, solar gain and sustainable construction. It is recommended that a condition is attached to a decision notice requiring the details submitted at the reserved matters stage to accord with the recommendations in the aforementioned document.
- 10.104 With regard to financial contributions, GCC Community Infrastructure requests contributions of £54,880 to library services. No education contribution is sought as GCC considers that existing schools are deemed to have capacity to accommodate the proposed development. 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.
- 10.105 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 significant contribution towards the Council's supply of housing and help to address the need to deliver additional housing in the District. Moreover, the proposal would provide 112 affordable homes, which would also make a very notable contribution to the Council's affordable housing needs. Whilst the proposal is contrary to Local Plan Policy DS4, recent changes to the NPPF mean that the aforementioned policy is now considered to be out-of-date. As a result, it is necessary to assess the proposal against the criteria set out in paragraph 11 of the NPPF, which tilts the planning balance in favour of new residential development when a 5 year supply of deliverable housing land cannot be demonstrated. Whilst it is considered that the proposal will have a landscape and visual impact and cause less than substantial harm to the setting of designated heritage assets, it is considered that the benefits arising from the delivery of 280 dwellings (including 112 affordable dwellings) are significant. They are also considered to represent notable public benefits. In the context of paragraph 11, the benefits of the scheme are therefore considered to outweigh the harm arising from the proposal.

- 11.2 It is therefore recommended that the application is granted permission, subject to no objection from Gloucestershire County Council Highways and the completion of a S106 legal agreement covering affordable housing, self-build/custom build plots, highway improvements works (if required), Public Open Space management, Biodiversity Net Gain, and financial contributions to libraries and North Meadow and Clattinger Farm Special Area of Conservation

## **12. Proposed Conditions:**

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority by three years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be started by 2 years from the date that the last of the reserved matters is approved.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)

3. The development shall not be started before approval of the details relating to Access, Appearance, Layout, Landscaping and Scale have been given in writing by the Local Planning Authority.

**Reason:** These are "reserved matters" and were listed in the application for later approval. This is only an outline planning permission and these matters require further consideration by the Local Planning Authority. This condition is imposed to comply with the requirements of the Town and Country Planning Act 1990 as amended.

4. This decision relates to the land outlined in red on drawing number: 310.P.1 B

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

5. No reserved matters application shall be submitted and no development shall start until a Detailed Master Plan for the whole application site has been submitted to and approved in writing by the Local Planning Authority. The submissions for the approval of reserved matters shall accord with the approved Detailed Master Plan. The Detailed Master Plan shall include:

- i) the arrangement of principal and secondary roads;

- ii) the density and mix of housing;
- iii) an indication of building heights and massing;
- iv) areas proposed as public open space and children's play areas;
- v) existing landscape features to be retained;
- vi) character areas;
- vii) areas proposed for biodiversity enhancement.

**Reason:** In order to establish parameters which will guide the submission of future reserved matters applications thereby avoiding delay at the reserved matters stage, and which ensure that the development will accord with Local Plan Policies EN1, EN2, EN4, EN7, EN8, EN10, INF3, INF4 and INF5.

6. Prior to the first occupation of the development hereby permitted (unless an alternative timeframe is first agreed in writing by the Local Planning Authority), a footway/cycleway shall be constructed between the application site and Cirencester Kingshill Secondary School and Watermoor Church of England Primary School fully in accordance with details that have first been approved in writing by the Local Planning Authority.

The submitted details shall include the means of construction of the footway/cycleway, its surfacing details, any external lighting, fencing and details relating to the future maintenance and management of the footway/cycleway. The development shall be undertaken fully in accordance with the approved details and permanently maintained/managed in accordance with the approved details thereafter.

**Reason:** In order to ensure that adequate provision is made for pedestrians and cyclists to safely access the stated schools in the interests of sustainable development and highway safety in accordance with Local Plan Policies INF3 and INF4.

7. Prior to the first occupation of the development hereby permitted (unless an alternative timeframe is first agreed in writing by the Local Planning Authority), a footway/cycleway shall be constructed between the application site and the village of Preston fully in accordance with details that have first been approved in writing by the Local Planning Authority.

The submitted details shall include the means of construction of the footway/cycleway, its surfacing details, any external lighting, fencing and details relating to the future

maintenance and management of the footway/cycleway. The development shall be undertaken fully in accordance with the approved details and permanently maintained/managed in accordance with the approved details thereafter.

The route of the footway/cycleway shall be in broad accordance with the details shown in the drawing titled 'Cycle Route Details - Route 2' 310.E.4.2 (Appendix E Transport Assessment SEPTEMBER 2024)

**Reason:** In order to ensure that adequate provision is made for pedestrians and cyclists to safely access the village and vice versa in the interests of sustainable development and highway safety in accordance with Local Plan Policies INF3 and INF4.

8. An application for reserved matters shall include a drawing/schedule which sets out the proposed size and mix of dwellings and which shall include the number of bedrooms in each respective dwelling. No more than 20% of the dwellings shall have 4 bedrooms or more, with the remainder of the development being 1, 2 and 3 bedroom dwellings. The development shall be undertaken fully in accordance with the approved drawing/schedule.

**Reason:** In order to ensure that the development contains an appropriate mix of dwellings in accordance with the requirements of Local Plan Policy H1.

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

**Reason:** It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 218 of the National Planning Policy Framework.

10. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been submitted to and approved in writing by the Local Planning Authority, this should be in accordance with the proposal set out in the approved submission (Outline Drainage Strategy (Infiltration Basin; 584-P-104-B) / Outline Drainage Strategy (Attenuation Basin; 584-P-108)). The SuDS Strategy must include a detailed design, infiltration tests carried out to the standard of BRE 365, a timetable for implementation, and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified

flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first put in to use/occupied.

**Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

11. Prior to the first occupation of the development hereby permitted, a SuDS Management and Maintenance Plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The approved SuDS Management and Maintenance Plan shall be implemented in full in accordance with the agreed details.

**Reason:** To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Local Plan Policy EN14.

12. Prior to the commencement of development a Construction Phase Surface Water Management Plan' (CPSWMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken fully in accordance with the approved CPSWMP.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14. If the surface water design is not agreed before works commence, it could increase the risk of flooding in the area.

13. No dwelling shall be occupied until either:

i) all water network upgrades required to accommodate the additional demand to serve the development hereby permitted have been completed and the completion details have been agreed in writing by the Local Planning Authority; or

ii) a development and infrastructure phasing plan has been agreed in writing by the Local Planning Authority. 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.

**Reason:** The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

14. No dwelling shall be occupied until either:

i) all foul water network upgrades required to accommodate the additional flows from the development hereby permitted have been completed and the completion details have been agreed in writing by the Local Planning Authority; or

ii) a development and infrastructure phasing plan has been agreed in writing by the Local Planning Authority. 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.

**Reason:** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Local Plan Policies EN14 and EN15.

15. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy EN15 and Section 15 of the NPPF.

16. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

i) Description and evaluation of the features to be managed;



- ii) Ecological trends and constraints on site that may influence management;
- iii) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- iv) Description of the management operations necessary to achieving the aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a works schedule, including annual works schedule;
- vii) Details of the monitoring needed to measure the effectiveness of management;
- viii) Details of the timetable for each element of the monitoring programme;
- ix) Details of the persons responsible for the implementation and monitoring;
- x) Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and
- xi) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30 with biodiversity reconciliation calculations at each stage.

17. The HMMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancement works have been completed.

**Reason:** To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, and Local Plan policy EN8.

18. Applications for approval of reserved matters shall include a Construction Environmental Management Plan - Biodiversity (CEMP-B) informed by an up-to-date ecological impact assessment. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;

- ii. Identification of "biodiversity protection zones";
- iii. Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals;
- iv. Measures taken to safeguard hedgerows;
- v. Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- vi. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- vii. The timing during construction when ecological or environmental specialists need to be present on site to oversee works;
- viii. Responsible persons and lines of communication;
- ix. The role and responsibility on site of an ecological clerk of works (ECoW) or similar person;
- x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To protect biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, the Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, Local Plan policy EN8, and Section 40 of the Natural Environment and Rural Communities Act 2006.

19. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

i. Identify areas/features on site that are particularly sensitive for nocturnal wildlife, including foraging/commuting bats and badgers;

ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their nocturnal corridors.

All external lighting shall be installed in accordance with the approved strategy and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (Chapter 15), local plan policy EN8 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

20. Applications for approval of reserved matters shall include a Skylark Compensation Strategy. The approved strategy shall be implemented in full according to the specified timescales and all compensation features thereafter shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure skylark are protected in accordance with the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning policy Framework, Local Plan policy EN8 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

21. The details submitted at the Reserved Matters stage shall demonstrate how the development hereby permitted will incorporate the measures recommended in the document titled 'Energy & Sustainability Strategy Briefing Note' Revision 02 Date: 21st March 2023 and the development shall be undertaken fully in accordance with the approved details.

**Reason:** In order to ensure that the development addresses the impact of climate change in accordance with Local Plan Policy EN1.

**Informatives:**

1. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A

CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY COTSWOLD DISTRICT COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Cotswold District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Information on how to discharge the biodiversity gain condition can be found here:

<https://www.cotswold.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-net-gain-bng/>

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

3. Drainage

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

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

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