

**Erection of 98 dwellings including landscaping and associated infrastructure at
Land West of Hatherop Road Fairford Gloucestershire**

Full Application 25/01717/FUL	
Applicant:	Cala Homes (Chiltern) Ltd
Agent:	RCA Regeneration Ltd
Case Officer:	Martin Perks
Ward Member(s):	Michael Vann
Committee Date:	10 September 2025
RECOMMENDATION:	PERMIT subject to no objection from Gloucestershire County Council Lead Local Flood Authority, completion of S106 legal agreement(s) covering affordable housing, custom/self-building housing, Biodiversity Net Gain monitoring, financial contribution to North Meadow and Clattinger Farm Special Area of Conservation, provision of public open space, access connection to field to west, financial contributions to library services, public transport and travel plan.

1. Main Issues:

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Affordable Housing and Housing Mix
- (c) Design and Impact on the Character and Appearance of the Area
- (d) Access and Highway Safety
- (e) Flooding and Drainage
- (f) Impact on Residential Amenity
- (g) Biodiversity

2. Reasons for Referral:

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

3. Site Description:

- 3.1 This application relates to a parcel of agricultural land located adjacent to the northern edge of the town of Fairford. The application site measures approximately 7.7 hectares in size.

- 3.2 The application site is bordered to its north and west by agricultural fields. The northern and western boundaries of the site are defined by hedgerows. The eastern boundary of the site adjoins a lane which runs northwards from Fairford to the village of Hatherop approximately 3.5km to the north. Agricultural fields are located to the east of the aforementioned road. The site's eastern boundary is also defined by a hedgerow. The southern boundary of the site incorporates a Public Right of Way (BFA17) which extends in a roughly east-west direction from Hatherop Road in the east to Leafield Road in the west. A line of trees and undergrowth together with a drainage ditch lie between the Public Right of Way and the agricultural field to its north. A post war housing development is located to the south of the Public Right of Way.
- 3.3 The site is located outside a Principal or Non-Principal Settlement for the purposes of the Cotswold District Local Plan 2011-2031. The southern boundary of the application site lies adjacent to Fairford Development Boundary as designated in the Cotswold District Local Plan 2011-2031.
- 3.4 The site is allocated for residential development in the Fairford Neighbourhood Plan 2020-2031.
- 3.5 The site is located approximately 160m to the east of Fairford Conservation Area.
- 3.6 The site is located outside of the Cotswolds National Landscape. It is also located outside the Coln Valley North of Fairford Special Landscape Area (SLA). It is located approximately 160m to the east of the SLA.
- 3.7 The site is located within Flood Zone 1.
- 3.8 Six trees located adjacent to the south boundary of the application site are subject to Tree Preservation Orders (TPOs).
- 3.9 The south-western part of the site is located within the Zone of Influence of North Meadow and Clattinger Farm Special Area of Conservation (SAC).
- 3.10 Public Right of Way BFA18 extends in an east-west direction through a field approximately 360m to the north of the application site. Public Right of Way BFA35 extends eastwards through a field to the east of Hatherop Road and to the north-east of the site.

4. Relevant Planning History:

- 4.1 CT.1988 Outline application for residential development. Refused 1959
- 4.2 22/03770/OUT Outline planning application (all matters reserved except means of access) for residential development up to 87 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure. Permitted 2023
- 4.3 23/03626/OUT Variation of condition 7 (Water network upgrades) of permission 22/03770/OUT - Outline planning application (all matters reserved except means of access) for residential development up to 87 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure. Permitted 2024
- 4.4 24/01985/REM Phase one of residential development for the erection of 83 dwellings (Reserved Matters application). Approved May 2025

5. Planning Policies:

- DS1 Development Strategy
- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF1 Infrastructure Delivery
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure
- INF8 Water Management Infrastructure
- NPF Fairford Neighbourhood Plan 2020-2031

- NPFNP4 FNP4 Managing Flood Risk
- NPFNP5 FNP5 Investing in Utilities Infrastruct
- NPFN11 FNP11 Valuing Hedgerows and Trees
- NPFN12 FNP12 Achieving High Standards of Design
- NPFN14 FNP14 A new Low Carbon Community in Fair
- NPFN15 FNP15 Housing Type and Mix
- NPFN16 FNP16 Zero Carbon Buildings

6. Observations of Consultees:

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions attached to previous permission.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: Further information requested.
- 6.3 Gloucestershire County Council Archaeology: No objection subject to condition
- 6.4 Gloucestershire County Council Community Infrastructure: Requests financial contribution of £19,208 towards library services. No contribution to primary or secondary education requested.
- 6.5 Conservation Officer: No objection
- 6.6 Biodiversity Officer: No objection subject to conditions
- 6.7 Tree Officer: No objection subject to conditions
- 6.8 Housing Officer: Comments incorporated into report.
- 6.9 Thames Water: Comments incorporated into report.
- 6.10 Ministry of Defence: No objection
- 6.11 Environmental and Regulatory Services Air Quality: No objection
- 6.12 Environmental and Regulatory Services Noise: No objection
- 6.13 Active Travel England: Refer to standing advice.
- 6.14 Designing out Crime Officer (DOCO) for Gloucestershire Constabulary: Comments incorporated into report.

- 6.15 Natural England: No objection subject to appropriate mitigation relating to North Meadow and Clattinger Farm Special Area of Conservation

7. View of Town Council:

- 7.1 Response received on the 9th July 2025:

7.1.1 'Fairford Town Council has no objections to this application, subject to the following comments (mostly related to compliance with the relevant Fairford Neighbourhood Plan policies):

i. Notwithstanding that the application has been validated by CDC, a revised FRA should be provided in accordance with policy FNP4.2, because of the changed design and presumably impermeable area and on the basis of other sources of flood risk and potentially different risk to others. We note that the attenuation pond is clearly larger as now proposed (presumably part of the solution).

ii. Policy FNP12 c) states: Short runs of low-level buildings in groups (1, 1.5 or 2 storey) should be placed at the edges of any development with higher (max. 2.5 storey) buildings kept to the centre for developments outside the town centre boundary The issue of modification to 2.5 storey+ needs to be dealt with by a condition (or Article 4 direction on certain properties?) because of potential landscape impact.

iii. The colour of stone and render needs to be addressed by a condition requiring samples to be approved, in order to comply with policy FNP12 d).

iv. picket fencing is proposed for some properties, but not iron railings. This is not strictly in accordance with policy FNP12 f).

v. Re policy FNP12 j) - Some sections of proposed footpaths appear unsurfaced. A bound surface e.g. hoggin giving overall continuity and durability would be preferable.

vi. No proposals are shown for lighting on the section of Lovers Walk within the application boundary and connecting with the estate. However, we understand that the Applicant anticipates a condition requiring submission and approval of proposals for this.

vii. Re policy FNP12 l) - We assume the powerline across the site is to be undergrounded. Can the applicant confirm that this will be the case?

viii. Re policies FNP14.2 a) and FNP5 - We anticipate that a commitment from Thames Water to a date for the STW upgrade may be provided as date for the STW upgrade may be provided as part of TWs Delivery Plan to be published in July 2025. However, it would also be highly desirable to have any sewage system constraint covered by a Grampian style condition (ideally based on commencement of development, as specified), to reduce the inevitable risk of increased river pollution or sewage flooding elsewhere in the town if this is not the case.

ix. Re policy FNP14.2 d) and f) - The planting proposals don't currently show much in the way of tree planting particularly round the N and W sides of the site. Is there an opportunity to enhance the existing hedgerows to achieve this objective and can this also be addressed in the LEMP?

x. Re policy FNP14.2 e) - Is it intended to produce a Building With Nature report to support this application?

xi. Re policy FNP14.2 i) - The proposed location of the LEAP towards the north of the site is less accessible to others in the community outside the development than we would have wished, at least until the through connection to Leafield Road is made. However, we appreciate that space is constrained on the south side nearer Lovers Walk and also the desirability of sharing parking space with the schools drop-off point and allotments/community gardens.

xii. Are the proposals consistent with the design criteria in The Lifetime Homes Design Guide? (ref policy FNP15.2)

7.1.2 Comments on Planning Statement

xiii. 1.4 is now out of date

xiv. 4.8 doesnt refer to FNP4

xv. 4.13 refers to NPPF para 11, but there is no reference to para 14 (although this is not particularly relevant in this case as there don't appear to be significant departures from FNP policies).

xvi. 4.33 surely the s106 needs to be linked to this application if it is to proceed?

xvii. Para 6.5 asks that reserved matters consent is granted (presumably a carry-over from the previous RM application)

7.1.3 CONCLUSION:

This seems to be a substantially compliant application (subject to the above points/queries)'

8. Other Representations:

8.1 18 objections received:

8.2 Main grounds of objection are:

i) This is a further application from the initial application from 2024. The original application was for 89 dwellings and was opposed by a lot of the people of the town as it will have increased impact on our existing amenities, doctor's surgery, parking in the town and drainage and power supply. There are already issues with water supply, drainage and the level of the water table! There has been a couple of hundred house's built in the area and there are another 36 at the other side of town! Without upgrading the existing services, there will be enormous pressure on the rest of us.

ii) No indication had been given on the original application regarding the additional sewage disposal via Thames Water relating to these dwellings. Until Thames Water are able to give clear assurance that adequate disposal (not in the river Colne!) has been made for these additional dwellings then I remain firmly opposed to this development.

iii) Concerned that Lovers Lane could be illuminated. It is a lovely country path, and illumination could be construed as the first step to conversion to a highway. Clarity is therefore needed at the outset upon any public access (including future highways) from the Hatherop Road development to Leafield Road, and therefore Farmors School.

iv) Concerned that the car parking spaces on the new development are inadequate. Many dwellings will have two vehicles, coupled with visitor parking spaces. I feel that provision for at least 150 vehicles on the new site will be needed, particularly with a large school in the immediate locality. At peak school times the local roads are already very congested.

v) Condition 7 of 22/03770/OUT originally restricted occupation beyond the 35th dwelling until all necessary water network upgrades were completed (or a phasing plan agreed), as requested by Thames Water. This condition also referenced sewage flooding, reflecting concerns raised by the Town Council

regarding foul water discharge into watercourses. However, the variation allowed occupation of up to 50 dwellings based solely on Thames Water's assurance of water supply capacity-without any evidence or explanation of how sewage flooding would be addressed. It was abundantly clear that the Sewage Treatment Works did not have capacity and just because Thames Water did not object should not have been taken as a reason not to apply conditions.

vi) The assumption that the development's timeline would allow for infrastructure upgrades is naively optimistic, given Thames Water's long-standing failure to deliver promised improvements at Fairford Sewage Treatment Works.

vii) The previous decision also appears to conflict with Fairford Neighbourhood Plan Policy FNP5, which requires that planning permission include conditions ensuring no occupation until adequate sewerage capacity is demonstrated. No such conditions were imposed, despite clear evidence of insufficient capacity.

viii) Sewage Discharge Data: In 2023, Fairford STW was the worst-performing Thames Water asset for untreated sewage discharge, spilling for 3,391 hours. In 2024, it ranked 7th worst, spilling for 4,332 hours. This data is publicly available from Thames Water and the Environment Agency.

ix) The concerns of residents, the Town Council, and other stakeholders must be given due weight, rather than relying solely on generic responses from Thames Water that contradict its own data.

x) Thames Water now claims upgrades will be completed by winter 2028, a date that continues to slip. Given the company's financial instability, this timeline is highly uncertain.

xi) Cumulative Impact: Since the original application, additional developments (e.g., Coln House School and Yell's Yard) have added further strain to the network.

xii) This application must not be approved without robust Grampian conditions in line with Policy FNP5 of the Fairford Neighbourhood Plan. The current sewerage infrastructure is demonstrably inadequate, and any further development without enforceable safeguards risks significant environmental and public health consequences.

xiii) This application has been put forward without any provision for the sewage which will be produced by the development Using Thames Water figure of average 300 litres effluent production /dwelling/per day, these 98 houses will produce a total daily volume of foul water in the order of 29,400 l /day or 29.4 tonnes/day. This additional sewage will be pumped into the Fairford Sewage Treatment Works (STW), which is already running at full capacity, unable to cope and discharging untreated sewage into the River Coln and hence into the Thames for thousands of hours.

xiv) Past applications for additional housing have been allowed, without sewage conditions despite objections from local residents and Fairford Town Council, on the basis that Thames Water made no objection because an upgrade of the STW is in their plans, but this has not materialised. They promised that the upgrade would be included in their Capital Works programme for 2015-2020, then 2020-2025, but this was revised recently and the upgrade deferred yet again to the 2025-2030 programme. Thames Water now claims upgrades will be completed by winter 2028, but with no guarantee that the work will be carried out even by 2030. Given the known financial instability of TW it is doubtful that the essential upgrade will ever happen. They are not likely to spend millions upgrading the Sewage Works when they can discharge into the river at no cost. Fairford's Neighbourhood Plan was well aware of this problem and stipulated in its Policy FNP5 that 'planning permission for a development intending to connect to the sewer network must include conditions that require that new houses must not be occupied until it is demonstrated that the sewerage system has adequate capacity to accommodate the additional flow generated by the development'. Given this background, CDC cannot accept this application without imposing stringent enforceable Grampian conditions for the protection of the public and the environment. Planning Officers cannot rely on Thames Water's empty promises but must make sure that the effluent from this development is adequately treated and does not add to pollution in the rivers or increase sewage flood risk to the houses around Moor Farm Pumping Station.

xv) Time and again a Fairford development is not reflected in any type of infrastructural upgrade to the already strained services such as the highways, surgery and the school. The schools are at breaking point already, the highways are dire and the surgery is at max capacity always. The location of this development will put additional strain on these services and tear away landscaping and green spaces which are so vital to an balanced ecological environment. Coupled with an increased noise and pollution of natural light, this development only serves to line the pockets of the developers and adversely affect the residents of Fairford.

xvi) Since the original application was made we now have 35 houses being built at Coln House, the development of Yells Yard, and the Lake 103/104 development will come on-stream (literally) any day now. Grampian Conditions limiting the number of houses that can be built need to be imposed on this site until Thames Water make the long overdue improvement to the Fairford STW. I'd also point out that TW have acknowledged that the sewerage system in Hatherop Lane/Road and environs is a CSO (combined sewage and storm water) and this needs to be replaced as a matter of urgency.

xvii) Although I am concerned at the 10% increase in homes, I accept that it has resulted the inclusion of more smaller, social rent properties which we need. I am also resigned to the poor design quality of larger developments such as these. However, Fairford Neighbourhood Plan made much of the sustainability and low carbon impact of a development on this site so why are there no solar panels included as a given on all properties? The Hydrock/Stantec report does state that 'ASHPs will be used to heat the development' (p.7, para 8.1) so why not the logical accompanying solar panels and low temperature heating systems?

xviii) The housing density of the development is excessive in comparison to the existing housing south of Lovers Lane. The visual, lighting and landscape amenity impact of the development is entirely out of character for the surrounding locality and is inappropriate on a site where the topography rises towards the north, making the development more obvious.

xix) Access to this site will be predominantly via Hatherop Lane, properties in Aldsworth close have limited parking and park (outside their houses) on Hatherop Lane. This will create a pinch point and cause problems.

xx) Inadequate infrastructure in the town.

Windrush Against Sewage Pollution (WASP)

'1. This submission is made by Windrush Against Sewage Pollution (WASP), a registered charity one of whose aims is to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the River Windrush and surrounding river catchments. A major focus in working toward this is to eliminate the discharge of untreated and poor-quality sewage into local watercourses.

2. WASP takes no position with respect to development proposals.

3. *The submission focusses solely on the ability of Fairford Sewage Treatment Works (STW) owned by Thames Water Utilities Limited to deal legally with the increased sewage generated by the proposed development.*
4. *In a letter responding to a previous application at this site (7/10/21) Thames Water confirmed that there was sufficient foul water capacity in the sewer network to serve the site. This assurance was time limited for a 12-month period.*
5. *The Flood Risk and Drainage Statement accompanying this application contains the same (by now out of date) bland assurance.*
6. *The sewer network ultimately discharges into Fairford STW. The letter from Thames Water fails totally to mention lack of capacity issues at Fairford STW.*
7. *Data gathered by WASP shows that Fairford STW was previously operating with a permitted Flow to Full Treatment (FFT- the volume of raw sewage that must be treated before spilling untreated sewage to the environment is permitted) figure of 37.8 l/s which was inadequate for its current works loading.*
8. *This fact was acknowledged by Thames Water in the recent Water Industry National Environment Programme (WINEP) which notes that Fairford STW requires upgrade of its FFT to meet the required Environment Agency (EA) formula namely $3PG + iMAX + 3E$. Using this formula the FFT at Fairford STW should be at least 58 l/s, an approximately 35% increase on the existing figure.*
9. *As part of the AMP7 process TW committed to upgrade Fairford STW's FFT to the slightly lower figure of 56.8 l/s by 31 March 2025.*
10. *However, along with a total of more than 100 other schemes the company reneged on this commitment. As a consequence Fairford STW continues to operate at an FFT of 37.8 l/s, in contravention of a revised permit issued by the Environment Agency in June 2025, with an FFT of 56.8l/s. This means that Fairford STW is now operating outside its legal permit.*
11. *On 12 February 2025, Ofwat announced that it was opening an enforcement case into Thames Water to investigate whether its delayed delivery of more than 100 environmental improvement schemes meant that the company had breached its obligations. One of these breaches was the failure*

to deliver the upgrade to FFT at Fairford STW <https://www.ofwat.gov.uk/ofwat-to-investigate-thames-water-on-delayed-environmental-schemes/>

12. Thames Water has subsequently committed to upgrade the FFT at Fairford STW to 56.8 l/s but not until winter 2027/28 at the earliest. <https://www.thameswater.co.uk/about-us/performance/river-health/frequently-asked-questions/information-about-specific-sites#f>.

13. With respect to the illegal 'dry spilling' of untreated sewage, the same website notes that 'we expect this location (Fairford STW) to meet all government targets for storm overflows by 2045 - 2050.

14. Given the lamentable record of the company for delivery of agreed schemes, and its present parlous financial position, there are real concerns that even these lax timescales will not be adhered to.

15. More recently (25 May 2025) Ofwat reinforced the serious and persistent nature of breaches of the company's legal obligation by fining Thames Water a record £103.5 million for 'the (way the) company was managing its treatment works and wider wastewater network uncovered failings that have amounted to a significant breach of the company's legal obligations, which has caused an unacceptable impact on the environment and customers.' Failure to meet the required flow to full treatment conditions at key works was one of the major reasons cited by Ofwat for the large fine.

16. In comments responding to Cotswold District Council regarding the Fairford Neighbourhood Plan pre-submission TW stated in 2017 that 'In recent years, the foul sewerage system in Fairford has become overwhelmed in some locations following prolonged and heavy rainfall. This has resulted in properties suffering from sewer flooding and restricted toilet use. The foul sewerage system is recorded as a separate foul system rather than a combined network. We believe that the system has surcharged due to of a combination of groundwater infiltration to public sewers and private drainage, significant volumes of surface water run-off from surrounding saturated fields, inundation from highways and public spaces, surface water misconnections (i.e. downpipes from roofs), and river water overflowing from the River Coln. The root causes of sewer surcharges are therefore numerous and the resolution of the issues complex, requiring all stakeholders responsible for drainage in the catchment to work together to resolve them.'

*17. In the same document TW stated that 'the storm overflow (at Fairford STW - my addition in *itals.*) is consented and compliant'*

18. *This is however at odds with statements from both the EA and DEFRA who are clear that the discharge of untreated sewage as a result of the infiltration of groundwater is unpermitted and thus illegal. Furthermore, it is now clear that the 'storm overflow' is NOT compliant with its consented conditions due the works failure to ensure it achieve an adequate FFT figure of 56.8 l/sec.*

19. *Data submitted by TW to the EA for the period 2018-2021 inclusive showed that Fairford STW spilled untreated sewage for an average of 1,659 hours (i.e in excess of two months) annually. WASP analysis showed that in 2020, 13% of the days with spills of untreated sewage were "dry" (i.e spilling untreated sewage on days with no rainfall) and hence illegal. Although the total spilling hours in 2021 reduced (2,491 in 2020 to 1,221 in 2021), 22% of the days with spills were "dry", marking an increase in the rate of illegal, 'dry' spilling.*

20. *In March 2021 TW published a Groundwater Impacted Systems Management Plan (GISMP)¹ for Fairford STW, an acknowledgement that groundwater infiltration is causing illegal 'dry' spilling of untreated sewage. This document provides information as to how TW aims to address spilling of untreated sewage due to groundwater ingress and timescales for the delivery of remedial works. There are no plans to address 'dry' spilling before 2045-50. There is thus currently no realistic prospect of any remedial action to prevent illegal spilling in advance of these dates.*

21. *Both Thames Water and the applicant should as a matter of urgency revisit their respective submissions regarding the capability of both the sewer network and the receiving Fairford STW to operate legally with the increased foul flow that will be occasioned should this development be granted. Using the conservative figure of 300 l/s foul water generated per household/day then an 29,400 l or 29.4 tonnes/day extra sewage will be passed to Fairford STW.*

22. *The EA is currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of sewage treatment works, focussing on early/dry spilling of untreated sewage. It is believed that Fairford STW is included in this investigation.*

23. *The ecological quality of the River Coln downstream of the discharge from Fairford STW is assessed as 'poor' by the EA²*

24. *There are a number of sections from the National Planning Policy Framework that are apposite to this application, namely:*

25. *Section 3 Plan Making. Para 20 notes that the requirement for an overall strategy for the pattern, scale and design quality of places and makes sufficient provision for:*

b) 'infrastructure including waste water' (This very specific prescription is at the heart of WASP's concerns regarding development and its impact on the discharge of untreated and poor- quality sewage to rivers) and more broadly

d) 'the conservation and enhancement of the natural environment'

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

27. *Paragraph 180 (l) (formally paragraph 174) notes that:*

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

l) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

28. *WASP contends that without prior completed upgrade to ensure compliance with the required permit standards at Fairford STW, granting of this development will simply endorse its present un-permitted and at times illegal operation, and will increase further the spilling of untreated and poorly treated sewage into the River Coln.*

29. *WASP further contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity. However, as in this case, in the face of contrary*

evidence presented to them, it does NOT HAVE to. This belief is based on counsel's advice and case law³ (KC's written opinion to WASP posted as a separate document).

30. Given the serious undercapacity of Fairford STW, its record of non-compliant 'dry' spilling, its failure to upgrade the works to the timetable agreed with Ofwat and the consequent illegal operation at Fairford STW, WASP OBJECTS to this application. '

9. Applicant's Supporting Information:

- Design and Access Statement
- Air Quality Assessment
- Noise Impact Assessment
- Statement of Community Involvement
- Flood Risk Assessment
- Landscape and Visual Appraisal Addendum
- Lighting Strategy
- Transport Statement
- Landscape and Ecology Management Plan (including Habitat Management and Monitoring Plan)
- Ecological Construction Method Statement (98 units)
- Ecological Appraisal
- Construction Management Plan
- Energy and Sustainability Statement
- Waste Minimisation Statement
- Update Bat Surveys
- Custom Build Design and Delivery Statement
- Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection)

10. Officer's Assessment:

Background and Proposed Development

- 10.1 Outline planning permission was granted in 2023 (22/03770/OUT) for the erection of up to 87 dwellings and associated works on the current application field. In 2024, a further Outline permission was granted (23/03626/OUT) which enabled the variation of a water network upgrade condition attached to the original Outline permission. The revised condition allowed up to 50 dwellings

to be occupied prior to water network upgrades being undertaken as an alternative to the 35 dwelling limit specified in the original permission. The application site was subsequently purchased by the current applicant. Reserved Matters approval for 83 dwellings was given in May 2025 (24/01985/REM). The remaining 4 dwellings permitted as part of the Outline permission for 87 dwellings were set aside as self-build/custom build plots and were to be addressed separately.

- 10.2 This application seeks Full planning permission to erect 98 dwellings on the site as an alternative to the 87 dwellings permitted previously. The current application site is slightly larger than the Outline site in that it now also includes a section of Public Right of Way (Lovers Lane) which lies adjacent to the southern edge of the application field. The section of footpath in question measures approximately 255m in length.
- 10.3 The proposed development consists of 54 open market dwellings, 39 affordable dwellings and 5 self-build/custom build serviced plots. The previous permission for 87 dwellings was for 48 open market dwellings and 35 affordable dwellings, with 4 plots being set aside as self-build/custom build plots.
- 10.4 The current proposal is for 10 one bed, 18 two bed, 38 three bed, 20 four bed and 12 five bed dwellings (inclusive of self-build/custom build plots). The reserved matters approval for the 83 dwelling scheme (which excludes self-build/custom build plots) includes a mix of 8 one bed units, 18 two bed units, 23 three bed units, 18 four bed units and 16 five bed units.
- 10.5 The proposed dwellings are all 2 storey in height and consist of a mix of detached, semi-detached and 3 dwelling terraced units. Of the 98 dwellings, 47 would be detached properties (compared to 48 in the previous scheme). The proposed dwellings measure approximately 8m-9m in height. A total of 14 different house types are proposed. The external walls of the proposed dwellings would be a mix of reconstituted stone and roughcast render. Roofs would be covered in a mix of grey blue artificial slate or artificial Cotswold stone slate. Feathered edged weather boarding would be used for the external walls of the detached garages, of which there are approximately 35.
- 10.6 The site layout consists primarily of a central spine road with side roads extending perpendicular to it. The side roads link together to provide vehicular and pedestrian routes around the edge of the housing development. Each of the proposed dwellings fronts onto one of the estate or perimeter roads extending around the housing development. The proposed dwellings and estate roads are located towards the centre of the application site, with

landscape areas extending to the north, west and south of the proposed housing area. The eastern edge of the proposed housing is set back approximately 20-30m from Hatherop Road. The landscape areas would contain a mix of public open space, recreation areas, Local Equipped Area of Play, orchards and community allotments.

- 10.7 Vehicular access to the proposed development would be via a single entrance which opens onto Hatherop Road to the east. 2 pedestrian/cycle paths are proposed for connection onto the existing Public Right of Way that runs alongside the southern boundary of the application site.
- 10.8 With regard to car parking, the scheme incorporates 143 on-plot parking spaces, 33 allocated off-plot parking spaces, 19 un-allocated off-plot parking spaces, 10 community car parking spaces, 20 visitor parking spaces as well as cycle storage for each dwelling and 98 electric vehicle charging points.

(a) Residential Development Outside a Principal or Non-Principal Settlement

- 10.9 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 consists of the Cotswold District Local Plan 2011-2031 and the Fairford Neighbourhood Plan 2020-2031.
- 10.10 With regard to the Local Plan, the application site is located outside a Principal or Non-Principal Settlement for the purposes of the adopted Local Plan. The erection of new build open market housing in such locations is primarily covered by Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements which states:
- New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.*
- 10.11 The proposed development would be contrary to Local Plan Policy DS4 and the Council's development strategy which seeks to direct new build residential development to sites within Development Boundaries (Policy DS2), or in the case of small scale residential development, within Non-Principal Settlements such as villages and hamlets (Policy DS3).

10.12 Notwithstanding the conflict with the Local Plan, it is of note that Fairford Neighbourhood Plan 2020-2031 was formally adopted/made on the 5th June 2023. The Neighbourhood Plan now forms part of the development plan. The application site falls within the development boundary for the town identified in the aforementioned plan.

10.13 The application site has been allocated for residential development in the Neighbourhood Plan. The following policy is applicable to the site:

10.14 FNP14 A new Low Carbon Community in Fairford

'FNP14.1. The Neighbourhood Plan allocates land between Leafield Road and Hatherop Road (north of John Tame Close and St. Mary's Drive, as shown on the Policies Map) for a low, or zero, carbon residential development.

FNP14.2. Proposals for housing development of around 80 homes will be supported, subject to delivery of a comprehensive proposal satisfying the following criteria:

a) Development is not commenced until the necessary upgrade and improvements to the local utilities infrastructure are as provided for by Policy FNP5 Investing in Utilities' Infrastructure Improvements;

b) Development conforms with the requirements of FNP15 to deliver appropriate housing type and mix;

c) Development conforms with the requirements of FNP16 to deliver sustainable housing;

d) The layout and landscape scheme incorporate appropriate measures, including tree planting, to mitigate the visual effects of the development on the countryside to the west, north and east of the site, with provision for this to be maintained in perpetuity;

e) Development satisfies, as a minimum, the standards required for the "Building with Nature - Design" level. Developments that meet the higher levels ("Good", "Excellent") of the standard would be strongly supported;

f) The design and landscaping have regard for the setting of the Fairford Conservation Area;

g) Provision is made in the layout for the future provision of a link road giving access between the schools and the A417 to the east of the town;

h) A dropping-off point away from the school is provided, with a safe walking route to the schools;

i) The scheme provides one or more areas of publicly accessible open space, including a children's play area (Local Equipment Area for Play "LEAP") and a community garden or allotments;

j) Provision is made for the delivery of self or custom build plots in line with CDLP policy H1;

k) The scheme keeps housing away from areas prone to surface or ground water flooding and incorporates measures to contain and attenuate surface water either in low lying areas within the site boundary or on other land in accordance with FNP4; and

l) Provision is to be made for affordable housing in accordance with CDLP policy H2.

FNP14.3. The development of this site will be required to mitigate its impact on the Special Area of Conservation (SAC) at North Meadow near Cricklade.'

10.15 The application site has been allocated for residential development partly in lieu of 2 other sites in the settlement which had previously been allocated for residential development in the Local Plan. The sites in question are:

- *F_35B Land behind Milton Farm and Bettertons Close (49 dwellings net)*
- *F_44 Land to rear of Faulkner Close, Horcott (12 dwellings net)*

10.16 This Council's Strategic Housing and Economic Land Availability Assessment (2021) recommended that both of the aforementioned sites are deallocated from the Local Plan. Site F_35B is deemed undeliverable and site F_44 is now unsuitable for development due to a recent Site of Special Scientific Interest (SSSI) designation. The allocation of the current application site in the Neighbourhood Plan therefore provides an alternative residential development site that will offset the loss of housing that would otherwise have been provided through the 2 sites allocated in the Local Plan.

10.17 It is noted that the allocation of the current application site in the Neighbourhood Plan results in a development that is in conflict with Local Plan Policy DS4. In instances where there is a potential conflict between Local Plan and Neighbourhood Plan Policies, it is necessary to have regard to the Government's Planning Practice Guidance (PPG) which states that *'should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'* (PPG Paragraph: 044 Reference ID: 41-044-20190509). ' As the Neighbourhood Plan is the most up to date document, it is considered that Policy FNP14 carries greater weight than Local Plan Policy DS4. It is therefore considered that the release of the current application site for residential development is acceptable in principle and in accordance with the development plan.

10.18 Notwithstanding the above, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3-year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5-year supply of such land. However, as a result of the aforementioned changes the Council can now only demonstrate a 1.8-year supply. The new standard method means that the Council has to deliver 1036 homes per annum as opposed to the 504 homes per annum requirement that existed prior to the December 2024 update. Moreover, the aforementioned update to the NPPF removed the wording in the document that enabled previous over-supply to be set against upcoming supply. The residual requirement for the remainder of the Local Plan period would have been 265 dwellings per annum (based on the Housing Land Supply Report August 2023) prior to the changes in December. The December changes to the NPPF therefore result in the Council having to deliver a far higher number of dwellings than that required prior to December 2024. As the supply figure is now under 5 years, it is necessary to have regard to paragraph 11 of the NPPF, which states:

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

For decision-taking this means:

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

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

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

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

10.19 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 the criteria set out in paragraph 11 are applicable to this decision.

10.20 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that habitats sites, such as a Special Area of Conservation, can constitute an area or asset of particular importance. Harm to such an asset could therefore provide a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated. With regard to criterion d) ii), it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, including affordable housing, against the adverse impacts of the proposal. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

10.21 In addition to the above, it is also necessary to have regard to paragraph 14 of the NPPF, which states:

'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement ... '

10.22 In light of the fact that Fairford Neighbourhood Plan is under 5 years old and contains policies and allocations to meet its identified housing requirements, it is considered that the content of paragraph 14 is a significant material consideration in relation to this application and weighs heavily in favour of the development of the land.

10.23 It is noted that this proposal is for 98 dwellings, whereas Neighbourhood Plan Policy FNP14 refers to a development of *'around 80 homes'*. However, each proposal has to be assessed on its individual merits and there may be instances where an additional number of units can be accommodated on the site without causing conflict with the aims of the policy. The potential impacts arising from the increase in dwelling numbers will be considered in the following sections of this report.

(b) Affordable Housing and Housing Mix

10.24 The proposed development is for more than 10 dwellings and is therefore liable for affordable housing. In addition, as the proposal is for more than 20 dwellings, the scheme is also required to provide 5% of dwelling plots for sale as serviced self or custom build plots. The following Local Plan and Neighbourhood Plan policies are considered applicable to this proposal:

10.25 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.*

10.26 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.

10.27 Neighbourhood Plan Policy FNP14 states that affordable housing and self-build/custom build housing should be provided in accordance with Local Plan Policies H1 and H2. The following policy is also of relevance:

10.28 FNP15 Housing Type and Mix

FNP15.1. Proposals for housing development should provide a mix of housing types that have an emphasis on two and three-bedroom houses.

FNP15.2. Proposals for new housing that go beyond the requirements of Building Regulations and implement the design criteria set out in "The Lifetime Homes Design Guide" will be supported.

10.29 The applicant is proposing to provide 40% affordable housing (39 dwellings) on site in accordance with the requirements of Local Plan Policy H2 and Neighbourhood Plan Policy FNP14. The proposed mix includes 20 units for social rent and 19 shared ownership units/First Homes. The affordable units would be spread across the site and would utilise the same materials as the open market dwellings. It is considered that they would appear tenure blind when seen in the context of the site as a whole. The mix has been previously accepted by the Housing Officer and is considered acceptable. The final mix will be secured through a S106 legal agreement.

10.30 With regard to self-build/custom build plots, it is proposed to provide 5 such plots. The proposed number accords with the 5% requirement set out in Local Plan Policy H1. The provision of the serviced plots will be secured by means of a S106 legal agreement.

- 10.31 It is considered that the proposed development accords with the requirements of Local Plan Policies H1 and H2 and Neighbourhood Plan Policy FNP14 in terms of affordable housing provision and the delivery of serviced self-build/custom build plots.
- 10.32 With regard to housing mix in general, the current proposal is for 10 one bed, 18 two bed, 38 three bed, 20 four bed and 12 five bed dwellings (inclusive of self-build/custom build plots). The reserved matters approval for the 83 dwelling scheme (which excludes self-build/custom build plots) includes a mix of 8 one bed units, 18 two bed units, 23 three bed units, 18 four bed units and 16 five bed units.
- 10.33 The current mix of house types and the increase in unit numbers from the 87 permitted at the Outline stage to the 98 now proposed has arisen following discussions between Officers and the applicant. During the course of the previous application, Officers had concerns about the relatively high proportion of 4 and 5 bed properties within the development. On the grounds that the site was potentially capable of accommodating more dwellings, Officers were amenable to an increase in dwellings numbers on the basis that the additional units would be smaller in size, thereby improving the overall mix of development on the site. The current mix reflects these discussions. The current mix has resulted in an increase in one and three bed units and a reduction in five bed dwellings. The number of affordable dwellings has also increased by 4. It is considered that the current mix represents a more balanced distribution of house types that accords with the aspirations of Local Plan Policy H1 and Neighbourhood Plan Policy FNP15.

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

- 10.34 The application site occupies an area of agricultural land located to the north of Fairford. The site is visible from Hatherop Road to the east as well as from the Public Right of Way (BFA17) to the south-west and Leafield Road to the west. The proposed development will therefore be visible from a number of public vantage points. More limited views of the site are also available from Public Right of Way BFA18 to the north and BFA35 to the north-east of the site.
- 10.35 The following Local Plan policies are considered relevant to the proposal:
- 10.36 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.'*

10.37 Local Plan Policy EN2 Design of the Built and Natural Environment

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

10.38 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.'*

10.39 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).*

10.40 With regard to Fairford Neighbourhood Plan, the site is subject to Policy FNP14 referred to previously in this report.

10.41 With regard to design, Policy FNP12 Achieving High Standards of Design states:

'Proposals for new development, including extensions to existing buildings, should be of the highest design standards, in accordance with the Cotswold Design Code and should have regard to the guidance of the Fairford Character & Design Assessment and to the following key design principles:

a) There are key views listed in Appendix 3 which should not be obstructed, nor should their contribution to defining the character of the town and its relationship with the surrounding landscape be harmed

b) More generally, development layouts and building orientation should not obstruct the occasional glimpse views of the surrounding landscape from within the town

c) Short runs of low-level buildings in groups (1, 1.5 or 2 storey) should be placed at the edges of any development with higher (max. 2.5 storey) buildings kept to the centre for developments outside the town centre boundary

d) The Cotswold stone of Fairford is the light, white/cream-coloured stone (not the yellow stone of the northern Cotswolds) with a light coloured pointing. These are dominant and defining characteristics of the town and should therefore be the default material unless the nature and location of the proposal allow for the use of non-vernacular materials

e) All solid fencing/walling should contain a 13cm square hole to enable the passage of hedgehogs and small mammals. If the barrier is particularly long e.g. in a boundary wall, then several holes should be included at regular intervals (ideally every 5m, with attention paid to the needs of small animals as recommended in www.hedgehogstreet.org/development.

f) Frontages and boundaries, where they are to be defined, should be demarcated with Cotswold stone walls, iron railings or hedging with practical maintenance arrangements in place if a hedge is to be planted

g) Close-board timber fences should not be used to define boundaries to the frontage/roadside of new buildings

h) Bin storage should be incorporated into new housing and commercial proposals in a manner which is sympathetic and does not detract from their character and appearance.

i) Where 1960s imitation or reconstituted stone is to be replaced/covered, use natural and/or heritage materials, including rough cast render, rather than reproduction.

j) Provision should be made for thoroughfares for pedestrians and cyclists providing quick and safe access to main arterial routes (alleyways and through routes are a typical feature of the town). Where linking alleyways are incorporated into new design they should be at least 2m wide.

k) Crescents and cul-de-sac estates are not typical of old Fairford and are not encouraged in developments. Due consideration should be given to pedestrian/cycle connectivity and vehicle access resilience in the case of larger developments.

l) Overhead services generally detract from the special character and appearance of the street scene and landscape and the opportunity should be taken as part of suitable development proposals to re-site them underground as part of that scheme.'

10.42 In terms of national guidance, paragraph 187 of the NPPF states that planning decisions should '*contribute to and enhance the natural and local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.*'

10.43 Paragraph 131 of the NPPF states that '*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

10.44 Paragraph 135 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. '*

10.45 Paragraph 136 states *'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

10.46 In addition to its allocation for residential development in the Local Plan, the site was assessed as part of this Council's Strategic Housing and Economic Land Availability Assessment (2021) (SHELAA). The site has reference F51B. In terms of landscape, the SHELAA states:

'F51B - The parcel is comprised of one complete arable field and is bound by hedgerow to all sides. The parcel is proposed as a residential allocation within the emerging Fairford NDP. Should this be implemented the settlement edge of Fairford will be substantially extended into the rural landscape. Beyond the

northern, eastern and western boundaries is a continuation of the arable context within the parcel. The other two parcels are also present to these boundaries. To the south of the parcel is the tree lined Fairford Footpath 17 with existing dwellings within Fairford beyond. Views of the parcel are achieved from the road to the east, settlement edge to the south and public footpaths in the vicinity (Fairford Footpaths 17, 18 and 35).'

10.47 With regard to landscape sensitivity, the SHELAA states:

'Evaluation: High Justification: The parcel has susceptibility to change through housing development due to its position within open countryside. Development would represent encroachment into the characteristically rural landscape around the Fairford settlement and form a prominent addition to views. The vegetated boundaries form an important landscape feature that tie the parcel to its surrounding context. Development here would create a discordant and uncharacteristic addition to the local landscape. The parcel is considered to have High landscape sensitivity due to the above factors.'

10.48 The SHELAA recommendation was *'F51B is a candidate for further consideration for allocation within the Local Plan. However, in order to be supported as a site allocation, the landscape issues would need to be satisfactory mitigated.'* & *'If F51B were to be developed:*

- The significant green infrastructure improvements should be incorporated within the design, which include additional tree planting and the creation of wildlife corridors;*
- The development does not undermine opportunities for further development in the northern part of Fairford, including providing the opportunity to alleviate traffic congestion in the historic core of the town; and*
- The planting used throughout the site should support pollinators and the Bee Line.'*

10.49 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 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 is seen in context with the

agricultural landscape lying to the north of the settlement and contributes positively to the rural setting of the town.

- 10.50 The grant of Outline permission for 87 dwellings in 2023, and the subsequent approval of reserved matters for 83 dwellings, has established that the site can reasonably accommodate a level of development that is similar to that now proposed. The approved scheme focuses residential development on the central part of the site, with land around the northern, western and southern edges of the site set aside for landscaping, public open space, flood attenuation, allotments and recreation. As a consequence, the approved layout creates a landscape buffer zone around new housing and a transitional area between built development and the wider countryside.
- 10.51 The approved scheme was subject to numerous discussions between Officers and the applicant. As a result of these discussions, the applicant introduced a central green space into the housing area in order to create a green focal point within the development. Terraces and semi-detached dwellings were introduced along the central road to better reflect traditional street forms. Lower density development was introduced towards the edge of the site. The design of dwellings was generally simplified and a stronger building hierarchy introduced across the site. The original proposal had a rather uniform appearance that was considered to result in a lack of sense of place, or to reflect local character and distinctiveness.
- 10.52 The development now proposed follows the principles established at the reserved matters stage. The proposed housing would be located towards the centre of the site, with the same level of green infrastructure proposed around the edge of the site area. Public open space, a children's play area, recreation space and community allotments are also consistent with the previously approved scheme. Pedestrian and cycle connections points are also proposed onto the Public Right of Way to the south of the site. The existing Public Right of Way provides a connection to the primary and secondary schools located approximately 200m to the west of the application site.
- 10.53 The proposed house types are consistent with the designs agreed at the reserved matters stage. The proposed dwellings are relatively modest in terms of their size and scale. The overall appearance of the dwellings was simplified as part of the reserved matters scheme. The original scheme included large numbers of bay windows, 2 storey front projecting gables, overly wide gable depths and fenestration which did not respond particularly sympathetically to traditional Cotswold building forms. These elements were subsequently removed from the approved scheme. In addition, more cohesion was sought in

relation to the distribution of materials across the site, with roofing materials now being used in a more cohesive manner rather than the scattered arrangement proposed originally. The predominant building material used on the site will be reconstituted stone which matches that used in the majority of houses locally. The current designs match those agreed at the reserved matters stage and are considered to respect local character and distinctiveness.

- 10.54 Drystone walls and picket fences are also proposed to the front of the dwellings in order to add interest to the street frontages. Street trees are proposed along the main road through the development.
- 10.55 In terms of size and scale, the proposed dwellings are consistent with existing residential development to the south of the site and are considered to be acceptable in this respect. It is considered that the proposed dwellings are of an appropriate size and will not appear unduly prominent or inconspicuous when viewed from the wider landscape.
- 10.56 With regard to the introduction of an additional 11 dwellings on the site, it is noted that the aforementioned units would be located within the housing area previously approved. As such, the new dwellings would not result in built development extending further into the established green space than already agreed. The proposed units would form part of the built area of the site established by the previous permission. A number of the additional units arise from the change of detached dwellings to semi-detached dwellings or the introduction of an additional terrace. The main changes relate to the central and south-western parts of the site and are considered not to have a material impact on the appearance of the development when viewed from nearby public vantage points. It is considered that the scheme now proposed can reasonably accommodate the additional dwellings without having an adverse impact on the character and appearance of the area, the integrity of the original scheme, diminishing its quality or conflicting with the aspirations of Neighbourhood Plan Policy FNP14.
- 10.57 With regard to Landscaping, the applicant has submitted a detailed planting scheme with this application, as well as defining the use of the landscape buffer around the edge of the site. The landscaping scheme includes the creation of informal and formal open space. It also makes provision for allotments, a kick-about area and children's play. The landscape areas will therefore be suitable for a variety of user groups. The proposed planting scheme is considered appropriate for the site and its edge of settlement location. Measures are to be put in place to secure the retention of existing hedgerows and trees around the edge of the site. The proposed landscaping and green buffers around the edge

of the site will soften the landscape and visual impact of the proposed development when viewed from public vantage points.

10.58 It is considered that the proposed development is consistent with the extant permission for the development of this site. The design, layout, size and scale of the current proposal are considered to respect the details agreed previously and to be sensitive to its location. The increase in dwelling numbers would result in a more efficient use of the land in accordance with the aspirations of paragraph 124 of the NPPF which states that planning decisions '*should promote and effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and health living conditions.*' Paragraph 129 of the NPPF also supports development that makes efficient use of land, taking into account the identified need for housing , the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy place. The introduction of a further 11 dwellings will make a positive contribution to this Council's housing land supply position, as well as providing 4 additional affordable dwellings. It is also considered that the proposal does not conflict with Neighbourhood Plan Policy FNP14 in terms of its aspirations for the development of the site.

10.59 It is considered that the proposal accords with Local Plan Policies EN1, EN2, EN4 and INF7, Neighbourhood Plan Policies FNP12 and FNP14 and guidance in sections 12 and 15 of the NPPF.

(d) Access and Highway Safety

10.60 The proposed development would be served by a new vehicular entrance in the eastern boundary of the application site. The proposed entrance would open onto Hatherop Road which is an unmarked highway with a carriageway width of approximately 4.4m to 4.7m. The aforementioned road is subject to a 60mph speed limit where it passes the proposed entrance point. A 30mph speed limit is in place approximately 60m to the south of the proposed entrance.

10.61 The proposed entrance is the same as that permitted as part of the Outline application. The proposed entrance can provide visibility splays of 173m northwards and 110m southwards which is sufficient to meet recorded vehicle speeds (54.6mph and of 41.8mph respectively). The access road would be 6.3m wide widening to 6.8m at the junction mouth to facilities larger vehicles such as buses and refuse vehicles.

- 10.62 The proposed development would generate a total of 48 two-way trips in the AM peak period, and 42 two-way trips in the PM peak period. The additional 11 units would result in a total of 6 additional two-way trips in the AM peak period, and 5 additional two-way trips in the PM peak period across the local highway network.
- 10.63 Pedestrian and cycle access would be provided to Public Right of Way BFA17 which runs along Lover's Lane to the south of the site. The aforementioned route provides access to the schools to the west as well as connections to the existing footpath network which extends to the town centre. Future occupants would not therefore need to walk from the principal site entrance along Hatherop Road in order to reach existing services and facilities.
- 10.64 This application proposes to relocate the 30mph speed limit on the Hatherop road to the north of the proposed entrance. The new entrance would therefore fall within a 30mph speed zone. The relocation of the speed limit would be the subject of Traffic Regulation Order which would be undertaken separately by Gloucestershire County Council (GCC) Highways.
- 10.65 This application is accompanied by swept path analysis plans which demonstrate that the internal road layout can accommodate refuse/service vehicles in a safe manner. Adequate visibility can also be provided at internal junctions within the development.
- 10.66 All properties are within the maximum carry distance for kerbside refuse collection.
- 10.67 With regard to car parking, the scheme incorporates 143 on-plot parking spaces, 33 allocated off-plot parking spaces, 19 un-allocated off-plot parking spaces, 10 community car parking spaces, 20 visitor parking spaces as well as cycle storage for each dwelling and 98 electric vehicle charging points.
- 10.68 Provision will be secured in the S106 legal agreement to ensure access will be available to the field to the west of the application site in accordance with the aspirations of Neighbourhood Plan Policy FNP14.
- 10.69 In light of the site's allocation in the Neighbourhood Plan and the degree of connectivity for pedestrians and cyclists to the town centre and other services and facilities, it is considered that the site represents a sustainable location for the proposed development. Future occupants of the development would not be entirely reliant on the use of the private motor car to undertake most day to day activities.

10.70 Gloucestershire County Council (GCC) Highways has raised no objection to the application. The Highway Officer has recommended that the same financial contributions are carried through from the Outline permission to this proposal. These include £10,000 towards a Traffic Regulation Order, £15,900 towards public transport, £5,000 towards a travel plan monitoring fee and £45,120 for a travel plan (incl £37,600 to a travel plan deposit).

10.71 It is considered that the proposed development can be undertaken without having an adverse impact on highway safety or the operation of the local road network. The proposed development is therefore considered to accord with Local Plan Policies INF3, INF4 and INF5, Neighbourhood Plan Policy FNP6 and guidance in Section 9 of the NPP.

(e) Flooding and Drainage

10.72 The application site is located within a Flood Zone 1, which is the lowest designation of Flood Zone and one in which new residential development can be acceptable in principle. Notwithstanding this, it is noted that the southern and western parts of the settlement are susceptible to flooding. It is also noted that concerns have been raised by Windrush Against Sewage Pollution about the capacity of Thames Water's foul water infrastructure and the potential for the increased discharge of foul water into watercourses.

10.73 The following Local Plan and Neighbourhood Plan policies are considered relevant to this application:

10.74 Local Plan Policy EN14 Managing Flood Risk

1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of the site, the local community or the wider environment as a result of flooding.

2. Minimising flood risk and providing resilience to flooding will be achieved by:

a. applying the sequential test for assessment of applications for development in Flood Zones 2 and 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;

- b. *requiring a site specific flood risk assessment for:*
 - i) *Proposals of one hectare or greater in Flood Zone 1;*
 - ii) *All proposals in Flood Zones 2 and 3: or*
 - iii) *Proposals in an area in Flood Zone 1 that has critical drainage problems.*
- 3. *The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).*
- 4. *Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.'*

10.75 In addition, criteria 1a and 1c of Local Plan Policy INF8 Water Management Infrastructure state that proposals will be permitted that:

' a. take into account the capacity of existing of-site water and wastewater infrastructure and the impact of development on it, and make satisfactory provision for improvement where a need is identified that is related to the proposal.' and

' c. incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate,'

10.76 Neighbourhood Plan Policy FNP4 Managing Flood Risk states:

FNP4.1. When proposals for development are being considered, all sources of flood risk must be considered at the appropriate stages and the sequential and exception tests used to divert development to areas with lower probability of flooding, in accordance with NPPF guidance.

FNP4.2. Proposals for development on land identified by the Environment Agency as lying within either Flood Zone 2 or 3, or in areas of Flood Zone 1 in the circumstances outlined in footnote 55 of paragraph 167 of the July 2021 NPPF, will require a Flood Risk Assessment (FRA), using appropriate calculations based on the highest groundwater levels for the area (200 year maximum). Proposals will only be supported where it can be demonstrated in the FRA that:

- a. *They include appropriate site-specific measures to address effectively all the identified surface and ground water issues.*
- b. *Any residual flood risk can be safely managed. '*

FNP5 Investing in Utilities' Infrastructure Improvements

FNP5.1. Planning permission will only be granted to a development intending to connect to the sewer network if the sewer network can accommodate the additional demand for sewage disposal either in its existing form or through planned improvements to the system in advance of the construction of the development, to ensure that the environment and the amenity of local residents are not adversely affected.

FNP5.2. Where a need for new or improved off-site utility infrastructure has been identified in order to support new development, any resulting proposals will only be supported where the proposed utility infrastructure will be delivered in line with an agreed phased timescale.

FNP5.3. Development proposals will be required to make either satisfactory arrangements for the direct implementation of the off-site infrastructure, and/or an agreed financial contribution towards its provision by another party within the agreed timescale.

FNP5.4. Planning permission for a development intending to connect to the sewer network must include conditions that require that new homes must not be occupied until it is demonstrated that the sewerage system has adequate capacity to accommodate the additional flow generated by the development. The condition may allow that the physical connection of new homes to the sewage treatment works may be delayed until enough homes are occupied to achieve sufficient flow through the sewerage system to avoid issues of septicity, during which time approved environmentally acceptable alternative arrangements (e.g., tankering) may be used, subject to Local Planning Authority agreement.

- 10.77 With regard to surface water drainage, the applicant's drainage information indicates that the site generally has a good degree of permeability, although the southern part of the site has shallow groundwater which limits infiltration. As with the approved scheme, it is proposed to install an attenuation basin in the south-eastern corner of the application site. Smaller, localised infiltration basins would also be installed to the north and south-west of the proposed housing. Swales would connect the respective basins, with surface water being

directed to the larger basin before being released at a controlled rate into an existing drainage ditch running along the southern edge of the application site. The rate of discharge would be below existing greenfield rates, including an allowance for the impact of climate change. Separate Land Drainage Consent would also be required to discharge water to a water course/ditch.

- 10.78 GCC Lead Local Flood Authority (LLFA) has assessed the application in its role as a statutory consultee in relation to surface water matters. Whilst it had no objection to the previous Outline application, it has requested additional information to cover the increase in dwelling numbers, the swale around the perimeter of the site and how it will affect the storage capacity of the basin. At the time of writing this report, additional information is still awaited from the applicant. However, subject to this matter being resolved, it is considered that the proposed development can be undertaken without causing an unacceptable risk of flooding in accordance with Local Plan Policy EN14, Neighbourhood Plan Policy FNP4 and Section 14 of the NPPF.
- 10.79 With regard to foul drainage, the applicant intends to connect the development to the existing Thames Water network. This is the same approach put forward as part of the approved scheme. At the time of determination of the Outline application, Thames Water advised that its sewage infrastructure had sufficient capacity to accommodate the foul water from the proposed development. It did, however, indicate that water network infrastructure relating to the supply of water would need to be upgraded. A condition was attached to cover this matter. In response to this application, Thames Water's position with regard to sewage infrastructure has changed. It now states that it has *'identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal.'* As such, Thames Water has requested a condition requiring all sewage works upgrades necessary to accommodate the additional flows from the development to be completed; or for a development and infrastructure phasing plan to be agreed and put in place, prior to the occupation of any of the proposed dwellings.
- 10.80 With regard to the response of Thames Water to this application, it is noted that there is an extant permission for 87 dwellings on the application site. There is no requirement for the sewage infrastructure upgrades to be put in place prior to the first occupation of any of the aforementioned dwellings. This represents a significant material consideration. In response to Thames Water's comments, the applicant has submitted a phasing plan which has been passed to the respective body. The phasing plan sets out the potential timeframe for the current development proposal. It is projected that first connections to Thames Water's network would take place in July 2026 and would extend through to

January 2028. It would therefore take a number of years for the entire development to be fully connected, thereby providing Thames Water with a timeframe to make upgrades. A response from Thames Water is awaited in relation to the phasing plan. However, in light of the extant permission for 87 dwellings, it is considered that the condition recommended by Thames Water should be amended to cover the occupation of more than 87 dwellings rather than the occupation of any dwelling hereby permitted.

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

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

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

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

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

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

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

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

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

10.84 The concerns of Windrush Against Sewage Pollution are noted. In response, it is acknowledged that Thames Water has a duty to connect development into its system under the Water Industry Act 1991. Such a connection would typically be a separate matter for the applicant to resolve with Thames Water rather than a matter for the planning system. Notwithstanding this, the potential for foul water emanating from a development to discharge into a watercourse is a material planning consideration. The attachment of a condition requiring infrastructure upgrades to be provided prior to the occupation of all, or part of a development, would normally be sufficient in planning terms to ensure that adequate measures are in place to prevent the pollution of watercourses. In this instance, the use of a condition preventing occupation of a greater number of dwellings than those already permitted on the site is considered reasonable and would ensure that the development would not have a materially greater impact on the existing sewage network than that already approved. The proposal is therefore considered not to conflict with Local Plan Policy INF8 or Neighbourhood Plan Policy FNP5.

10.85 With regard to water supply, it is noted that the Outline permission is subject to a condition limiting occupation to no more than 50 dwellings before upgrades are put in place. It is considered that this condition is carried over to the current application.

(f) Impact on Residential Amenity

- 10.86 The proposed dwellings meet minimum floorspace standards set out in Local Plan Policy H1.
- 10.87 Each dwelling would be provided with adequate outdoor amenity/garden space. In addition, the proposed dwellings are positioned and orientated in a manner that would not have an adverse impact on the amenity of neighbouring residents in relation to privacy, light or overbearing impact. The proposal is considered to accord with guidance in the Cotswold Design Code.
- 10.88 A Local Equipped Area of Play and a kickabout area are included within the landscaped areas to the north of the proposed housing. Footpaths are also proposed around the edge of the development. It is considered that a reasonable level and mix of recreation space would be provided as part of the development proposal.
- 10.89 Gloucestershire Constabulary's Designing Out Crime Officer has provided comments on the proposal. The officer has indicated that the positioning of cycle storage to the rear of tandem parking areas may make it difficult to access bicycles without moving parked vehicles. It is recommended that sufficient space is provided around parking bays to enable access. The officer also identifies that the connection of footpaths to the road network could enable vehicle access and that chicanes or earthworks could restrict such access, and that the 20m separation distance between the play area and housing may attract children from neighbouring areas which may be perceived as anti-social area. The hedging proposed around the play area may also restrict visibility from housing. In addition, the officer has advised that the community allotment and orchard should be maintained and managed until taken on by the community. It is also recommended that a condition is attached which would require each property to meet the required level of security for each home as set out in Secured by Design 2024.
- 10.90 In response to the points raised, the submitted plans show an area of space around each of the parking places. As a consequence, it is considered that there will be a degree of space available to allow bicycles to pass parked cars. With regard to footpath/road connections and the location of the play area, the respective features have been approved previously and form part of an extant development. With regard to the play area, there is a need to balance surveillance against the potential noise and disturbance issues that may arise if such an area is placed too close to dwellings. The proposal play area is considered to be in reasonable proximity without causing amenity issues. It

would also be located close to a community allotments, orchard and car park which would entail a degree of activity in the area. In this instance, it is considered that the position of the play area is acceptable and that it would not result in the creation of an isolated or poorly surveilled area. The management of the community allotments and orchard would be covered through management details set out in the S106 legal agreement. With regard to the proposed security condition, Officers consider that this would be unreasonable and unnecessary in this instance, in light of the extant permission for 87 dwellings on the site and the character of the area. Officers therefore consider that the development has been designed to reasonably prevent crime and disorder and address the requirements set out in Section 17 of the Crime and Disorder Act 1998 which states that *'it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*

(a)crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b)the misuse of drugs, alcohol and other substances in its area; and

(c)re-offending in its area; and

(d)serious violence in its area.'

(g) Biodiversity

10.91 The application site consists of an arable field which is bordered by a mix of strips of semi-improved grassland as well as native species hedgerows and trees. Drainage ditches extend alongside the southern, western and eastern boundaries of the application site. In terms of its wider context, the application site falls within 5km of the Cotswold Water Park and Whelford Meadow Sites of Special Scientific Interest (SSSI). The south-western part of the site is located within the Zone of Influence of North Meadow and Clattinger Farm Special Area of Conservation (SAC).

10.92 This application is accompanied by an Ecological Appraisal, Ecological Construction Method Statement, a Landscape and Ecology Management Plan and an updated bat survey report. The Biodiversity Officer has assessed the submitted reports and states:

'Environmental Construction Method Statement

10.92.1 The ECMS report outlines mitigation and control measures to prevent water pollution incidents that could impact designated habitats, including statutory sites such as Whelford Meadow SSSI and the Cotswold Water Park SSSI, as well as non-statutory sites, including Broadwater Lake LWS. The ECMS also provides adequate safeguarding measures for protected and priority species and habitats during site clearance and construction activities

Biodiversity net gain

10.92.2 The biodiversity metric demonstrates at least a 10% net gain can be achieved on-site across all three habitat modules. These gains are considered significant, this is due to the proposed area of other neutral grassland in moderate condition, the creation and enhancement of habitats of very high and high distinctiveness, and the use of good target conditions. As a result, a s106 legal agreement is required to secure monitoring fees.

10.92.3 There are a few inconsistencies between the biodiversity metric and the ecological appraisal that must be resolved before a successful compliance application can be submitted to discharge the biodiversity gain condition. Examples include, but are not limited to:

- SuDS Condition: The biodiversity metric assigns a poor target condition to the SuDS feature, whereas the ecological appraisal indicates it will achieve a moderate condition.*
- Reedbed Area: The metric records the reedbed habitat as covering 0.15 ha, while the ecological appraisal states it will be 0.09 ha.*
- Non-Priority Pond Area: The metric lists this feature as 0.04 ha, but the report specifies an area of 0.15 ha.*

Habitat Management and Monitoring Plan

10.92.3 There are several key elements missing from the current HMMP report that would typically be expected, including (this is not an exhaustive list):

- Assessment outcomes: Clear identification of passes and fails against the metric condition assessment criteria for each proposed habitat target condition score;*

- *Risk register: Inclusion of defined triggers for action—for example, intervention if more than 10% of newly planted trees are found to be dying within years 1-10;*
- *Monitoring schedule: A structured timetable for reporting to the Local Planning Authority and reviewing monitoring outcomes In addition, the HMMP and the biodiversity gain condition are intrinsically linked; the HMMP outlines the qualitative actions needed to achieve the quantitative targets in the biodiversity gain plan. Therefore, it's challenging to assess the HMMP without reviewing the biodiversity gain plan itself, which is currently a post-permission matter. In light of this, it is recommended that a 30-year HMMP condition be imposed. I advise that the existing LEMP either be updated accordingly or that its relevant content be transferred into the HMMP template,*

Ecological enhancements and lighting

10.92.4 The proposed street lighting will allow commuting and foraging species to continue using boundary hedgerows, while the planned ecological enhancements will offer additional nesting and roosting habitats for protected and priority species.'

- 10.93 The submitted reports indicate that the scheme can be undertaken without causing harm to protected species. In addition, existing hedgerows will be retained and new tree planting introduced across the site, which is considered to represent a betterment in biodiversity terms. It is considered that the proposal accords with Local Plan Policy EN8
- 10.94 The application site is located within the 9.4km Zone of Influence serving North Meadow and Clattinger Farm Special Area of Conservation (SAC). The site falls within the Outer Zone of Influence (4.2 - 9.4km) of the SAC, within which a financial contribution can be accepted as a means of mitigating recreational pressure on the SAC. The applicant for this planning application is intending to enter into a S106 legal agreement confirming that a financial contribution will be paid in accordance with the North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy (2023). The contribution will secure sufficient mitigation to ensure that the proposed development will not lead to adverse recreational impacts on the SAC.

- 10.95 Natural England raises no objection to the application subject to the aforementioned mitigation being addressed through the submission of the relevant financial contribution.
- 10.96 The proposed contribution will also address the requirement of Neighbourhood Plan Policy FNP14 which states that the *'development of this site will be required to mitigate its impact on the Special Area of Conservation (SAC) at North Meadow near Cricklade.'*
- 10.97 The proposals included within the planning application (including the financial mitigation contribution) are therefore considered to be acceptable and Officers have no objections under the Habitats Regulations.
- 10.98 It is considered that the proposed development is in accordance with Local Plan Policy EN8, Neighbourhood Plan Policy FNP14 and guidance in Section 15 of the NPPF.

Other Matters

- 10.99 With regard to the impact of the proposal on trees and hedgerows, the Council's Tree Officer advises:

10.99.1 'The site has expanded slightly from previous applications (23/03636/OUT & 24/01985/REM) so that this application now includes protected trees listed as T6 - T10 of CDC TPO no 16/00005 - Path between Hatherop Road and Leafield Road, Fairford 2016. None of these trees are proposed for removal. Site specific tree protection measures described in Section 9 - Arboricultural Method Statement and shown on 4 tree protection plans (drawing no edp 7301_d019a) should, if adhered to, ensure potentially damaging impacts the protected trees and retained trees are avoided.'

10.99.2 Trees listed on the report as T1 (protected tree), T2, T12 (protected tree), T18 & G45 could be detrimentally impacted by development activities encroach within the rooting zones of these trees. Specific protection and damage limitation measures have been suggested in the Arboricultural Method Statement which I am accepting of.

10.99.3 Submitted plans will result in the partial removal of 1 tree group of moderate arboricultural quality (G9 as listed with the arboricultural report), the partial removal of 1 tree group of low arboricultural quality (G10) and a removal of a short section of hedgerow (H26). The report also recommends the removal of 5 ash trees displaying symptoms of ash dieback (trees T6, T22, T24, T25 &

T29). Subject to new tree planting to mitigate for this loss, I have no objections to the removal of these trees.

10.99.4 The vast majority of the site is devoid of trees. If the application is granted consent appropriate and conditioned new tree planting will increase tree cover in the vicinity. This is supported. New tree planting should include an appropriate 10-year management plan to ensure the new trees establish successfully.'

10.100 The submitted landscape plans include new tree planting. Conditions are proposed which would cover landscaping and tree and hedgerow protection. It is considered that the development can be undertaken in accordance with Local Plan Policy EN7.

10.101 With regard to archaeology, it is noted that archaeological work has been carried out as part of a condition compliance application (24/02151/COMPLY) submitted in connection with the previous Outline permission. GCC Archaeology has advised:

'24/02151/COMPLY application. The excavation has been completed and we wait to receive the post-excavation assessment report followed by analysis and final excavation report/publication. To ensure the full post-excavation work is completed and reported on I recommend that a compliance condition is attached to planning permission and recommend the following wording:-

Post excavation assessment, analysis, excavation report/publication and archive deposition as set out in the "Project specification for an archaeological excavation" by Thames Valley Archaeological Services (ref: 23e181exc), dated 10th June 2023, shall be carried out in accordance with the approved details.'

10.102 It is considered that the proposed development can be undertaken in a manner that will not cause harm to features of archaeological interest, subject to the above request being addressed as a planning condition.

10.103 With regard to energy efficiency matters, the following Neighbourhood Plan policy is considered relevant to this proposal:

10.104 FNP16 Zero Carbon Buildings

'FNP16.1. Subject to the development being found to be acceptable when judged against other policies in the FNP, innovative approaches to the construction of low carbon homes which demonstrate sustainable use of

resources and high energy efficiency levels will be supported. Examples would include, but would not be limited to earth sheltered, rammed earth, or straw bale construction, construction to Passivhaus standards, conversion to EnerPHit standards.

FNP16.2. The sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings will be encouraged, including the retrofitting of listed buildings, buildings of solid wall or traditional construction and buildings within conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future.

FNP16.3. All new non-residential buildings should achieve the BREEAM Excellent standard.

- 10.105 The applicant has submitted an Energy and Sustainability Statement with this application which sets out various measures which would be incorporated into the scheme in order to address the impact of climate change. Air source heat pumps are proposed for each dwelling and a fabric first approach is proposed for new buildings. This would enable additional insulation and thermal efficiency measures to be incorporated into the development. The submitted statement states that *'It is predicted that the proposed development will achieve an 66% site-wide reduction in carbon emissions, compared to the notional building.'* It is considered that the proposed development is reasonably addressing the issue of climate change.
- 10.106 The application site is located approximately 2km north of RAF Fairford. The Ministry of Defence's (MOD) Defence Infrastructure Organisation (DIO) Safeguarding Team has raised no objection to the application.
- 10.107 With regard to financial contributions, Gloucestershire County Council has requested financial contributions of £19,208 to library services. The previous Outline permission was also the subject of a contribution of £10,000 towards a Traffic Regulation Order, £15,900 towards public transport, £5,000 towards a travel plan monitoring fee and £45,120 to a travel plan (£37,600 to a travel plan deposit. The requested contributions are considered to be 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.
- 10.108 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 residential development of the site is acceptable in principle having regard to the allocation of the site for housing in the Fairford Neighbourhood Plan. The proposal would also make a notable contribution to the supply of housing in the District and to the delivery of affordable housing. It is also considered that it has been reasonably demonstrated that the site can accommodate the level of development proposed in a manner that would be sensitive to its surroundings and that would not cause unacceptable harm in any other respects, such as highway safety, drainage (subject to no objection from the Lead Local Flood Authority), biodiversity or archaeology. It is therefore recommended that the application is granted permission.

12. Proposed Conditions:

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

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

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

25033 101 B, 25033 102 B, 25033 103 A, 25033 104 A, 25033 105 A, 25033 106 A, 25033 107 A, 25033 108, 25033 109, 25033 110, 25033 111, 25033 112 A, 25033 113, 25033 114, 25033 115, 25033 116, 25033 117, 25033 118 A, 25033 119, 25033 120, 25033 121 A, 25033 122, 25033 123, 25033 124, 25033 125, 25033 126, 25033 127, 25033 128, 25033 129, 25033 130, 25033 131, 25033 132, 25033 133 A, 25033 134 A, 25033 135, 25033 136 A, 25033 137, 25033 138 A, 25033 139, 25033 140, 25033 141, 25033 142, 25033 143, 25033 144, 25033 145, 25033 146.

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edp7301_d011a, edp7301_d011a sheet 1 of 5, edp7301_d011a sheet 2 of 5, edp7301_d011a sheet 3 of 5, edp7301_d011a sheet 4 of 5, edp7301_d011a sheet 1 of 5.

edp7301_d012 sheet 1 of 5, edp7301_d012 sheet 2 of 5, edp7301_d012 sheet 3 of 5, edp7301_d012 sheet 4 of 5, edp7301_d012 sheet 5 of 5.

edp7301_d013 sheet 1 of 3, edp7301_d013 sheet 2 of 3, edp7301_d013 sheet 3 of 3.

edp7301_d014 sheet 1 of 1.

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L01

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

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

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

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

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

5. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

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

6. New render shall be of a roughcast type and be of a mix containing sharp sand, stone dust, pea shingle and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

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

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

The design and details shall be accompanied by drawings to a minimum scale of 1:5. The development shall only be carried out in accordance with the approved details and retained as such at all times.

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

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

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

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

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

10. Within one month of its installation, each window and external door shall be finished in a colour that has first been approved in writing by the Local Planning Authority.

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

11. The entire landscaping scheme shall be completed by the end of the first full planting season (1st October to the 31st March the following year) following the first occupation of the development, unless an alternative timeframe is first agreed in writing by the Local Planning Authority.

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

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

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

13. The development shall be undertaken in accordance with the arboricultural recommendations laid out in the report titled 'Arboricultural Method Statement (Incorporating Arboricultural Impact Assessment and Tree Protection)' by edp dated May 2025 (Report Reference edp7301_r015a).

All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

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

14. Prior to the commencement of any works on site (including demolition and site clearance), the tree and hedgerow protection as detailed on Tree Protection Plans edp7301_d019a (Overview), edp7301_d019a (Sheet 1 of 4), edp7301_d019a (Sheet 2 of 4), edp7301_d019a (Sheet 3 of 4), edp7301_d019a (Sheet 4 of 4), shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

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

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

15. The development shall be undertaken in accordance with the recommendations contained in the following documents and drawings:

i) Ecological Construction Method Statement (98 units), prepared by EDP, dated May 2025;

ii) Drawing number: WLC1299-1300-001 R1 (Street Lighting Adoptable Layout); and

iii) Sections 4.126-4.142 and drawing number edp7301_d024 (Species Enhancement Plan) of the "Landscape and Ecology Management Plan (including Habitat Management and Monitoring Plan" prepared by EDP, dated May 2025.

All of the recommendations shall be implemented in full according to the specified timescales and thereafter permanently retained.

Reason: To protect and enhance biodiversity 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 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

16. The development shall not commence until a 30-year Habitat Management and Monitoring 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:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme;
- i) Details of the persons responsible for the implementation and monitoring;
- j) Mechanisms of adaptive management to account for necessary changes within the work schedule to achieve the required targets; and
- k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30 with biodiversity reconciliation calculations at each stage.

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 enhancements 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.

17. The development shall be undertaken, managed and maintained fully in accordance with the details, timescales and recommendations set out in the Landscape and Ecological Management Plan (including Habitat Management and Monitoring Plan) prepared by EDP May 2025 (Report Reference edp7301_r010a).

Reason: In order to ensure that the proposed landscape and ecological measures will be undertaken and managed in a manner that will protect and enhance biodiversity and the landscape quality of the site having regard to Local Plan Policies EN2, EN4 and EN8 and 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 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.

18. Post excavation assessment, analysis, excavation report/publication and archive deposition as set out in the "Project specification for an archaeological excavation" by Thames Valley Archaeological Services (ref: 23e181exc), dated 10th June 2023, shall be carried out in accordance with the approved details.

Reason: In order to ensure that features of archaeological interest are properly recorded.

19. Prior to the first occupation of the development hereby permitted, surface water drainage shall be provided fully in accordance with the details in drawing 23247 - PL11 A and retained in accordance with the approved details thereafter.

Reason: In order to ensure that the development is provided with adequate surface water drainage in order to prevent flooding and drainage issues in accordance with Local Plan Policy EN14.

20. Prior to the first occupation of the development hereby permitted, a SuDS Design and Management Plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The SuDS Design and Management Plan shall include, but not be limited to:

- i) Detailed design for each SuDS feature to include sections illustrating the gradient of edges/banks;
- ii) The drain to dry times for all surface water storage, including attenuation basins, ponds, and/or swales; and
- iii) Details of a long-term maintenance programme for each SuDS feature to ensure that outlets are maintained to ensure they are not blocked or restricted by silt or vegetation preventing them from draining to dry within the specified period.
- iv) Details of 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.

The development shall be implemented fully in accordance with the approved details and managed/maintained in accordance with the details agreed for the lifetime of the development.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and to avoid flooding in accordance with Local Plan Policy EN14 and Neighbourhood Plan Policy FNP4.

21. No more than 50 dwellings shall be occupied until confirmation has been provided that either:

- i) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- ii) 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.

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.

22. No more than 87 dwellings shall be occupied until confirmation has been provided that either:

i) all sewage works upgrades required to accommodate the additional flows from the development have been completed; or

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

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade 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.

23. The play equipment, litter bins and dog waste bins shall be installed fully in accordance with the approved details and in accordance with an installation timetable and maintenance programme that has first been agreed in writing by the Local Planning Authority and they shall be retained and maintained fully in accordance with the approved details thereafter.

Reason: In order to ensure that the play equipment, litter bins and dog waste bins are provided in a timely manner and to ensure that the development will function well in the future in accordance with Section 12 of the National Planning Policy Framework.

24. Prior to the first occupation of each dwelling, the car parking and vehicular access for each respective dwelling shall be provided fully in accordance with the approved details.

Reason: In the interests of highway safety and to ensure that each dwelling is provided with adequate parking and access in accordance with Local Plan Policies INF4 and INF5.

25. Prior to the commencement of the development hereby permitted (other than works associated with the provision of the site access), the principal site access from the Hatherop Road including visibility splays shall be constructed and completed in accordance with a detailed design scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Local Plan Policy INF4.

26. Prior to the first occupation of the development hereby permitted a Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details thereafter.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Local Plan Policy INF3.

27. The development shall be undertaken fully in accordance with the details in the document titled 'Construction Management Plan' by Stomor dated May 2025 Reference ST3549/CTMP-2505-Fairford Revision: 0.

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

28. Prior to the first occupation of the development hereby permitted, a timetable for the adoption of the estate roads shown on drawing 23247 - PL16 A and the completion of other roads and footpaths, including details relating to the future maintenance and management of the unadopted roads and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained/managed in accordance with those details thereafter.

Reason: In order to ensure that the road and footpath network is completed and thereafter maintained to an acceptable standard in the interests of highway safety and in accordance with Local Plan Policy INF4 and Section 14 of the National Planning Policy Framework.

29. The development hereby permitted shall incorporate the measures recommended in the document titled 'Energy and Sustainability Statement' dated 16 April 2025 reference 34162-HYD-XX-XX-RP-Y-5001 with a working air source heat pump being installed at each dwelling prior to its first occupation.

Reason: In order to ensure that the development addresses the impact of climate change and incorporates high quality green infrastructure in accordance with Local Plan Policy EN1 and Neighbourhood Plan Policies FNP14 and FNP16.

30. Prior to the first occupation of any dwelling hereby permitted, details of external lighting to be installed or erected along Public Right of Way BFA17 'Lovers Lane' shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed or erected along the aforementioned route other than in accordance with the approved details.

Reason: In order to ensure that external lighting is appropriate for the area and will not have an adverse impact on the character and appearance of the area, residential amenity or protected species having regard to Local Plan Policies EN2, EN4, EN8 and EN15.

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. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

3. 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.

4. 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 e-mail address. Please quote the planning application number in the subject field.

iv) Land Drainage Consent will be required for the discharge of water into a drainage ditch or watercourse.

