

**Residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; and associated landscaping, earthworks, parking, engineering works and infrastructure. All matters reserved except for the access junction from The Wern at Land North of The Wern Lechlade Gloucestershire**

<b>Outline Application 24/03501/OUT</b>	
Applicant:	Hallam Land
Agent:	Mrs Rukaiya Umaru
Case Officer:	Martin Perks
Ward Member(s):	Councillor Helene Mansilla and Cllr Tristian Wilkinson
Committee Date:	9 July 2025
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**1. Main Issues:**

- (a) Residential Development Outside a Principal or Non-Principal Settlement
- (b) Affordable Housing, Self-Build/Custom Build Housing and Housing Mix
- (c) Impact on the Character and Appearance of the Area
- (d) Impact on the setting of Listed Building and Lechlade Conservation Area
- (e) Archaeology and the Impact on the Setting of a Scheduled Ancient Monument
- (f) Access and Highway Safety
- (g) Flooding and Drainage
- (h) Biodiversity

**2. Reasons for Referral:**

- 2.1 This application has been referred to Planning and Licensing Committee as it is classed as a major development application.

**3. Site Description:**

- 3.1 This application relates to 2 parcels of land which measure approximately 2.68 hectares in total and which are located adjacent to the western edge of the Principal Settlement of Lechlade-on-Thames (Lechlade). The principal part of the application site measures approximately 2.38 hectares in area and occupies an area of land consisting of grass, scrub and a metalled access road that extends through the western and northern parts of the site. It is bordered by agricultural land to its north and west and by a residential estate road (The Wern) to its south. To the south of The Wern is an area of grassland. The eastern boundary of this part of the application site lies adjacent to the grounds of a

Grade II listed dwelling (Butler's Court House). Post war residential development is located to the south and east of the Butler's Court House site. A group of vacant farm buildings lie to the north of the aforementioned property.

- 3.2 The A417 is located approximately 100m to the south of the principal part of the application site. A garden centre is located approximately 240m to its west.
- 3.3 In addition to the above, a separate parcel of land measuring approximately 0.3 hectares in size also forms part of the application site. It occupies part of an agricultural land lying approximately 100m to the south-west of the principal part of the site. the southern boundary of this part of the site lies adjacent to the A417.
- 3.4 The application site is located outside, but adjacent to, Lechlade Development Boundary. The aforementioned development boundary extends along the southern side of The Wern where it runs alongside the southern boundary of the application site. The development boundary also adjoins part of the north-eastern boundary of the application site.
- 3.5 The northern boundary of the application site is located approximately 170m from the 'Multi-period settlement, cemetery, and ceremonial complex W of Lechlade' Scheduled Ancient Monument (SAM).
- 3.6 A pair of Grade II listed buildings (Butlers Court & Stable immediately behind Butlers Court) lie approximately 40m to the east of the application site.
- 3.7 The site is located outside Lechlade Conservation Area. The boundary of the conservation area is located approximately 50m to the south-east of the application site at its closest point.
- 3.8 A Public Right of Way (BLE6) extends in a roughly north-west to south-east direction approximately 390m to the north-east of the application site. A further Public Right of Way (BLE11) is located approximately 230m to the south-east of the main body of the application site.
- 3.9 The northern boundary of the principal part of the application site is the subject of a number of Tree Preservation Orders (TPOs). A total of 8 individual TPOs and a woodland TPO cover trees located on or adjacent to the northern boundary of the site.
- 3.10 The main body of the application site is located within Flood Zone 1. However, land to the west/south-west of the application site falls within Flood Zones 2 and 3. The 0.3 hectare of the site lying to the south-west of the principal part of the application site is predominantly located within Flood Zone 2, although a section of its eastern extent falls within Flood Zone 3.

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

- 4.1 06/01042/FUL Conversion of agricultural buildings and new employment (B1) development, Butler's Court. Permitted 2007
- 4.2 23/00023/OUT Residential development of up to 100 dwellings (Class C3 uses), up to 70- bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route to Lechlade, cemetery extension, flood alleviation scheme and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. All matters reserved except for the principal access junction from The Wern. Withdrawn March 2023
- 4.3 23/02916/OUT Residential development of up to 54 residential dwellings (Class C3 use); up to 70-bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route, cemetery extension and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. Outline application with all matters reserved except for the principal access junction from The Wern. Refused 2024
- 4.4 23/02917/OUT Residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works and infrastructure. Outline application with all matters reserved except for the access junction from The Wern. Refused 2024

#### **5. Planning Policies:**

- DS2 Dev within Development Boundaries
- DS4 Open Market Housing o/s Principal/non-Pr
- H1 Housing Mix & Tenure to meet local needs
- H2 Affordable Housing
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF2 Social & Community Infrastructure
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision
- INF7 Green Infrastructure

- S7 S7 – Lechlade

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

- 6.1 Gloucestershire County Council Highways: No objection subject to conditions.
- 6.2 Gloucestershire County Council Lead Local Flood Authority: No objection subject to conditions.
- 6.3 Gloucestershire County Council Community Infrastructure: Requests financial contribution of £10,584 towards library services. No contribution towards education requested.
- 6.4 Gloucestershire County Council Archaeology: No objection subject to condition.
- 6.5 Historic England: On the basis of the amended information, '*we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*'
- 6.6 Environment Agency: No objection subject to condition.
- 6.7 Conservation Officer: Objection - comments incorporated in report.
- 6.8 Biodiversity Officer: Insufficient information currently provided. Comments incorporated into report.
- 6.9 Tree Officer: No objection subject to conditions
- 6.10 Environmental and Regulatory Services Contamination: No objection subject to condition
- 6.11 Thames Water: Requests conditions ensuring that no occupation of the development will occur until it has been demonstrated that foul water capacity exists to serve the development, or a development and infrastructure plan has been agreed, or that foul water network upgrades required to accommodate additional flows from the development have been completed. Similar conditions are also recommended in relation to surface water capacity and water supply infrastructure.

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

### **7.1 Response received on 15 January 2025:**

*'RESPONSE BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION  
24/03501/OUT*

1. *Planning Application 24/03501/OUT closely resembles the proposals set out in Planning Application 23/02917/OUT (refused) in proposing the development 54 dwellings on a site to the north of the Wern Roundabout to the west of Lechlade, to the north of allocation sites, outside the settlement boundary. The proposals include a pedestrian footpath along the northern edge of development in the western part of part of Lechlade to connect the site directly to the centre of the town.*
2. *Because of the similarity of the proposals to the previous application, Lechlade Town Council maintains earlier comments regarding specific aspects of the proposals inherent to the site location (relating to sustainability, landscape and gateway matters) and recommends that the planning application is refused.*
3. *The Town Council also maintains some technical comments previously raised in response to 23/02917/OUT, as omissions or lack of impact considerations, as these remain valid in the light of the updated proposals supported by technical assessments, and technical consultee responses which raise the same matters.*
4. *For completeness, Lechlade Town Council's responses to 23/02917 are attached to this response. Given the similarity of the current proposals to the previous application, the Town Council asks for full consideration of the previous responses where appropriate.*
5. *This letter highlights the key matters previously raised and updates the position in the context of current proposals.*
6. *Development Strategy - The Development Plan for the area consists of Cotswold District Local Plan 2011-2031 and the Lechlade-on-Thames Neighbourhood Plan 2011-2031. Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements says that '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'.*
7. *Policy DS2 of the Local Plan seeks to direct residential development to sites within Development Boundaries. The application site is located outside the Principal Settlement in open countryside. In such locations, significant development of market housing schemes is not supported in principle.*
8. *Based on the CDC Housing Land Supply Report for 2023 and through appeal decisions (6 September 2024), Cotswold District is assessed to possess a housing land supply of 7.2 years. Housing Delivery Test performance (based on October 2023 method) is understood to be 95% over the last three years. In*

*this context, no interventions are required and decisions can be taken in accordance with the development plan.*

*9. It was demonstrated in response to 23/02917/OUT that Lechlade has met its requirements in terms of housing delivery under the Cotswold Local Plan and so a need to develop outside the settlement boundary was not established.*

*10. Following publication of the National Planning Policy Framework (December 2024), transitional arrangements apply until 12 March 2025. Lechlade Town Council has no understanding about whether the emerging Cotswold Local Plan Update will be submitted for Regulation 19 Consultation by then or whether it will address updated housing land supply requirements (to meet 80% of the updated requirement using the updated standard method set out in Planning Practice Guidance).*

*11. Consideration of specific location adjacent to the development boundary - The Lechlade Neighbourhood Plan Policy H2 says that 'Proposals for housing development on previously developed land within or immediately adjacent to the development boundary as defined in the Cotswold District Local Plan 2001-2011 (saved policies) or its successor will be supported provided that these are in accord with other policies in this Plan'. The application site is agricultural land and as such is not considered to be previously developed land.*

*12. It is contended (as in previous responses) that the specific impacts arising from development in the proposed location in relation to landscape and gateway impacts (to the surrounding countryside, heritage assets and the scheduled monument) meant that Policy H2 would not support the principle of significant development to the north of the western edge of the settlement. Alternative sites are available in the form of housing allocation site in the same ownership within the settlement boundary.*

*13. Policy D1 of the Lechlade Neighbourhood Plan made clear that development should take account of the Local Character Assessment. Character Area 4 addresses the western approaches to Lechlade and its relationship with the surrounding rural landscape. This highlights the importance of gateway development on the western entrance to Lechlade. Housing site allocation at the Wern Roundabout was supported by the Town Council to provide a sensitively designed gateway development. There are clear sensitivities with this location in relation to the Scheduled Monument to the north, heritage assets around Butler's Court and the adjacent countryside setting. The application site position has not changed from previous applications and so the inherent sensitivities and propensities for landscape and heritage setting impacts remain.*

*14. The Neighbourhood Plan argues for a sensitive and graduated transition from town to country and so if any development on this site in the countryside*

were to be entertained, this would require a lower density development than that which is proposed. In maintaining higher density proposals to achieve the efficient use of land, this creates a landscape impact. Whilst landscape proposals are reserved, the mitigation response can be to create heavy landscaping screens, which can in themselves create landscape and setting impacts.

15. Landscape Officer response to the previous application recommended refusal for similar reasons, emphasising the importance of the fields and farm complex at the edge of Lechlade in providing an important rural setting and context. The loss of these elements erodes field character and erodes the rural context, exacerbated by the scale of the proposed development introducing significant urban form into this location. The landscape officer response to the current proposals is awaited.

16. Affordable housing - Proposals to provide 40% affordable housing are welcomed as compliant with adopted local plan requirement for 40% provision of affordable housing. Policy H2 of the Lechlade Neighbourhood Plan is based on 70% rent (with 45% social rent) to 30% ownership.

17. Lechlade Neighbourhood Plan Policy H1 requires priority to be given to people in housing need who can demonstrate a local connection to the Parish on first and subsequent occupation, normally to be secured through legal obligations. Should the application be consented, this should be required by condition.

18. Ecology and Biodiversity Net Gain - The Town Council notes with some concern the lack of information submitted to support the assessment of baseline ecology at the site and hopes that this will be rectified through prompt submission of survey reports already completed. There is a residual concern that the proposed development will potentially not be able to demonstrate a 10% bio-diversity net gain which currently relies on biodiversity gain arising from what are likely to be well-used grass strips and verges alongside pedestrian pathways, and also from the bio-diversity gain arising from swales and flood mitigation features (though it is acknowledged that such gains can occur if the conditions and design are appropriate).

19. Flood Risk and Drainage - Lechlade Town Council has previously raised concerns over the lack of site-specific information which has informed outline drainage strategy for the proposed development. The Town Council has made clear that site conditions are different to that presented and that there is a strong concern that development may have unintended consequences in the form of onsite and off-site surface water flooding. The Town Council is pleased that the Lead Local Flood Authority (LLFA) has recognised the validity of community concerns and acted on photo-documentary evidence provided to

*require updated information to be used in the flood risk assessment and drainage strategy.*

*20. Other points previously raised by the Town Council relating to the lack of understanding of surface geology conditions at the site and the internal site topography are also recognised by the LLFA and this is welcomed.*

*21. Previous matters raised in comments from the Town Council in relation to the interaction of the application site with the wider drainage network remain of concern. These referred to flooding in Downington and by the Garden Centre close to the application site resulting from floodwater originating in the Lemhill ditch and surrounding catchment area. The area adjacent to and forming the proposed development has a complex drainage system where interventions over time have disrupted the natural drainage patterns of the area.*

*22. The FRA supporting the planning application must consider the wider drainage network with which the site interacts and its modelling should be calibrated against actual flood events. By doing this the results of the assessment will properly reflect the behaviour of the various channels in significant flood events and the out-of-channel flows into Downington.*

*23. The Town Council requests that a thorough investigation of the whole of the catchment is undertaken prior to issuing any Drainage Consent under the Land Drainage Act. A point discharge of up to 4.7 l/s (greenfield run-off rate) is not acceptable and likely to increase flood risk. A full understanding is needed of how the drainage system works during and after intense rainfall events. 24. There is an existing significant flood risk to properties and the highway because high flows diverted to the Downington ditches cause them to overflow. Following the 2007 flood event, CDC had built a diversion channel to the west of Green Farm to join the ditch in Welford Road to relieve flows in Downington. This does not appear to operate.*

*25. A detailed assessment of the flood risk should be carried out by the developer, considering the drainage of the wider catchment area.*

*26. The Town Council would support a joint study of the catchment with the LLFA, CDC and the Town Council, looking particularly at the area immediately upstream of Downington, to understand the flood risk in the area and provide risk reduction measures. A mitigation strategy should incorporate consideration of natural flood risk reduction solutions.*

#### **SUSTAINABLE LOCATION CONSIDERATIONS**

*27. The NPPF requires positive consideration of development where it is proposed in sustainable locations. By definition, Lechlade is considered to be a*



*Sustainable Location because is it a Principal Settlement in the adopted development plan.*

*28. Of course, the reality of sustainability can be somewhat different. There are larger settlements in the Cotswolds which are not Principal Settlements. There are smaller settlements which are more sustainable in terms of their balance of development, services and employment.*

*Previous responses to the proposals on this site have raised the following points, which remain valid:*

*29. The capacity of the Town Centre and Wider Traffic Environment - The Adopted Local Plan set a limited development strategy for Lechlade reflecting the residential development which has already occurred in recent times and the capacity of the town to accommodate further development. Supporting text in paragraphs 7.8.1 to 7.8.6 recognised this as a function of the town's lack of local employment which creates daily outflows of traffic, the limited range of services that should be in place to support growth, and the impact of increased development on key road routes which pass through the centre of the settlement and impacts significantly on environmental quality there. The Neighbourhood Plan highlights the capacity constraints to receive car-based traffic in the town centre.*

*30. Policy S7 of the Adopted Local Plan at (b) and (f) allocated a site for a small car park to serve the town centre (LEC3) and proposed improvements to the public realm at the entrances to Lechlade and the town centre. Nothing has changed to alter these constraints since the adoption of the Local Plan.*

*31. Employment density and out-commuting - As a result of the proposed development, with more housing than planned and no employment development on allocated sites yet delivered, employment density in Lechlade will reduce further per head of population and out-commuting by car will grow in absolute terms.*

*32. Walk trips into Lechlade Town Centre - The widely accepted threshold for a regular walkable trip is around 0.8km, or around 15 minutes. Facilities in the town centre and the primary school are further than this from the application site. It is unlikely that most people living at the site will walk into Lechlade Town Centre if their trip involves more than one destination (such as a school drop-off and then work) or includes food shopping.*

*33. It is highly likely that in the context of daily commuter outflows, some trips will be linked and so car-based. Pressure on routes and car parking in the town centre will likely increase after the proposed development. The requirement for infrastructure improvements to the town centre is 'essential'*

*and pre-existing i.e. they should be in place prior to the occupation of new development that would add to pressures.*

*34. Bus Services and car trips - There are bus services serving the application site. These are geared towards early morning trips to local schools with mid-afternoon return trips. The services stop at villages along their routes, lengthening journey times - for example, a journey taking 20 minutes by car along the A417 to Cirencester would take over 50 minutes on the bus. Services are too infrequent for most people to allow reliance on them for work trips. People who commute out of Lechlade (which will be most people who travel to work) will mostly drive. The Town Council does not believe that road conditions along the A417 will encourage cycling to school and other facilities in Fairford.*

*35. The environment for pedestrians - Lechlade is at the crossroads of two major through-routes - the A417 east-west route and the north south A361 route. Both are major highways connecting large settlements and both pass right through the middle of the town centre. It is ill-equipped to handle current traffic and remain an attractive town centre environment. The volume and speed of cars and lorries moving along it impacts on the quality of life if people in Lechlade along these routes and in the town centre.*

*36. Whilst the speed survey provided (undertaken in March 2022) in support of the application documents 85th percentile speeds at 27-28mph on The Wern, below speed limits for the roads, some account should be taken of the width of roads and narrowness of pavements, and the nature of some of the HGV traffic, which combine to make an unfriendly pedestrian environment in key sections of the highway.*

*37. There is a need to manage traffic to reduce its impact on local residents. This is about reducing speeds, changing the priority of public spaces away from traffic, and making highways safer. Lechlade Town Council made this a key priority of its Made Neighbourhood Plan and a development of the scale proposed, if consented, should make a contribution to its delivery.*

*38. Community infrastructure - Policy H8 of the Lechlade Neighbourhood Plan requires that development proposals for new residential development will need to demonstrate that sufficient infrastructure (including community infrastructure) exists or can be provided to support new development.*

*39. The current proposals make no specific contribution to community infrastructure in Lechlade. The response from Gloucestershire County Council (GCC) in relation to a nil requirement for financial contributions to primary and secondary school places is noted.*

*The requirement to provide an assessment of school transport requirements to schools in the catchment (not Farmors in Fairford, which is full) is welcomed.*

*However, contrary to the GCC Community Infrastructure Team response, the Town Council understands that there remains insufficient capacity at Lechlade Primary School to accommodate the additional requirements arising from the proposed development. This should be clarified.*

*40. Lechlade Town Council's response to planning application 23/02917/OUT highlighted significant concerns over the capacity of local health services to accommodate additional population (estimated to be around 130 people) requiring access to GP and community health services. The Town Council understands that the GP practice remains overcapacity in terms of available appointments for the local population using its services.'*

## **7.2 Response dated 28 January 2025:**

*'ADDITIONAL RESPONSE (28 JANUARY) BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION 24/03501/OUT*

*1. This submission on behalf of Lechlade Town Council is made with reference to amended parameter plans submitted by Hallam Land with regard to planning application 24/03501/OUT. Reference should be made to Lechlade Town Council's objection, already submitted to this current application, and the comments made therein should be noted and still remain.*

*2. Lechlade Town Council notes that the amended parameter plans now submitted exclude the pedestrian route previously proposed from the application into the centre of Lechlade. The revised application boundary and parameter plan are shown on Site Boundary Plan - HLM033-039 Revision F 21/01/2025 and Parameter Plan HLM033-043 Revision J 21/01/2025.*

*3. At the time of writing, the applicant's Planning Statement is not shown as having been updated to take account of the changes to the proposed scheme.*

*4. As written, the Health Impact Assessment included at Appendix 6 of the Planning Statement says that the proposal includes design-led opportunities to encourage high levels of walking which are delivered through improved footpath connections to Lechlade Town Centre to encourage sustainable travel. Paragraph 8.14 of the Planning Statement refers to the inclusion of the proposed pedestrian link as a key benefit of the scheme (as presented, apart from the housing itself, it was the only direct benefit presented). An updated assessment of the benefits arising from the proposals should be provided given the removal of key proposals.*

*5. Paragraph 5.7.1 of the Transport Assessment submitted in support of the planning application says that Pedestrian and Cycle Facilities and Routes:*

*Pedestrian and cycle access to the development site will be significantly improved by the extension of the existing shared pedestrian / cycle route along the western section of The Wern and will be extended to provide access to the application site. Little consideration is given with the Transport Assessment of the use of the A417 as a pedestrian and cycle route.*

6. *Given the removal of the proposed dedicated route, the use of the main road may now be more likely. The impacts on the pedestrian and cycle movement from the proposed development site need to be assessed further in the light of the removal of the proposed route. The Town Council has previously highlighted issues relating to the quality of pedestrian routes into Lechlade Town Centre along the A417. The Town Council reports its concern over the narrowness of the pavement along much of its length, and the encroachment of verges and street furniture onto the pavement, which creates difficulties for mobility scooter users of these routes.*

7. *The Town Council previously commented on proposals for the pedestrian route to highlight the potential for impacts arising from its development. In essence, whilst a shorter and more direct route into Lechlade from the west of the settlement would clearly be welcome, there has been concern throughout that its form (necessary to ensure it is a safe and usable route) would itself create impacts on the adjacent landscape and Scheduled Monument. Comments from Historic England, Landscape Officer and Conservation Officers have identified such potential impacts.*

8. *Given previous proposals on a larger scale, the Town Council is concerned that the suburbanisation of the edge of the town in this way would potentially lead to further proposals for development at odds with development plan policies for Lechlade.*

9. *Following the withdrawal of the proposed pedestrian route, the overall view of Lechlade Town Council is reinforced that the proposed development should be refused. However, if Cotswold District Council intends to consider the proposals further, then Lechlade Town Council recommends that current technical assessments are updated to take into account the revised proposals so that potential changes in impacts and benefits can be considered. Particular attention should be given to the walking and cycling journeys from the site to key facilities in Lechlade to address distance and quality of routes. '*

### **7.3 Response received on 22 May 2025:**

*' ADDITIONAL RESPONSE (22 MAY 2025) BY LECHLADE TOWN COUNCIL TO PLANNING APPLICATION 24/03501/OUT*

1. *Lechlade Town Council confirms its sustained objection to the development of 54 dwellings on land to the north of Wern Roundabout proposed by Hallam Land in planning application 24/03501/OUT.*
2. *The Town Council believes that a clear principle was established by three previous decisions to refuse planning applications for similar development in this location. The Town Council's view remains that the proposed development is contrary to Local Plan Policy DS4 and Lechlade NDP Policies H2 and D1. Detailed arguments in support of this position have been set out in previous submissions (attached to this letter).*
3. *Despite the publication by Lechlade Town Council of significant comments and concerns on the planning application, the Town Council is disappointed by the lack of direct engagement from the applicant to discuss and potentially address the points raised, although work undertaken to address issues with the A417 pedestrian route is acknowledged.*
4. *The applicant has provided an updated planning statement which includes arguments about the validity of the Local Plan, Local Housing Need, and the current state of housing land supply and housing delivery in the District. Lechlade Town Council is not in a position to comment on the housing land supply position, which is a strategic matter for Cotswold District Council to address.*
5. *However, the Town Council does understand that if a tilted balance is applied to the consideration of the application proposals, then there remains a need to consider the significance of other impacts that would affect the delivery sustainable development - it is not a blank cheque. The Town Council believes that the potential for landscape, ecology and surface water flood risk impacts remain significant and of sufficient concern to warrant refusal of the planning application.*
6. *As previously noted, there remains an allocated site within the Lechlade Development Boundary by the Wern Roundabout and this has not come forward. It is understood that the allocation site L\_19 Land south of Butler's Court (9 dwellings net) allocated in Local Plan Policy S7 Lechlade-on-Thames, remains deliverable and so it is not clear to the Town Council why land outside the development boundary is being promoted at this time.*
7. *The technical concerns (raised by statutory historic conservation, landscape and ecology stakeholders) within the application (and previous applications) have led to a step-by-step removal of community infrastructure benefits (the pedestrian route from this application). The result is that the application in its current form retains few community benefits for Lechlade.*

8. *Conversely, concerns raised previously by the Town Council about community infrastructure provision and capacity in Lechlade have not been addressed. The designation of Lechlade as a Principal Settlement and allocation of land for development within it in the Local Plan was predicated on the premise that development should go hand-in-hand with the provision of community infrastructure including new parking provision to serve the town centre. None of this has been delivered, but increased population through development has occurred.*

9. *As mentioned above, the application now proposes to widen a section of pedestrian footpath on the A417 and this does respond to an earlier comment from the Town Council about the increased reliance on the A417 for pedestrian routes into Lechlade and concerns over the quality of this route which is very narrow in places. If Cotswold District Council is minded to grant planning permission for the development, then the Town Council requests that commitment is secured to path widening where necessary to ensure it is useable by people in wheelchairs and people with pushchairs/prams from to the Town Centre to the Wern Roundabout.*

10. *In securing a commitment to provide a safer pedestrian route along the A417, improvements should be designed to accommodate the potential pedestrian traffic using it. This will include people coming from Lechlade to the site and to Lechlade from the site, crossing each other. There will be a range of users with a variety of space requirements. Typical wheelchair widths vary but can be up to 70cm. It is likely that pushchairs/prams will be within this width. Given the proximity of ditches to the existing footpath along stretches of the route, and close proximity to traffic in some places, it will not be considered safe to rely on footpath users having to pass each other via grass banks falling away from the path or which require them to step into the road or be otherwise too close to traffic.*

11. *Gloucestershire County Council should specify necessary standards/requirements for footpath improvements along the A417 from the site to Lechlade town centre. In view of space constraints. the Town Council's view is that footpaths should have a minimum width of 1.5m to provide a safe pedestrian environment along the A417 route into Lechlade.*

12. *The Town Council further recommends that, if Cotswold District Council is minded to grant permission, then Cotswold District Council/Gloucestershire County Council should secure appropriate/reasonable developer commitments and contributions towards the required works prior to grant of planning permission. They should require (via condition) submission and approval of a design for the works and a programme for completion prior to commencement*

*of development. Further, they should require confirmation of completion of agreed works prior to occupation of the development."*

*13. A concern remains about the potential for flood risk on adjacent sites to be exacerbated by development of the application and a continuing concern about the relationship of modelled impacts to real-life flooding events.*

*14. There also remains a concern that the density and scale of proposed development in this location will generate significant landscape impacts to the west of Lechlade.*

*15. In summary, the Town Council finds that its concerns, expressed through several responses to this application and also earlier applications remain that the proposed development gives rise to potentially significant impacts on Lechlade which are negative and at-odds with the development strategy for the west of the settlement as expressed through the Local Plan and the Neighbourhood Plan. The development would increase burdens on community infrastructure which is lacking and would cause flood risk, ecological and landscape impacts which are difficult to mitigate. The Town Council requests that the planning application 24/03501/OUT is refused for these reasons. '*

## **8. Other Representations:**

8.1 98 objections and 1 support received.

### **8.2 Main grounds of objection are:**

- i) Before any further new property building work is considered the current infrastructure needs to be looked at . The roads are in a permanent state of disrepair. All 4 bridges in and out of Lechlade have been damaged in the past 18 months . The roads are not fit for the number/size the of vehicles using them. The constant road closures continue to affect local business and the wider community.
- ii) Adverse flooding and drainage impact.
- iii) Inadequate infrastructure.
- iv) Lechlade and its local network will not and cannot support a development of this size. The amenities are barely adequate as they are, the infrastructure is also barely adequate and under too much strain already. Traffic is already overwhelming in the town with inadequate parking.

- v) The extension of development from the Wern as planned will only worsen flood impacts in the future. The aftermath of the recent Storm Bert and the flooding that came with it was detrimental to road access and people's homes, and it isn't going to improve with increased development because where is the excess water meant to go?
- vi) Accessing the settlement is always tricky on weekends when it's busy with tourists or during the summer when everyone parks wherever there's a gap, despite blocking access or the road itself. The development will only add to and worsen the current access issues, especially during another flood event when nearly all roads out of Lechlade are unsafe to drive through. Parking spaces are a rarity in the settlement as it stands, and increasing the number of people without having expanded parking areas will cause more road disruption, with people likely parking on double yellow lines or blocking roads. In addition, the increased road traffic also impacts the environment by likely causing more traffic at a standstill and the excess emissions from standstill cars.
- vii) The residents took the time and effort to build the Neighbourhood Plan, and this application does not conform to it. If this were to be allowed, what would be the point of all the time and effort that we put into that if it was simply overridden?
- viii) Lechlade simply can't cope with the traffic and pressure on amenities that will be caused by these new properties.
- ix) Due to inadequate maintenance of drainage ditches the main road frequently floods c.f. Storm Bert at the end of Nov 2024 - due to water streaming across the road from the area of the Wern, the road was impassable for some time, and houses on the north side near the roundabout endangered. Since any scheme depends upon the adequate maintenance of drainage facilities, this plan at best does not improve the flooding and at worst makes the problem more severe.
- x) Arguing that the provision of a path and cycle path mitigates against an increase in traffic is illusory: where is the evidence that any such scheme achieves that purpose?
- xi) The area of the application site located outside Lechlade Development Boundary does not constitute previously developed land and its development for housing would be contrary to the aspirations of Neighbourhood Plan.



- xii) The proposed development will result in the significant encroachment of residential development into the open countryside to the detriment of the rural character, appearance and setting of the town. The proposal will have an urbanising impact on the locality and undermine the relationship of the town with the adjacent landscape.
- xiii) It is the boundary between open countryside and the start of Lechlade. Building on this site would significantly change the character and appearance of the area.
- xiv) Expanding Lechlade's settlement edge would encroach and impact on the natural open landscape as well as impinging on the historic setting of the Grade 2 listed buildings at Butlers Court. This is not some old disused industrial area or brownfield site, it's the Cotswold's, an Area of Outstanding Natural Beauty and a Conservation Area; it needs to be protected.
- xv) Lechlade may be designated a Principal Settlement in the local area, but it has a very limited range of services. There is no secondary school, hospital, leisure centre or main foodstore and few employment opportunities. Any development of this size would upset the equilibrium of the town by adding pressure to the local infrastructure such as primary school and doctor's surgery. The proposal also suggests that people would walk or cycle to use the town's facilities and to employment. The reality is that people would drive, and as there are few employment opportunities in Lechlade, they will commute to neighbouring towns, adding to the already congested traffic conditions.
- xvi) Lechlade amenities are already over run due to an increased population. This includes schools, medical centre, dentists. Additional housing will put increased pressure on already over burdened services. Road congestion is increasing and adding more residential/business properties will only add to traffic congestion, and pollution. The main road in/out of Lechlade by the Wern is already prone to serious flooding, and building in this location will only worsen the issue. Finally, more houses, more traffic, more people will only increase pollution and impact on the environment. There is significant wildlife in the area.
- xvii) Why is there a need for more houses in a village that has virtually no employment opportunities? Presuming a majority of householders will be of working age, this will mean that it will be necessary for people to

commute. This is counter to Government diktats - to reduce the carbon footprint.

- xviii) It is widely agreed that climate change is generating more extreme weather; especially rainfall. The study in support of the submission appears to focus on whether the development will be affected by potential flooding. The concern of many in Downington is that interfering with the land in the area north of the Wern could disturb the flood plain to their detriment. It is noted that works to mitigate any flooding will be reliant on regular maintenance. Who will do this? It will be noted that the recent Storm Bert resulted in the A417 here being flooded. This has happened on several occasions in the past 30 years.
- xix) The developer makes the point that a new (paved?) path would help relieve car movement. This is unlikely. The drawing shows this path hugging the edge of the 'dog-walking' field. This path would directly impinge on a number of houses that back on to this field. An increase in noise and loss of privacy would be detrimental to many householders. It is worth noting that motorbikes occasionally are used in this field. A paved path could well act as a magnet to some 'riders'.
- xx) The water and sewage network struggles with current demands, potential sewage overflows into the Thames, especially in times of flood / heavy rainfall.
- xxi) The water table in this area remains very high year-round causing retention ponds to be ineffective, despite the size of those put in place at the time.
- xxii) Impact on conservation area and listed building.
- xxiii) The claim that these areas have a 1 in 100 year flood event is clearly incorrect. In each of the last eleven years we have lived in the area, the road has been completely flooded and impassable to traffic. The recent Storm Bert was the worst we have seen, but experts seem to think storms of this type are likely to be more frequent than less.
- xxiv) Discharging additional Storm water into the existing drainage ditches will, inevitably, increase the flooding in these areas and completely cut-off access to Lechlade from the Fairford direction. It is likely that access to The Wern and the proposed development will be similarly restricted.

- xxv) Prior to 2007, the water would flood up to our house and then drain into the field behind. The water never hung around for long. Three weeks ago, the water was around the house for 3 days.
- xxvi) How ironic and cynical it is that the developer, in their latest amended site design, has removed the footpath/cycle path from the plan. That was the only thing in the whole project that was worth having. So it's clear, the developer does not care about pedestrian, or cyclists safety, or promoting environmentally friendly travel.
- xxvii) The local economy and employment opportunities remain limited, with few major employers or industries in the area. The influx of new residents will likely exacerbate this issue, as many individuals will need to travel to neighbouring towns and villages for work. This will increase traffic volumes, further clogging already busy roads, and putting additional strain on nearby villages that may not have the capacity to absorb such pressure.
- xxviii) It has been repeatedly reported that Thames Water has been discharging sewage into the upper stretches of the River Thames in the last 12-18 months. With additional houses and their utilities to accommodate, this poses further stress on the associated processes/infrastructure and increases the risk of further pollution and more disruption to the local ecosystems.
- xxix) The immediate area to the East, Downington, already suffers from a high risk of flooding- having flooded numerous time this past autumn/winter of 24/25. Further hardstanding/developed land in this drainage basin will put additional stress on this area's capabilities to handle storms.

### 8.3 **Main grounds of support are:**

- i) Much needed housing for the area. Very difficult for anyone born in the area to buy housing due to lack of supply

### 8.4 **Kempsford Parish Council**

*8.4.1 'Lechlade forms one of the two principal settlements in the area that is regularly used by the residents of Kempsford for local services and community activities.'*

8.4.2 *The application was considered by Kempford Parish Council at its meeting on the 16th December 2024 at which the similarity with the previously refused applications, 23/02917/OUT was noted. Whilst similar, it was recognised that there were some small but potentially important differences, including (e.g.) a reduction in the number of estimated primary school places required of 4.6 places and a lack of any specific consideration of the cumulative yield from permitted development within the PPA.*

#### *Statement of Objection*

8.4.3 *Kempford Parish Council (KPC) objects to this planning application. The main reasons are:*

- Lechlade has a made Neighbourhood Development Plan (NDP) that does not include this scale of development in this location.*
- Lechlade is classified as a principal settlement it has a clearly defined development boundary. Under Local Plan Policies, this proposed development lies outside of this development boundary and should not be needed for the District to meet any target for housing that might form part of those policies. KPC does not believe that there is any evidence of exceptional circumstances, such as evidence of local Housing Need within Lechlade, to argue that this development is in any way needed.*
- Critical local infrastructure as well as wider community services to the surrounding area will be impacted negatively. There is little or no scope for further expansion of critical infrastructure in Lechlade, such as the school and GP services, outside of proposals already incorporated within the Lechlade NDP, with any further pressure impacting negatively on the level of service provided to Kempford residents by Lechlade as one of its two local principal settlements.'*

#### 8.5 **Fairford Town Council**

*'Fairford Town Council objects to this application on the following grounds:*

8.5.1 *Likely generation of traffic through Fairford centre (not assessed in the applicant's Transport Statement) in addition to that arising from our Neighbourhood Plan will have a negative impact on our historic town centre (ref CDLP policy INF3 c and NPPF chapter 9) and is likely to add to congestion at peak times, particularly if there is increased commuting to Cheltenham/Gloucester as a result of the 'Missing Link'.*

- 8.5.2 Market housing outside the Development Boundary is contrary to CDLP policy DS4 and is not needed. A number of the areas included in the proposed development were found to be unsuitable and discounted in the latest SHELAA for the district.*
- 8.5.3 The development seems to be in a location where geology means there is a groundwater/surface water issue and it is unclear how the off-site drainage infrastructure would deal with this. The potential impact on flooding which occurs on the A417 in the immediate vicinity needs to be addressed with a proper assessment before any consent is given.*
- 8.5.4 Water supply infrastructure capacity - The development may create a potential additional impact on water supply capacity to Fairford, which is already constrained (see Thames Water consultee response). This needs to be clarified before any consent is given.*
- 8.5.5 There is likely to be a call on surgery and schools capacity which is needed for development already allocated in Fairford.*
- 8.5.6 Inadequacy of public transport links on this side of Lechlade (ref CDLP policy H4 c.).'*

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

- Covering Letter
- Planning Statement
- Design and Access Statement
- Air Quality Assessment
- Landscape and Visual Appraisal
- Arboricultural Assessment
- Archaeological Desk Based Assessment
- Archaeological Evaluation
- Heritage Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Technical Note Rv1: Flooding study of the Wern
- Geo-Environmental Phase One Study
- Transport Assessment
- Residential Travel Plan
- Waste Minimisation Strategy
- Affordable Housing Statement
- Biodiversity Self-Assessment Form
- Mineral Resource Assessment
- Framework Travel Plan
- Biodiversity Net Gain Statement

- Non-Motorised User Audit

## 10. Officer's Assessment:

### Background and Proposed Development

- 10.1 This application seeks Outline permission for a residential development of 54 dwellings as well as other associated works. The applicant's Planning Statement states the following:

*This Outline Planning Application reserves all matters for future determination, except for the principal access junction from The Wern. The development proposals consists of:*

- *up to 54 dwellings, including 40% affordable homes (Class C3);*
- *open space;*
- *access roads .... and*
- *associated landscaping, earthworks, parking, engineering works and infrastructure.*

- 10.2 This application seeks to establish that the proposed development is acceptable in principle. Detailed matters relating to Appearance, Scale, Layout, Landscaping and Access (other than the site's principal access) have been reserved for later approval should Outline permission be granted. The indicative plans submitted with this application show housing spread across the main body of the application site.
- 10.3 This application initially included a proposal to create a new pedestrian/cycle route from the north-eastern corner of the principal part of the site through the southern side of fields lying to the east of the application site and connecting with existing footpaths linking to the town centre. Following concerns raised by Historic England about the proposed construction of the route and its potential impact on the nearby SAM, as well as potential light pollution issues impacting on wildlife, this element of the scheme has been withdrawn from the current application.
- 10.4 This application is the fourth application for the residential development of this site that has been submitted since 2023. In January 2023 an application for 100 dwellings, a 70 bed care home, employment development, highway and flood alleviation works was submitted for this site as well as land to its east, south-west, north-east and east (23/00023/OUT). The application was withdrawn in March 2023. Officers raised concerns about a number of matters including the erection of residential development outside a Development Boundary; the adverse impact of the scheme on a Scheduled Ancient Monument, landscape and heritage assets, loss of employment land, a lack of demonstrated need for

a care home and insufficient information to demonstrate that the proposal would not have an adverse impact on highway safety. The site area of the withdrawn application measured approximately 10.95 hectares.

- 10.5 In September 2023, 2 further applications were submitted for the development of this site. Application 23/02916/OUT sought permission for residential development of up to 54 residential dwellings (Class C3 use); up to 70-bed care home (Class C2 use), employment uses (Class E(g) uses), highway accesses from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure. The site measured approximately 4.99 hectares and included land to the north-east, east and south-west of the application site. The details submitted at the time indicated that the current application site would accommodate a care home with new residential development being located adjacent to the allocated employment land to the north-east of the current site. The application was refused in January 2024 for similar reasons to those raised in connection with application 23/00023/OUT.
- 10.6 Application 23/02917/OUT sought permission for residential development of up to 54 residential dwellings (Class C3 use); highway access from The Wern; new pedestrian route and associated landscaping, earthworks, parking, engineering works and infrastructure. The application site measured 3.21 hectares in size and included the same site as the current application as well as a proposed pedestrian link extending from the east of the site towards the town centre. The application was refused in January 2024 on a number of grounds including a conflict with Local Plan Policy DS4 Neighbourhood Plan Policy H2, harm to the setting of Lechlade Conservation Area and the listed buildings at Butler's Court and the lack of a S106 legal agreement to secure the provision of affordable housing, self-build/custom build plots and financial contributions to library and health services.

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

- 10.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The starting point for the determination of this application is therefore the current development plan for the District which, in this instance, consists of the Cotswold District Local Plan 2011-2031 and the Lechlade-on-Thames Neighbourhood Plan 2011-2031.
- 10.8 With regard to the Local Plan, the land proposed for residential development is located outside Lechlade Development Boundary. The following policy is considered applicable to this proposal:

10.9 Local Plan Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements

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

10.10 In respect of Local Plan Policy DS4, the supporting text to the policy states:

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

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

10.11 The current scheme would result in the erection of open market dwellings on the application site and is therefore contrary to the above policy.

10.12 With regard to the Neighbourhood Plan, the following policies are considered relevant to this proposal:

10.13 Neighbourhood Plan Policy H2

*Proposals for housing development on previously developed land within or immediately adjacent to the development boundary as defined in the Cotswold District Local Plan 2001-2011 (saved policies) or its successor will be supported provided that these are in accord with other policies in this Plan.*

10.14 Neighbourhood Plan Policy H8

*Proposals for new residential development will need to demonstrate that sufficient infrastructure (including community infrastructure) exists or can be provided to support the development.*

10.15 It is also noted that 2 other sites within the town's development boundary have been allocated for residential development in the Local Plan - L\_18B Land west of Orchard Close, Downington (9 dwellings net) and L\_19 Land south of Butler's Court (9 dwellings net). The Local Plan has therefore made provision for new development within the settlement to reasonably address the housing needs of the town in a sustainable manner during the course of the current Local Plan period.



- 10.16 With regard to Neighbourhood Plan Policies H2 and H8, it is evident that the proposed residential development is not located on previously developed land. The current proposal does not therefore accord with the requirements of the Neighbourhood Plan in this respect. The application is considered to conflict with Policy H2. With regard to Policy H8, Gloucestershire County Council (GCC) has not raised an objection in relation to primary and secondary school capacity. Gloucestershire NHS has been made aware of this application but has not submitted a formal response requesting a financial contribution to health services in the settlement. GCC Highways has not raised an objection to the proposal with regard to highway infrastructure. It is considered that it would not be possible to sustain an objection to the application on the grounds of a conflict with Policy H8.
- 10.17 Notwithstanding the conflict with Local Plan Policy DS4 and Neighbourhood Plan Policy H2, it is noted that the Council also has to have regard to policies in the National Planning Policy Framework (NPPF) when reaching a decision. The NPPF represents a significant material consideration. In particular, it is noted that the December 2024 update of the NPPF introduced a new standard method for calculating local housing need. Prior to the December changes to the NPPF, the Council could demonstrate a 7.3 year supply of housing land. It was therefore comfortably meeting its requirement to provide a 5 year supply of such land. However, as a result of the aforementioned changes it is noted that the Council is now only able to demonstrate a 1.8 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.*

10.18 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 and Neighbourhood Plan Policy H2 are out-of-date at the present time and that paragraph 11 is engaged.

10.19 In the case of criterion d) i) of paragraph 11, it is noted that footnote 7 of the NPPF advises that designated heritage assets, such as conservation areas and listed buildings, are assets of particular importance. Harm to such assets could therefore provide a strong reason to refuse an application for housing even if a 5 year supply of housing land cannot be demonstrated. 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, such as its landscape and visual impact, and/or its impact on heritage assets. These aspects of the proposal will be addressed later in this report. However, in the case of criterion d) ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

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

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

10.21 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.*

#### 10.22 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.*

10.23 In addition, the following Neighbourhood Plan policy is also considered relevant:

10.24 Policy H1

*Where affordable housing is delivered, priority will be given to people in housing need who can demonstrate a local connection on first and subsequent occupation. Normally this will be secured through legal obligations.*

10.25 The proposed housing development would be located on greenfield land and would therefore be subject to 40% affordable housing provision. The applicant states that 22 of the 54 dwellings would be provided on-site as affordable units. The applicant's supporting information states that *'Indicatively it is anticipated that the affordable housing tenure split will be 70% rented and 30% affordable home ownership. The proportion of affordable home ownership shall comprise 25% First Homes, with the remainder (i.e. 5%) being other affordable home ownership products such as shared ownership. The proportion of affordable rented products shall include up to 45% for social rent, with the remaining being for affordable rent. This detail will be determined through the s106.'* The Housing Officer has indicated that this approach is acceptable and is recommending 7 affordable rent, 9 social rent, 5 First Homes and 1 shared ownership units. The number and mix of units is the same as that considered to be acceptable as part of application 23/02917/OUT and is considered to accord with Local Plan Policy H2 in this respect. A S106 legal agreement would establish a local connection occupancy clause which would address the requirements of Neighbourhood Plan Policy H1.

10.26 With regard to the provision of self-build and custom build housing, criterion 3 of Local Plan Policy H1: Housing Mix and Tenure to Meet Local Needs states that *'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 that there is a higher or lower level of demand for plots.'* The current proposal is required to provide 3 serviced self-build or custom build plots. The Council has a duty to ensure that it delivers a sufficient supply of such plots. The Council continues to receive requests to join the Self-build register and, as such, there is an ongoing need/demand for such plots. Local Plan Policy H1 is the principal means of ensuring the delivery of self-build/custom building plots. It is considered that the requirements of Policy H1 are applicable in this instance and that a total of 3 serviced plots should be secured by way of a S106 legal agreement should Outline permission be granted for the current application.

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

- 10.28 The applicant has not set out a mix for the open market element of this scheme. In the event that planning permission were to be granted for this proposal, it is recommended that a condition or S106 clause is attached to a grant of Outline permission that would ensure that no more than 20% of the completed dwellings would have 4 bedrooms or more, and that the remaining dwellings would be 1, 2 and 3 bed units. In the absence of such a mechanism it could not be guaranteed that the size and mix of market dwellings on the site would accord with the requirements of Local Plan Policy H1.
- 10.29 At the present time, a S106 agreement is not in place to secure the provision of affordable/self-build/custom build plots within the development, or a suitable mix and range of housing in terms of size, type and tenure to reflect housing need and demand in both the market and affordable housing sectors. It is therefore considered that the proposal is in conflict with Local Plan Policies H1 and H2 and Neighbourhood Plan Policy H1.
- 10.30 If a suitable mechanism, such as a S106 agreement, could be agreed, it is considered that the provision of affordable housing/ self-build/custom build plots and appropriate mix of market housing would represent a benefit and would contribute in a positive manner to the Council's new requirement to provide additional dwellings in the District. It is considered that this would represent a significant material consideration that would weigh in favour of the proposed development.

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

- 10.31 The application site consists of agricultural field, which form part of a network of fields extending to the north and west of the settlement. The proposed development would extend beyond the clearly defined edge of the existing settlement into open countryside, which contributes to the rural setting of the town.
- 10.32 The following policies and guidance are considered applicable to this proposal:
- 10.33 Local Plan Policy EN1 Built, Natural and Historic Environment states:
- 'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:*
- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;*
- b. Contributing to the provision of multi-functional green infrastructure;*

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

10.34 Local Plan Policy EN2 Design of the Built and Natural Environment states:

*'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.'*

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

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

10.36 The Neighbourhood Plan states:

10.37 Policy D1 Design Principles

*Applications for new development will only be permitted where these:*

- a) *Respect views into and out of the Town.*
- b) *Would not adversely affect the character of the town.*
- c) *Conform to the Cotswold Design Code or its successor document.*
- d) *Conform to the character of the local area as set out at Appendix 7.*

10.38 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. '*

10.39 The application site forms part of a larger site area which has been assessed in the Council's Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA). The current application site occupies an area covered by SHELAA site references L31B and L31C. Land to the north-east of the application site is given reference Site L31A and is allocated in the Local Plan for

employment development. Site L31D lies to the north-east and south-east of the employment allocation and comprises agricultural fields. With regard to landscape, the SHELAA states:

*' Evaluation: Medium and High/Medium*

*10.39.1 Justification: The landscape sensitivity given to the parcels as part of their inclusion within the 'Study of land surrounding Key Settlements in Cotswold District Update: Additional Sites 2015 (Cotswold District Council and White Consultants, November 2021) report varied between the parcels. L31B and L31C were assessed as Medium. While parcels L31A and L31D were assessed as High/Medium. The justification for this is reproduced below and is still considered to be an appropriate landscape assessment:*

*10.39.2 The sensitivity of the site varies. The two fields to the west extend the settlement but are relatively well screened from the east by a combination of trees and hedges on site as well as the nursery further east still, and the tree belt to the north. There is some visibility from the north which raises sensitivity. The most westerly field should form the final edge to the settlement in this direction. These enclosures are considered to be of medium sensitivity.*

*10.39.3 The pasture fields to the east are susceptible to change as they are open to view to the north from public footpaths and the scheduled monument. They would tend to enclose the open space on this side of the settlement being more apparent in views from the public footpaths. The farm complex and enclosure west of the farm are susceptible as housing would completely change the character of the farm complex and surround the listed buildings adjacent to the south. These elements of the site have high/medium sensitivity with the most sensitive being the farm complex and the northern pasture which is most exposed to view from the wider landscape, SAM and PROW.'*

- 10.40 With regard to the employment site (L31A), the SHELAA states *'The Council is unaware of any marketing campaign for employment uses on this site since it was allocated in the Local Plan. Only if there is no reasonable prospect of the site being used for employment purposes will alternative uses be considered. The site should remain allocated for employment use.'*
- 10.41 With regard to sites L31B-D, the SHELAA states that *'these sites are currently unsuitable for development. Amongst other issues, their development would harm the setting of a Scheduled Ancient Monument, a Listed Building and the rural approach to Lechlade. The limited benefits of the proposed flood bund do no outweigh the harm that would be caused by building 120 dwellings across these sites.'*
- 10.42 It is evident that the SHELAA assessment has raised significant concerns about the introduction of residential development across the site area. It is considered



that the views expressed in the SHELAA are applicable to the current application site and the proposed development. The proposal will result in a significant encroachment of built development into the open countryside beyond the established built area of the settlement. New development would be readily visible from the A417 on the approach into the settlement from the west and from the Public Right of Way to the north.

- 10.43 The following response was received by the Landscape Officer in response to the previous application for 54 dwellings on this site (23/02917/OUT), which was very similar to that now proposed:

*Impact upon Public Visual Amenity*

*10.43.1 Views of the site are achieved from the A417 and The Wern road to the south, the Lechlade settlement edge to the south and east and public footpaths in the local vicinity (Lechlade Footpaths 6 and 9).*

*Impact on the Character and Appearance of the Landscape*

*10.43.2 The site is located within Landscape Character Type (LCT): River Basin Lowland and Landscape Character Area (LCA) TV1C: Fairford and Lechlade of the Gloucestershire Landscape Character Assessment (January 2006). The site shares a number of the published key characteristics of this character assessment. These key landscape characteristics are reproduced below:*

- Low lying, flat to very gently undulating floodplain landscape underlain by extensive deposits of alluvial clay and silt, and sand and gravel that mask the solid geology;*
- Isolated hillocks associated with exposures of the Oxford Clay form locally significant features;*
- Strong presence of water reflected in rivers, streams, ditches and extensive network of restored sand and gravel extraction sites;*
- Lush wet meadows and wide floodplain pastures, with watercourses often lined with riparian vegetation, including frequent lines of pollarded willows;*
- Mosaic of wetland and riparian habitats, together with water based recreational uses associated with lakes created through the restoration of gravel extraction sites;*
- Combination of pastoral land, often in smaller scale fields and closely associated with watercourses and larger scale fields under arable cultivation;*
- Pattern of nucleated and linear settlements dispersed throughout the landscape, including occasional small towns and large villages, hamlets and scattered farmsteads and dwellings, with vernacular buildings constructed in stone and brick;*

- *Modern waterside developments comprising holiday or second homes with distinctive architectural style and often located in association with restored lake areas;*
- *Scattered pattern of woodland copses in areas closely associated with rivers and standing areas of water, which in places results in a sense of enclosure and more intimate landscape; and*
- *Limited major roads and a wider network of minor roads providing access to the floodplain landscape.*

*10.43.3 The proposal would have an impact upon a number of the above key characteristics. The field within the site is characteristic of the agricultural landscape that surrounds the Lechlade settlement. The introduction of development would be to the detriment of the field's character and would erode the rural context present around Lechlade due to the resulting urbanisation and encroachment.*

*10.43.4 Overall, the introduction of up to 54 dwellings alongside associated infrastructure would change the character of the site and the landscape context that this area is located within. This landscape change would be appreciated at a site and local scale. The proposal would remove the open field pattern and agricultural character of the area and introduce high density built development beyond the existing established settlement edge.*

*10.43.5 Perceptual impacts also need to be considered. There is a level of sound, activity and light spill associated with development. The encroachment of increased noise, activity and lighting into the rural landscape should be considered.*

#### *Summary*

*10.43.6 The site is susceptible to change through the proposed development due to its position within open countryside beyond the existing settlement edge. Development would represent encroachment into the characteristically rural landscape around the Lechlade settlement and would form a prominent addition to views. Development beyond the existing settlement will have an urbanising effect on the rural landscape.*

*10.43.7 It is noted that the neighbouring housing allocation (L19) is for 9 units. This would create a low density edge to Lechlade and ease the transition from the settlement to the rural countryside. The proposal by virtue of its density and location would form a prominent built addition to the undeveloped landscape and urbanise its rural surroundings.*

*10.43.8 It is recognised that of the three proposals submitted by the applicant this proposal would have the least landscape and visual impact. However for*

*the reasons outlined above the proposed development would still be to the detriment of the local landscape.'*

10.44 It is considered that the concerns set out above remain pertinent to this current application.

10.45 The applicant has submitted a Landscape and Visual Appraisal (LVIA) with this application. With regard to landscape effects, the LVIA (paragraph 7.13) states:

*'At the outset, and on the completion of the Proposed Development, it is judged that impact on the site's landscape and its immediate surroundings from the built development uses would result in a Moderate Adverse landscape effect. In the longer term (Year 15) the effects would reduce as the GI framework would be delivering a series of maturing habitats that would provide benefits for local landscape character in the form of woodland belts, additional tree planting and hedgerows that are characteristic of this settlement edge landscape. In conclusion, it is assessed that the level of adverse effects would diminish in the longer term such that they would reduce to Minor Adverse. These effects would be localised to the site and the immediate landscape. '*

10.46 With regard to visual effects, the LVIA concludes that the effects from a number of visual receptors around the site would typically fall into the moderate adverse to moderate-minor adverse categories. It is evident that the applicant's own LVIA indicates that the proposal will still have an adverse impact of some kind even if suitable new landscaping is introduced and becomes established.

10.47 It is considered that the proposed development would have an adverse impact on the rural landscape setting of this part of the town. It would result in a significant extension of built development into the open countryside and that it would impact on the rural setting and character of the town. In terms of built development, the western edge of the existing settlement exhibits a relatively soft and informal appearance, with low density housing largely screened by existing trees and hedgerows. The current proposal, by virtue of the amount of development being proposed, would result in a far more discernible urban edge to the settlement. This is considered to have a negative impact on the character and appearance of the western part of the town and the manner in which it relates to the surrounding rural landscape. It is therefore considered that the current proposal would not bring about landscape benefits or enhancements to this part of the countryside lying adjacent to the settlement. Moreover, having regard to the size of the application site and the number of dwellings proposed, it is considered that the amount of development would provide limited opportunity to create significant green infrastructure or landscape buffers around the proposed housing. As a consequence, it is difficult to envisage how the proposed development could create a soft edge to the settlement, as is the present case, and not result in the creation of a harder more

urban development, that appears at odds with the existing character and appearance of the area.

10.48 It is noted that a parcel of land lying between the Wern and the A417 to the south of the application site is allocated for residential development in the Local Plan (Site L\_19 Land to south of Butler's Court (9 dwellings net). It is also noted that the site allocation seeks to ensure that a low density development is secured in order to ensure that the open green character and appearance of the existing site is retained. The land in question is also located between existing residential development and a modern estate road. The development of the allocated site would therefore continue to provide a soft, green edge to the settlement. This is considered to be in contrast to the current proposal which, by virtue of the amount of development being proposed, would result in a harmful encroachment of development into the open countryside. The allocated site is therefore materially different in terms of its position and character to the current application site.

10.49 It is considered that the proposed development is contrary to Local Plan Policies EN1, EN2 and EN4, Neighbourhood Plan Policy D1 and guidance contained in paragraph 187 of the NPPF. It is considered that this harm weighs against the proposed development.

**(d) Impact on the setting of Listed Building and Lechlade Conservation Area**

10.50 Lechlade Conservation Area is located approximately 50m to the south-east of the main part of the application site. In addition, the eastern boundary of the main body of the application site adjoin the grounds of 2 Grade II listed buildings - Butlers Court & Stable immediately behind Butlers Court. With regard to the listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight must be given to the aforementioned legislation.

10.51 In addition to Local Plan Policies EN1, EN2 and EN4 mentioned previously, the following policies and guidance are also considered applicable to this proposal:

10.52 Local Plan Policy EN10 Designated Heritage Assets states:

1       *'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.'*

*2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.*

*3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:*

- The importance of the asset;*
- The scale of harm; and*
- The nature and level of the public benefit of the proposal.'*

10.53 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

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

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;*
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.*
- d. Have regard to the relevant Conservation Area appraisal (where available); and*
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

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

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

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

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

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

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

10.58 The proposed development would result in the encroachment of built development into an undeveloped area that currently makes a positive contribution to the rural settings of both the nearby listed buildings and conservation area. In particular, it would enclose the western boundary of the Butler's Court site thereby severing its historic connection with the agricultural landscape to the west. The introduction of suburban residential development would therefore have significant implications for the setting of the adjacent listed buildings. It would also have an urbanising impact on the soft and informal western edge of the conservation area.

10.59 The Conservation Officer states:

*Butler's Court.*

*Significance.*

*10.59.1 Butler's Court comprises a substantial and high-status farmhouse/modest country house, historically situated in open countryside to the north-west of Lechlade. The house faces east, but was historically approached from the south. To the north of the house was a range of agricultural buildings, including the now separately listed Stable immediately behind Butler's Court to north west. To the east and west, beyond the immediate curtilage, were open paddocks and fields. To the south the character was more domestic, with the garden of Butler's Court extending down possibly as far as the walled garden adjacent to the road (now the A417) with the surviving, now listed Gazebo; and the now listed Butler's Court Cottages with their domestic curtilages.*

*10.59.2 In the second half of the 20th century suburban development spread west from Lechlade and north from the A417, encroaching upon Butler's Court to the south and south-east; and permission was granted to convert the now-redundant agricultural buildings to the north to employment use in 2006. However, the house still faces open paddocks and fields to the west and to the north-east, retaining something of a relationship with the open countryside and some sense of being in a rural, but edge-of-settlement location. Furthermore, the current approach to the listed building, along The Wern, runs along the southern edge of the aforementioned paddock to the west, and whilst it is not the historic approach, it still retains a more rural character appropriate to the setting of a listed farmhouse/small country house.*

*10.59.3 Thus, the surviving relationship with the setting of open paddocks/fields to the north-east and west of the house, and along the modern but comparatively rural approach to the house, is appropriate to and reinforces the character of the listed house as an historic farmhouse/modest country house, thereby contributing positively to its significance as a designated heritage asset.*

*10.59.4 It is acknowledged that the site to the south of the west paddock, adjacent to the A417 is allocated for housing; however, this is at some distance to the listed building, and would not directly impact upon it or its immediate setting or interrelationship with the wider landscape. It would abut one site of the modern approach, but this would still leave this road with an 'edge-of-settlement' character.*

*Impact.*

*10.59.5 The current proposal would entail the development of the open paddock to the west of Butler's Court for residential use; the current approach, which still faces the open rural landscape to the north and west, would become a road through a house estate.*

*10.59.6 Consequently, the current proposal would fundamentally alter and suburbanise the character of the listed building's surrounding, very seriously eroding an aspect of the listed building's setting, that makes a strong contribution to its significance, which would also thereby be severely eroded. Consequently, the current proposal would fail to preserve the special interest, or to sustain the significance of the designated heritage asset. The harm would be to an important aspect of the building's significance as a former farmhouse, and whilst the harm would be less-than-substantial, it would still be considerable; the Barnwell decision reiterates the requirement to put great weight upon sustaining the setting and significance of heritage assets, clarifying that less-than-substantial harm does not equate to a less-than-substantial objection.*

*10.59.7 Additionally, there is also a concern over the implications and likely future changes that could result from the current proposal. The cumulative impact of the proposed development, in addition to the existing development to the south and south-east, transforming the approach to a road through a suburban housing estate, may in the longer term jeopardise the viability of Butler's Court as a single dwelling, its historic and optimum viable use, potentially leading to considerable further harm in the longer term.*

*Lechlade Conservation Area.*

*10.59.8 The A417 comprises the main, western approach to Lechlade, and thus forms an important part of the setting of the designated conservation area. The approach passes through an open agricultural landscape, with isolated, often (historically) farm-related development, and a garden centre. The character of this part of the approach remains strongly rural, thereby contributing positively to and reinforcing the significance of Lechlade as a modest, rural market town set within an agricultural landscape.*

*10.59.9 A slight change in character occurs at the modern roundabout, primarily because of the heavily-engineered character of the roundabout itself and the spur to the north. Beyond this point the character remains initially open and rural, before entering suddenly into the settlement and conservation area; an entry marked more by the sudden density of trees than of the buildings that nestle discretely amongst them.*

*10.59.10 The field that lies between the roundabout and its northern spur, and the settlement, despite being in and of itself rural, has been rather severed from the wider landscape by the roundabout and spur, which in and of themselves form a clear transition of space and character. Consequently, this field is now physically more closely related to the settlement to the east, than it is to the landscape to the west, and thus has been allocated for housing, bringing the edge of the settlement logically up to the existing roundabout (the Council consistently advising that the nature and density of development on this site should reflect and reinforce the 'edge-of-settlement' character). The roundabout would thus form a clear and appropriate transition from the agricultural landscape to the settlement, and a natural western termination for the settlement.*

*10.59.11 The current application site would effectively site behind the southern site; whilst there would be an increase in the urbanisation of the approach into the conservation area, subject to the appropriate treatment of the western edge, there would, on balance, probably be a comparatively modest impact.'*



10.60 In response to additional Design and Access information submitted by the applicant, the Conservation Officer states:

*' Principle.*

*10.60.1 The amended proposal incorporates some design changes, however the fundamental principle of development upon this site remains unchanged, & the impact of development 'in principle' on this site in heritage terms remains concerning in terms of all but marooning the former farmhouse within suburban development and severing its important historic connection to the wider rural landscape, and the assessment of the earlier Conservation comment remains valid, particularly with regard to the setting and significance of Butler's Court.*

*Design.*

*10.60.2 There has been no clear change to the proposed level of development (up to 54 dwellings). This would still result in a considerably higher density, and more suburban appearance than has been accepted on the site to the south. This would still create an uncharacteristic increase in density towards the edge of the open countryside, rather than the soft, decrease in scale and density that is characteristic of traditional settlements.*

*10.60.3 The revised layout does pull the development back from the southern edge of the site which would create a softer and less dense, if still fundamentally suburban approach to Butler's Court; the northern and eastern edges of the site (facing the countryside and Butler's Court respectively) would remain almost as dense as the earlier iteration, and greater density of build is suggested in the middle of the development. Whilst the earlier comment advised against disproportionate numbers of detached houses, and the incorporation of pairs or modest rows, the concentration of three terraces as the centre would give an overly dense core, which, given the modest size of this site, this greater central density would likely still be visible and legible between the still predominantly detached edge buildings from without the site, including from the south.*

*Summary.*

*10.60.4 Overall, the amended design does nothing to address the in-principle concerns, and little to address the secondary design concerns, and consequently, the previous recommendation still stands.'*

10.61 It is considered that the proposed development would have a significant adverse impact on the rural, agricultural setting of the listed buildings to the east of the application site. The proposed development would also have an urbanising impact on the rural approach into the settlement to the detriment

of the setting of the conservation area. It is considered that the proposed development would cause less than substantial harm to the aforementioned heritage assets. In order for the development to be acceptable in heritage terms, it is necessary to demonstrate that public benefits outweigh the identified harm, in accordance with the requirements of paragraph 215 of the NPPF.

- 10.62 In this instance, it is considered that the creation of new housing, including affordable housing, represents a public benefit which weighs in favour of the proposal. However, considerable weight and importance has to be given to the protection of the designated heritage assets. In this instance, the level of harm arising from the creation of suburban housing development which separates the listed buildings from their historic relationship with the adjacent countryside is considered to carry significant weight. Moreover, the current proposal would also have an urbanising impact on the rural western edge of the conservation area to the detriment of its setting. It is considered that the level of harm arising from the proposal outweighs the public benefits arising from the proposed housing, as well other benefits such as its contribution to the local economy. The proposed development is therefore considered to be contrary to Local Plan Policies EN1, EN2, EN4, EN10 and EN11, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the NPPF. Furthermore, it is noted that paragraph 11 d i) of the NPPF advises that harm to a designated heritage asset can provide a strong reason for refusal which can outweigh the benefits arising from the delivery of new housing when a Council's policies relating to the delivery of housing are deemed to be out-of-date. It is considered that the conflict with paragraph 11 d i is sufficient to outweigh the other benefits arising from the proposal in this instance.

**(e) Archaeology and the Impact on the Setting of a Scheduled Ancient Monument**

- 10.63 The north-eastern boundary of the application site lies in close proximity to Multi-period settlement, cemetery, and ceremonial complex W of Lechlade' Scheduled Ancient Monument (SAM).

- 10.64 Historic England provided the following initial response to this application:

*10.64.1 'The scheduled monument was identified from crop marks seen on aerial photographs in the 1960's. Later excavation of associated sites around the edge of the monument has provided information on the archaeological features seen as cropmarks.*

*10.64.2 The monument contains evidence of human activity from the Neolithic (6,000 years ago) to now. The activity includes ceremonial, burial, settlement and agriculture and helps tell the story of the origins of the modern town of Lechlade. The monument has been impacted on by developments to*

*the east and south, as Lechlade has expanded in the late 20th century. To the north and west there is still open farmland. This open rural space in our view contributes to the significance of the monument as it is similar to the original landscape at the time the monument was in use. The proposed development lies away from the monument and close to existing housing. This will not impact on the significance of the monument as there will be no loss of the open farmland that contributes to its significance.*

*10.64.3 The pedestrian link proposed from the development to the Cemetery entrance has the potential to impact on that significance by bringing more urban features into the southern edge of the open farmland around the monument.*

*10.64.4 On the Proposed Habitat plan a new hedge is proposed to be planted on the north side of the new pedestrian link. This will help screen it and any movement along it from the monument. The construction of the path and the planting of the new hedge will potentially impact on buried archaeology associated with the scheduled area. On the Geophysics results (Archaeological Assessment Appendix 2 Figure 08) there are a pair of ditches, crossing the route of the path, that may have formed a trackway to the settlement to the north within the scheduled area.....*

*10.64.5 Historic England has concerns regarding the application on heritage grounds.....*

*10.64.6 To minimise or remove the potential harm of the pedestrian link we recommend that:*

*Suitable archaeological mitigation is agreed prior to the construction of the path and planting of the hedge.*

*the new pedestrian link is designed to be in keeping with the rural character of the are.'*

10.65 In light of the comments made by Historic England, the applicant has removed the proposed footpath route from the application. Historic England has subsequently confirmed that it has no further comments to make on the application.

10.66 In addition to the response from Historic England, Gloucestershire County Council Archaeology states:

*10.66.1 In relation to a previous application, archaeological investigations consisting of desk-based research, geophysical survey and trial trench evaluation have been carried out and the Archaeological Desk Based Assessment by Orion Heritage (Oct 2024) submitted with the application provides further information on the results and an assessment of the likely*

*impact to archaeological remains. The archaeological investigations have established the potential for archaeological remains in the vicinity of the proposed development site, for instance, a Bronze Age burial mound and cremations burials, Iron Age settlement, Roman activity and an Anglo-Saxon cemetery have been recorded adjacent to the site. Archaeological evaluation has been limited in the areas which this application relates but undated ditches were recorded at the eastern end of the proposed new access track (trench 22) and the main area proposed for dwellings contained 0.9m depth of made ground deposits which likely relates to its previous use as spoil heaps for the adjacent development. Considering the extent of these deposits we agreed to undertaking further archaeological investigation and any necessary mitigation as a condition of planning permission.*

*10.66.2 In light of the above, we recommend the following condition wording to ensure programme of archaeological investigation and recording is carried out:-*

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

*Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains which may be present. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 218 of the National Planning Policy Framework (Dec 2024).*

- 10.67 It is evident that neither Historic England nor Gloucestershire County Council Archaeology have raised an objection to this application, subject to the conditions requested by the latter body. Insofar as the setting of the SAM and features of archaeological interest are concerned, it is considered that the proposed development accords with Local Plan Policies EN1, EN4 and EN10, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the NPPF.

**(g) Access and Highway Safety**

- 10.68 The proposed development would utilise an existing estate road which extends alongside the western edge of the town's development boundary. The existing estate road joins onto the A417 to the south by way of a roundabout. The estate road also joins onto a residential road (The Wern) which serves residential

development to the east. The proposed development seeks to undertake works to the junction where The Wern and the estate road meet. The improvements would then facilitate the creation of a new estate road which would extend north-eastwards from the existing estate road. It is proposed that the new development would be served by the extended estate road.

- 10.69 This application is accompanied by a Transport Statement (TS), as well as a Non-Motorised Audit report which has assessed potential pedestrian and cycle routes from the application site to the town centre.
- 10.70 With regard to the highway improvement works proposed at the western end of The Wern, the applicant has provided information relating to traffic speeds, visibility and vehicle swept paths. The information has been assessed By Gloucestershire County Council (GCC) Highways which considers that the proposed access arrangements are acceptable.
- 10.71 With regard to traffic generation, the TS states that '*the proposed development is forecast to generate 27 vehicle trips during both weekday AM and PM peak hours based on a total of 54 dwellings assessed. This equates to around one additional vehicle movement every more than two minutes on the highway network in and out of the site during the busiest peak hours.*' The TS also indicates that the existing roundabout junction on the A417 to the south of the site has capacity to accommodate the stated increase in vehicular movements. GCC Highway Officers are satisfied that the proposal would not have an adverse impact on the operation of the existing junction or the wider highway network.
- 10.72 In terms of accessibility to services and facilities, the applicant has been requested to provide additional information demonstrating footpath and cycle connectivity to existing services and facilities in the town following the removal of the new footpath initially proposed to the east of the site. The applicant has submitted a Non-Motorised Audit report which has assessed 4 potential routes from the site to the town centre. The submitted report states that the nearest bus stop is 400m from the application site. A post office, supermarket, medical centre and other bus stops are located approximately 1.1km to 1.4km from the application site. A network of existing footpaths links the site to the town centre and various facilities. The various routes are relatively flat and are illuminated. It is considered that safe routes are available for pedestrians from the site to existing facilities. With regard to cyclists, it is noted that the principal route to the town centre would be along the A417. However, the route is relatively flat, illuminated and subject to a 30mph speed limit. Whilst the A417 is used by range of vehicles, including HGVs, it is considered that the option available does not represent an unsafe route for cyclists.
- 10.73 This application has been assessed by Gloucestershire County Council Highways. The Highway Officer states:

*10.73.1 Various off site improvements have been offered that involve changes to the access road as well as widening and alterations to some sections of footway between the site and the town centre. These works will need to be secured through a S106 Agreement and will need to receive Technical Approval from GCC in order that they can be implemented but the basic principles of the proposed works are considered acceptable and are not considered to represent an unacceptable reduction in highway safety as required by the NPPF for the LHA to object to a development.*

*10.73.2 The assumptions about the likely traffic generation and distribution from the site are considered reasonable and the modelled impact of that traffic is considered acceptable and demonstrates that the proposed development will not have a severe impact on the capacity of the local highway network as required by NPPF in order for the LHA to object to a development proposal.*

*10.73.3 The Travel Plan is a reasonable start to what will be an ongoing process and there will be a requirement for a financial contribution to the ongoing monitoring of the Travel Plan secured through the S106 Agreement.*

*10.73.4 The Non-motorised User Audit assesses the various possible routes to the town centre and whilst the applicant's original offer of improvements to the PROW on the direct route to the town centre have had to be removed from the submission it is accepted that this was done as a result of environmental objections to the impact of the required works and not any unwillingness on the applicant's part. For that reason it is considered that it would be unreasonable to object to the application on the grounds that the works were no longer part of the application.'*

10.74 It is evident that GCC Highways consider that the proposed development would not have an adverse impact on highway safety or the operation of the local highway network.

10.75 The relationship of the current application site with the allocated employment estate to the north is noted. Whilst an application has not been submitted to develop the employment allocation, it is necessary to ensure that this proposal would not prejudice the future delivery of the allocated site. For example, future employment related traffic would need to utilise the road serving the proposed residential development with the result that such vehicles would potentially pass in close proximity to new housing. Whilst this concern is noted, it is also recognised that this application is an Outline application. The final layout and position of dwellings has not therefore been established. Such details would be agreed at the reserved matters stage should Outline permission be granted. The final layout could therefore take into account vehicle movements associated with the employment site allocation. Moreover, the employment site is restricted to Use Class E(g) (former B1) type uses. Such uses are of a type which

can operate in close proximity to existing residential development and typically generate smaller types of vehicles when compared to general industrial (B8) or storage and distribution (B8) uses. In light of the Outline nature of this application and the type of uses that could operate from the allocated employment site, it is considered that it would not be possible to sustain an objection to the current application on the grounds of potential conflict with the allocated employment site.

- 10.76 The concerns of local residents and the town council regarding highway safety, traffic generation and accessibility are noted. In response, paragraph 116 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."* On the basis of the technical details that have been submitted and the no objection from GCC Highways, it is considered that it would not be possible to sustain an objection to current application on highway grounds.
- 10.77 It is considered that the proposed development accord with the requirements of Local Plan Policy INF4 and guidance in Section 9 of the NPPF.

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

- 10.78 The area of the application site proposed for new residential is located within Flood Zone 1, which is the lowest designation of Flood Zone and one in which development of the type proposed can be acceptable in principle. Land lying adjacent to the western edge of the application site falls within Flood Zones 2 and 3. The separate part of the application site lying to the south-west of the main body of the site is primarily located within Flood Zone 2, with a section of its eastern part located within Flood Zone 3.
- 10.79 With regard to surface water drainage, the applicant is proposing to create an attenuation basin in the north-western corner of the application site. The attenuation basins would hold surface water run-off before releasing it at a controlled rate into the existing drainage network. The rate of release would take into account the effect of climate change.
- 10.80 Gloucestershire County Council (GCC) in its role as Lead Local Flood Authority has assessed the Flood Risk Assessment and drainage strategy submitted with this application. The LLFA provided initial comments in December 2024, which state:

##### *'Flood Risk*

*10.80.1 The Flood Risk Assessment (Ref: 10899 FRA03 Rv8; Date: 24 October 2024) (FRA), shows that the majority of the site is in flood zone 1 with*

*an area in flood zone 3 on the western boundary of the northern parcel (Figure 6-1). The southern parcel is completely in flood zone 2 and its eastern corner is in flood zone 3.*

*10.80.2 The Risk of Flooding from Surface Water (RoFfSW) map shows that the site is at very low risk of flooding with small areas at low risk of flooding (associated with the 1 in 1000 year rainfall event) (Figure 6-2).*

*10.80.3 Several public comments report that The Wern was flooded in the recent storms in November of this year and the comments by Hincliffe from 16 December 2024 includes photos of this flooding. From the information available to the LLFA, the recent storm was more like a 1 in 6 or 1 in 10 year rainfall event so the photos showing this flooding do not reflect the RoFfSW map. Given this disparity and the proximity of the flooding to the site, further analysis of the risk of flooding of the site should be carried out to make sure the proposed houses will not be put at undue risk and the development will not have unforeseen impacts on flood risk elsewhere.*

*10.80.4 Furthermore, photos on google street view from shows what appears to be a culvert headwall on the south western corner of the northern parcel, taking water underneath The Wern to the watercourses to the west of road (The Wern - Google Maps). This doesn't appear to have been included in the model created by the applicant described in Section 7 of the FRA. This may be the cause of the differences between the modelling results and the flooding seen in the photos and should be explored further.'*

10.81 In response to the above comments, and information and photographs provided by local residents concerning the December 2024 flood event, the applicant has undertaken further modelling and analysis which has been assessed by the LLFA. The submitted information has identified blockages in the existing drainage system including a blocked and silted highway drainage headwall The submitted information states:

*10.81.1 'Most of the flood relief structures at the Wern are 600mm diameter culverts, therefore the growth of vegetation can reduce the conveyance of the structure. However, it is unlikely to have entirely blocked. But the syphon located at the east is only 225mm diameter, hence the likelihood of blockage is high with poor maintenance.*

*10.81.2 The blockage results show that the syphon structure works as flood relief transferring some of the volume to the east, therefore the obstruction at the structure produces increase in water levels and flood extent at the west Wern road. Also, reduction in flood at the eastern section of the Wern is observed.'*



10.82 With regard to the blockage of a highway drainage headwall, the submitted drainage information states:

*10.82.1 'As the outfall is blocked, then the gullies in this location would quickly overtop and begin to fill the road and junction from any extreme storm event. It is believed that this is exacerbated at the junction as it is naturally flat with all other areas that water would drain to already stressed from the other blockages and poor maintenance identified. The gullies were full of silt themselves on inspection done on 11 February, 2025, thus reducing the gullies capacity to hold water and increasing the likelihood of overtopping.'*

*10.82.2 It is therefore recommended that the swale on the proposed site and its eastern and western culverts to the wider network are cleaned and cleared. It is also recommended that the highway drainage and the headwall are also jetted cleaned and cleared to reestablish connections from the highway drainage back in to the surrounding ditch system.'*

*10.82.3 Modelling has shown that if the system is clear and working then even in a 1:100yr event with climate change, the access to the proposed site remains clear of flooding, as does the majority of the Wern.'*

10.83 The LLFA has assessed the new modelling data and additional information and considers the information to be acceptable. It states:

*10.83.1 'A new flood model has been developed to assess the risk of flooding to the site and is described in the Technical Note 04 Rv1: Flooding Study- Surface Water Modelling of the Wern (01 May 2025). The flood extents within this report show that surface water should mostly be contained in the channels and the area identified for the residential development will remain largely free from flooding, with the southern and western boundaries being impacted by surface water. Examples are given as to how the development could be designed so that dwellings are not put at risk of flooding.'*

*10.83.2 Having reviewed the Technical Note, the LLFA has no objections to the proposal, however, modelling accounting for the final layout of the site should be carried out and submitted for detailed review.'*

10.84 In the event that planning permission is granted, the LLFA recommends the attachment of conditions relating to further modelling relating specifically to a detailed layout of the site submitted at the Reserved Matters stage, a sustainable drainage strategy and sustainable drainage management and maintenance for the lifetime of the development.

10.85 The Environment Agency raises no objection to this application.

10.86 The concerns of the Town Council and local residents are noted. However, the development of the site has been subject to flood modelling and it is evident

that GCC Lead Local Flood Authority considers that the proposals are acceptable in principle. It is therefore considered that it would not be possible to sustain an objection to the application on flooding or drainage grounds.

- 10.87 With regard to foul drainage, Thames Water has not objected to this application subject to a condition requiring confirmation that foul water capacity exists off site for the development or that an infrastructure phasing plan is agreed. Such a condition would ensure that the developed is not occupied until adequate foul drainage capacity is demonstrated and provided for. Thames Water has a statutory duty to connect development to its network. The means of connection would ultimately be a separate matter between the developer and Thames Water.
- 10.88 Overall, it is considered that the proposed development is in accordance with Local Plan Policy EN14 and guidance in Section 14 of the NPPF.

### **Biodiversity**

- 10.89 The application site consists primarily of open grassland, although it is bordered by trees, hedgerows, water courses and agricultural buildings, which could serve a number of protected species. The applicant has submitted an Ecological Impact Assessment with this application. The submitted details also include Biodiversity Net Gain calculations.

- 10.90 The Council's Biodiversity Officer has assessed the application and states:

*10.90.1 The EcIA report (dated 14th November 2024) referred to ongoing surveys during 2024 and 2025. An updated EcIA report has been submitted (dated 6th May 2025), this also refers to ongoing survey work during 2024 and 2025.*

*10.90.2 At present, most of the survey work submitted to the Local planning Authority was undertaken in 2022 and due to the age of these surveys, the surveys require updating in accordance with best practice guidance, as recommended by CIEEM. Consequently, the surveys undertaken in 2024 and those which are still ongoing in 2025 will need to be submitted to the Local Planning Authority prior to any permission granted in accordance with the Circular 06/2005 which states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

*10.90.3 The Local Planning Authority is aware that the site is likely to support protected and priority species, including reptiles and ground-nesting birds. For example, nesting skylark were recorded in 2022, impacts to this species would*

*need to be mitigated through the delivery of off-site provisions in accordance with Local Plan policy EN8 which sets out development should not be permitted if there will be a detrimental impact on species of principal importance unless adequate provision can be made to ensure the conservation of the species, and paragraphs 192 and 193 of the National Planning Policy Framework which states planning applications should follow the mitigation hierarchy and promote the protection and recovery of priority species.*

*10.90.4 In addition, habitats on and in proximity to the site are suitable for European protected species, including dormice, roosting bats, great crested newts and otter. Therefore, up-to-date surveys are required to enable the Local Planning Authority to assess whether the development is likely to require a licence(s) from Natural England, consider the three derogation tests and discharge its statutory duty with regards to European protected species in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).*

*10.90.5 If the above is not resolved, refusal is recommended for the following reasons:*

*10.90.6 Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts to biodiversity in accordance with Local Plan policy EN8 and Chapter 15 of the National Planning Policy Framework. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.'*

- 10.91 With regard to Biodiversity Net Gain (BNG), the Biodiversity Officer advises that additional information is required in relation to biodiversity metric calculations and the classification of some habitats. There are also concerns about the ability of the development to meet target conditions such as in the case of neutral grassland. At present, the Biodiversity Officer raises the following objection:

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

- 10.92 The applicant has been made aware of the above matters. At the time of writing this report, further information had not been received. If additional information is received prior to the meeting of the Planning and Licensing Committee meeting in July, Members will be provided with an update. However, at the

present time it is considered that the application fails to demonstrate that the proposal would not have an adverse impact on biodiversity and that it can reasonably demonstrate 10% Biodiversity Net Gain.

## **Other Matters**

- 10.93 In terms of residential amenity, it is considered that the site has the potential to accommodate the level of development proposed without adversely impacting on the amenity of existing residents in the area. There is also scope to provide play areas within the development site. The adjacent allocated employment site would be limited to Use Class E(g) which consists of uses such as offices, research and development and industrial uses which can take place in close proximity to residential properties without causing unacceptable levels of noise, odour or general disturbance. It is considered that the proposed development is acceptable in terms of residential amenity and noise and disturbance.
- 10.94 The Council's Environmental and Regulatory Services Section raises no objection with regard to contamination subject to conditions. It is considered that the proposed development accords with Local Plan Policy EN15.
- 10.95 The Council's Tree Officer raises no objection to the application. The proposed development would not result in the loss of trees protected by Tree Preservation Orders and it is considered that the site could be developed in a manner that would not have an adverse impact on protected trees having regard to Local Plan Policy EN7.
- 10.96 With regard to financial contributions, GCC Community Infrastructure has requested payments of £10,584 towards library services. GCC is not requesting a contribution towards primary or secondary school provision. The contribution requested by GCC is considered to be reasonable, directly related to the development proposed and to meet the requirements of Paragraph 122 of the Community and Infrastructure Levy Regulations 2010.
- 10.97 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. Whilst the income generated from CIL would be benefit, it is considered not to be at level that would outweigh the significant adverse impacts arising from the proposed development.

## **11. Conclusion**

- 11.1 It is considered that the proposed development is contrary to the Council's development strategy with regard to the location of new build open market dwellings. It would also conflict with Neighbourhood Plan Policy H2 concerning the location of new residential development. Notwithstanding this, following

the changes to the NPPF introduced in December 2024 this Council can no longer demonstrate a robust 5 year supply of deliverable housing land. As such, the development plan policies relating to the delivery of new housing are now considered to be out-of-date. It is therefore necessary to consider this proposal in the context of paragraph 11 of the NPPF. In this instance, the delivery of 54 dwellings, including 22 affordable dwellings, is considered to represent a significant benefit that weighs in favour of the application. However, it is also considered that this proposal would cause harm to the setting of designated heritage assets. Paragraph 11 d i of the NPPF identifies that such harm can provide a strong reason to refuse an application even when a 5 year supply of housing land cannot be demonstrated. The public benefits arising from the delivery of the new housing are considered not to outweigh the harm to the setting of the listed buildings and conservation area in this case. In addition, the proposed development would cause harm to the rural setting of the town by virtue of the encroachment of residential development into the open countryside. Furthermore, insufficient information is available to demonstrate that the proposal would not have an adverse impact on biodiversity or achieve the necessary Biodiversity Net Gain. Finally, a S106 agreement is not in place to secure the delivery of affordable housing, self-build/custom build plots, mix of housing, library contribution or Biodiversity Net Gain. The aforementioned factors all weigh against the current proposal. In the context of paragraph 11 dii of the NPPF, it is considered these impacts would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole, even if the location of the site next to a Principal Settlement and the delivery of affordable housing/new housing are taken fully into account. It is therefore recommended that the application is refused.

## **12. Reasons for Refusal:**

1. The proposed development would result in the significant encroachment of residential development into the open countryside to the detriment of the rural character, appearance and setting of the town. The proposal would have an urbanising impact on the locality and undermine the relationship of the town with the adjacent landscape. The proposed development is considered to be contrary to Local Plan Policies EN1 and EN4, Neighbourhood Plan Policy D1 and guidance in Section 15 of the National Planning Policy Framework.

2. The application site lies within the setting of the Grade II listed Butler's Court & Stable immediately behind Butler's Court. Butler's Court is high-status farmhouse/modest country house of 17th century origin. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The current proposal would result in the encroachment of residential

development across the agricultural land lying to the west of the listed buildings, thereby severing their historic relationship with the adjacent agricultural landscape. The proposed development would have a significant adverse impact on aspects of the listed buildings' setting that contribute positively to their significance, thereby neither preserving their special architectural or historic interest, nor sustaining their significance as designated heritage assets. The harm would be less-than-substantial albeit considerable. The identified harm is not outweighed by any public benefits. The proposed development is considered to be contrary to Local Plan Policies EN1, EN4 and EN10, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the National Planning Policy Framework.

3. The application site lies within the setting of the designated Lechlade Conservation Area. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, it also states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The current proposal, by virtue of the encroachment of development into the open countryside along the still predominantly rural main western approach to the settlement, will harm aspects of the setting of the Lechlade Conservation Area that contribute positively to its significance as a designated heritage asset. The harm would be less-than-substantial. There are no public benefits that outweigh the identified harm. The proposed development is considered to be contrary to Local Plan Policies EN1, EN4, EN10 and EN11, Neighbourhood Plan Policy D1 and guidance contained in Section 16 of the National Planning Policy Framework.

4. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the scheme on biodiversity in accordance with Local Plan policy EN8 and Chapter 15 of the National Planning Policy Framework. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species

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

6. A S106 legal agreement has not been completed. As a consequence, there is no mechanism to secure the provision of affordable housing, self-build/custom build plots, the size and mix of open market dwellings, Biodiversity Net Gain and financial

contributions to library services as required by Local Plan Policies INF1, H1 and H2 and Neighbourhood Plan Policy H1.

**Informatives:**

1. This decision relates to the land outlined in red on drawing number HLM033-039 F and access drawing 009 P4.
2. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.