



Gloucester City Council

Planning Committee

Meeting: Tuesday, 4th October 2016 at 6.30 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), Lugg, Hanman, Morgan, D. Brown, Dee, Hansdot, Toleman, J. Brown, Fearn, Finnegan and Tracey
Contact:	Tony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

5.	LATE MATERIAL (Pages 5 - 12) Please note that late material relating to the applications detailed below will be published on the Council's website as a supplement in the late afternoon of the day of the meeting.
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Jon McGinty
Managing Director

Date of Publication: Monday, 26 September 2016

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, anthony.wisdom@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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HUMAN RIGHTS

In compiling the recommendations on the following reports we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the reports, warrant any different action to that recommended.

EQUALITY ACT 2010

In considering this matter, full consideration has been given to the need to comply with the Public Sector Equality Duty under the Equality Act 2010 and in particular to the obligation to not only take steps to stop discrimination, but also to the promotion of equality, including the promotion of equality of opportunity and the promotion of good relations. An equality impact assessment has been carried out and it is considered that the Council has fully complied with the legal requirements.

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 4th October 2016

ITEMS 6 – Land adjacent to Newark Farm, Hempsted Lane – 15/01494/FUL

Highway Authority

No objection – subject to conditions.

Comments as follows:

- Overview – the proposal is for 44 homes. The site is located approximately 2 km south west of Gloucester city centre. Access will be from Honeythorn Close and Hempsted Lane via a new junction from Honeythorn Close
- Access – the local highway network is relatively lightly trafficked and low speed, however, access to most facilities and locations means using the A430 which is a well-used by-pass for the city centre. It connects the A38 to the south of the city; and the A40 to the north and west of the city
- Cycling and walking – the environment for cycling and walking is generally favourable with the minor residential streets providing footways and an on road environment suitable for cycling on the carriageway; the main roads provide off-carriageway footway/cycleway linking to the city centre
- Accidents – there are two recorded personal injury collisions with the broad vicinity of the site within the last 5 year period; both on the A430, and this does not highlight an existing highway safety problem that may be worsened by the development, especially when considering the traffic already carried by this route
- Sustainable travel – Hempsted Lane is served by the No. 113 service between Arlingham and Gloucester, which provides a limited service to Gloucester of one journey per day leaving at approximately 10:30am and returning at approximately 1pm. This service is accessed from the bus stop at the junction of Honeythorn Close and Hempsted Lane which is a short walk from the north of the site. Further bus stops are available on Secunda Way, which are served by a more regular service between Gloucester and Stroud including the Park and Ride facility at Waterwells. These services are primarily a variant of the No. 66 service which operates between 6:20am and 23:15pm; during the peak hours the service operates at approximately 10 to 20 minute intervals. This gives a regular bus service that provides for the opportunity to travel to employment in Gloucester and the wider area by public transport
- Facilities available to pedestrians and cyclists are good, offering a choice to residents about how they travel

- The local highway does not generally experience capacity problems other than a single lane stretch of the by-pass outside of the Llanthony Priory, which would not be materially affected by the proposal
- The emerging Development Plan recognises Hempsted as an accessible location and highlights other nearby areas of land as potential development opportunities
- Trip generation and distribution – the likely number of trips has been calculated using TRICS data. It is estimated that 25 two-way vehicles during the AM peak will occur; and 26 trips in the PM peak, based on 50 dwellings at the site. This provides a robust assessment of traffic generation
- It is noted that there is local concern about additional traffic in the village. The characteristics of Hempsted with typical residential roads and streets are not grounds to require any specific assessment in transport terms and the current traffic flows are low and will remain low should the development be undertaken
- Layout – a number of alterations have been made to the road layout following comments from the Highway Authority in order to control vehicles speeds (within the development), allow for the movement of large vehicles such as refuse collection, and pedestrian permeability
- Car parking is generally provided at two spaces per dwelling with larger dwellings also having a garage meaning that additional parking on the primary road is unlikely. The homes located in the private areas have generally one space and a garage which although on the low side for larger dwellings, fits with the Government's guidance that the market is best placed to decide if additional parking spaces are required.

The following planning conditions are recommended:

- Construction of the access at the outside
- Requirement for a Construction Method Statement
- Surfacing of the roads
- Scheme for fire hydrants
- Provision of visibility splays
- Provision of parking and turning
- Requirement for details of pedestrian crossing point on Honeythorn Close

Additional representations

Jackson Planning, acting on behalf of a Newark House resident, comments as follows:

- Believes that there are inaccuracies and omissions in the report. Without corrections, Members won't have all the information before them and any decision could be unsafe; the application should be withdrawn from the agenda. Refers to non-specific appeal precedents where heritage concerns

outweigh land supply issues. The proposal is not in accordance with the adopted development plan

- The initial comments of the Conservation Officer dated 18.1.16, when they recommended refusal, should be made available to the committee. Members need to understand why this position has changed

Officer response: the Conservation Officer's comments on the original scheme have not been included because they relate to a substantially different layout. Members must determine the application before them, not a previous scheme

- The Conservation Officer states that views across the site to the Cathedral are preserved – this cannot be stated categorically. The photomontages are not accurate and are not based on verified views using a proper methodology

Officer response: the proposed layout maintains a northerly vista of the Cathedral along the main spine road through the development. Officers are satisfied that the level of information provided with the application is sufficient to be able to assess the application; the Conservation Officer confirms that had they required further information then they would have sought it

- The proposal does not preserve the ridge and furrow field system. It would be totally lost by this proposal. The inaccurate assessment highlighted above brings in the question the conclusion of the Conservation Officer

Officer response: the City Archaeologist clarifies that the medieval ridge and furrow system will be lost in the developed part of the site. However, ridge and furrow features are commonplace in Gloucester and the City Archaeologist advises that the features on the application site have low significance.

- The City Archaeologist is incorrect in stating that key views from Newark House and Newark Farm have been protected. The assessment does not show this. The development extends to within the 75 metre zone south of Newark House that the SHEA report requires to be clear of development. The exclusion zone around the proposed development is only 50 metres. The proposal will not maintain the setting of Newark House

Officer response: the objector may have misinterpreted the City Archaeologist's comments. The City Archaeologists comments were made in the context of the earthworks on the site, and not the setting of Newark House.

The SHEA report recommends an exclusion zone of 75 metres around Newark House where no development should take place. The proposed layout shows development within 52.5 metres. The SHEA report is not a policy document, but a technical report to examine the potential for the site to deliver housing. The 75 metre zone is not statutory and it is for the Local Planning Authority to judge the merits of the specific application before it. The Conservation Officer suggests that the 75 metre exclusion zone is intended to prevent harm to the setting of the Newark House as a Listed Building (even then a specific scheme would need to be appropriately examined as to the extent of any harm). The committee report is very clear that it is the view of the Conservation Officer

that the development would give rise to harm to the setting of Newark House, albeit the harm would be less than substantial. It is for Members to determine whether the benefits of the proposal outweigh the harm to the setting of the Listed Building, as set out in paragraphs 6.59 and 6.60 of the committee report

- The committee report does not include criticism of the photomontage views and the lack of assessment during winter. This is critical because the applicant and Conservation Officer's assessment rely on inadequate information

Officer response: officers are satisfied that the level of information that has been provided is sufficient to assess the impact of the development.

- It is not possible for the report to be categorical that there would be no harmful landscape impact given the inadequate supporting material. A full Landscape and Visual Impact Assessment is required in accordance with Historic England Guidance
- The SHEA report requires impact of the proposal on the setting of Newark House to be assessed using a Zone of Visual Influence assessment in accordance with Historic England guidance. There is no comment on why this is not included

Officer response: as above.

- The report understates the significance of the historic earthworks on the site. Further detail about the archaeology of the site should have been provided.

Officer response: the level of detail set out in the report is considered appropriate and the advice of the City Archaeologist on the archaeological implications of the proposal is clear

- The harm to other heritage assets is not recorded. There is no reference to the minor harm to the ridge and furrow field system, the setting of Our Lady's Well or the loss of Roman remains from the south of the site. This would cause Major harm to the heritage asset. The proposal would result in minor harm to the setting of the earthworks. The Roman Camp is proposed for inclusion on the local list.

Officer response: the impact on the ridge and furrow system is set out above. The Conservation Officer's advice is that there would be no harm to the setting of Our Lady's Wells, which is located on lower ground below the ridge and cannot be seen from the development. The City Archaeologist advises that there would be no significant harm to archaeology; the site will be subject to further assessment and archaeological finds will be recorded. The City Archaeologist is satisfied that the development would not have a harmful impact on the setting of the earthworks.

The occupier of 3 Newark House raises the following concerns:

- Concerned that the SHEA report has only just been made public. Had this document been made available earlier it could have been cited by objectors

- For example, the proposed development is within the zone that the SHEA report says no development should be allowed. It is estimated that 12 or 13 dwellings are inside the zone
- Wishes that the committee is aware of all the facts, including the loss of the ridge and furrow features, the requirement for a visual assessment to be take etc
- The application should be deferred unless the committee is made aware of its own expert's recommendations. The application should either be withdrawn or revised again

Hempsted Landscape Protection Campaign comments as follows:

- Represents the residents most directly affected by the proposal
- The only tangible benefit to Gloucester will be 17 affordable homes, but this is only 2.5% of the JCS requirement in one year
- The adverse impacts on the residents and the environment outweigh this benefit
- The application should be refused for the following reason:

'The judgement of this Committee is that this application should be refused because it does not satisfy NPPF par. 14 whereby, in our opinion, the combined adverse impacts on the setting of Newark House and the "unique" underground archaeology, together with the damage to residents enjoyment of their property, the inability of Hempsted School to accept more pupils, the density and lack of separation of the planned houses compared to existing nearby housing and the locally inappropriate mix of affordable housing plus the doubtful value of the public open space, all significantly and demonstrably outweigh the benefits.'

Heritage assessment

In terms of assessing the impact of the proposed development on the setting of Newark House and its significance as a Listed Building, as some harm to the heritage asset has been identified (paragraph 6.58 of the report), this harm must be given a large degree of significance and importance in the planning balance. Members are advised that the planning analysis gives significant weight to this consideration and concludes that the harm to the heritage asset is outweighed by the public benefits.

ITEMS 7 – Norville Optical Co Ltd, Pail Street – 16/00815/FUL

The planning department is in receipt of revised plans, including street scenes. The revised plans amend the architectural design of the buildings and make some small adjustments to the layout. Consultees and neighbours are currently being consulted on the amended plans.

The amended plans have been submitted to address concerns raised by officers and consultees. Members are advised that the revised plans are a significant improvement

over the original scheme and it is not anticipated that any substantial objections or new issues will arise as a result of re-consultation.

The re-consultation period ends on 18th October, after the committee meeting. The officer recommendation is therefore amended to the following:

Revised officer recommendation

8.1 That subject to resolution of the matters listed below and conclusion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations listed in paragraph 8.2, planning permission is granted with appropriate conditions. Delegated powers to be given to the Development Control Manager to prepare the required conditions and detailed wording of the legal agreement.

- a) Receipt of outstanding design information
- b) Re-examination of the design of Plots 39, 43 and 56 with a view to reducing overlooking of the rear gardens of Nos. 39 and 56;
- c) Continued refinement of the design of the buildings, which is part of the on-going negotiations to achieve the best design possible for the site, having regard to viability constraints;
- d) Flood risk, drainage and ecological issues being satisfactorily addressed in consultation with the Environment Agency, LLFA and Drainage Officer;
- e) Any new and substantive issues arising as a result of re-consultation being reviewed and appropriately dealt with by the Development Control Manager.

8.2 The planning obligations to be secured by means of an agreement under Section 106 of the Town and Country Planning Act 1990 are:

1. Secure the development as 100% affordable housing including control over the type, size and tenure of affordable housing, energy standards, and other relevant requirements
2. Management of the SUDS, drainage and common parts of the site

ITEMS 8 – Shield House, 2 Crest Way – 16/00896/FUL

Environmental Protection Team

The Environmental Health Officer has no comments on the application.

Condition 10 (additional street lighting)

Regarding the question of whether additional street lighting to the alleyway at the rear (south west) of the site is still required, the Police Crime Prevention Officer provides the following advice:

'We have not had any previous involvement in this matter. We have not requested the condition concerned. You may find it beneficial to consult the agency which requested the condition.

We are best placed to advise on crime prevention, but cannot provide you with measurements of lighting levels.'

However, the Highway Authority is able to confirm that new LED lighting has been installed along the alleyway and that this lighting is to acceptable standard. No street lighting improvements are required.

Given that new LED lighting has been installed since the original planning permission was granted, and that the lighting is deemed suitable by the Highway Authority, Members are advised that condition 10 is no longer required. The recommendation set out in the main committee report should be altered to the effect that condition 10 of planning permission 15/01428/FUL should be removed.

The details of the site levels have now been received.

Confirmation is still awaited from the Lead Local Flood Authority that the drainage information provided in respect of conditions 11 and 12 is acceptable.

Revised officer recommendation

The revised recommendation is set out below.

That subject to resolution of the matter listed below, planning permission is granted with appropriate conditions. Delegated powers to be given to the Development Control Manager to prepare the required conditions.

- Clarification of the LLFA's position on the application with regard to conditions 11 and 12

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