



Gloucester City Council

Planning Committee

**Meeting: Tuesday, 1st September 2020 at 6.00 pm in Virtual Meeting -
Microsoft Teams**

Membership:	Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, J. Brown, Dee, Derbyshire, Finnegan, Hansdot, Hyman, Lugg, Toleman and Walford
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

VIEWING ARRANGEMENTS FOR REMOTE MEETINGS

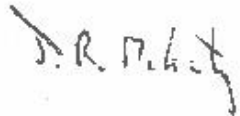
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1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 7 - 10) To approve as a correct record the minutes of the meeting held on 4 th August 2020.
4.	LATE MATERIAL Please note that any late material in respect of the applications detailed below will be published as a supplement on the Council's website in the late afternoon of the day of the meeting.
5.	LAND OFF REA LANE, GLOUCESTER, 19/00068/FUL (Pages 11 - 46) Application for Determination: -

	Erection of 33 dwellings including access, landscaping and associated infrastructure. (Amended proposal and amended site area).
6.	82 HENRY ROAD, GLOUCESTER GL1 3DX, 20/00080/FUL (Pages 47 - 60) Application for Determination: - Change of use to 8 bed House in Multiple Occupation (HMO (sui generis)) including demolition of the existing garage and timber carport, erection of proposed single storey rear extension and associated car parking, cycle parking and amenity space.
7.	DELEGATED DECISIONS Delegated Decisions to follow.
8.	DATE OF NEXT MEETING Tuesday, 6 th October 2020.



Jon McGinty
Managing Director

Date of Publication: Monday, 24 August 2020

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.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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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.

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PLANNING COMMITTEE

MEETING : Tuesday, 4th August 2020

PRESENT : Cllrs. Taylor (Chair), Lewis (Vice-Chair), D. Brown, J. Brown, Dee, Derbyshire, Hansdot, Hyman, Lugg, Toleman and Walford

Officers in Attendance

Business Transformation Manager (Planning)

Highways Development Manager, Gloucestershire County Council

Principal Planning Officer

Democratic & Electoral Services Team Leader

Democratic & Electoral Services Officer

APOLOGIES : Cllrs. Finnegan

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on the 9th of June 2020 were confirmed and signed by the Chair as a correct record.

4. LATE MATERIAL

Late material had been had been circulated in respect of agenda item 4 – Land Adjoining Naas Lane Gloucester (18/01228/OUT).

5. LAND ADJOINING, NAAS LANE, QUEDGELEY, GLOUCESTER - 18/01228/OUT

The Principal Planning Officer presented the report detailing an outline application for the erection of up to 97 dwellings together with access from Naas Lane, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas.

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She also brought Members' attention to the Late Material and highlighted key elements.

The Democratic & Electoral Services Officer read out a written statement from a local resident against the application.

A local resident addressed the Committee outlining concerns about the application and the potential impact on residents' right of way.

An agent speaking on behalf of Custom Land Limited addressed the Committee in support of the application.

Officers responded to the Vice Chair's question about rights of access to the public footpath EQU19. They explained that a public right of a way was defined as a highway, and as such, improvements could be made to it under a section 278 agreement with the Highway Authority. Equally, any private access rights would also be maintained.

The Principal Planning Officer responded to Members' questions as follows:

- The proposed contribution of £349.60 per dwelling as an off-site contribution towards additional allotment provision at Netheridge could allow for some redistribution of allotments given that there was a shortage of allotments in Quedgeley.
- There was a proposed footpath along Naas Lane going north. Moreover, there would be a choice of routes for pedestrians.
- The footpath had variable widths and further dimensions are required to be submitted and approved by condition. The Highways Officer added that the dimensions for a public right of way can vary for historical reasons.
- The application site is not located in the Greenbelt.
- The application proposed up to 97 dwellings, however, there could be less dwellings ultimately built but not more than this. The submitted illustrative plan demonstrates that 97 dwellings could be suitably accommodated on the site.

Members' Debate

- A Member stated that whilst she sympathised with existing landowners in the area, Gloucester was in need of more housing, and particularly affordable housing.
- A Member noted that whilst it would be a shame lose green areas, the proposals for social housing and open areas within the plan were to be welcomed. However, it was also important to uphold any private access rights.

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The Chair moved, and the Vice-Chair seconded the Officer's recommendation.

RESOLVED: - That outline planning permission is delegated to the Growth and Delivery Manager subject to the completion of a Section 106 agreement to secure the matters outlined in Section 7.1 of the report and the conditions outlined in the report, late material and Condition 25 as amended at Committee:

Condition 25

No development shall start until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) Detailed drawings of the pedestrian improvements including streetlighting to Naas Lane as indicatively shown on drawing no. 114 "Site Access Strategy";
- ii) Detailed drawings of the vehicle Access as indicatively shown on drawing no. 100 Rev C;
- iii) Detailed drawings of the Vehicle Priority System as indicatively shown on drawing no. 105 Rev A; and
- iv) Detailed drawings of the improvements to Public Right of Way EQU19 as indicatively shown on drawing no. 241-P-014
- v) Arrangements for the maintenance of the highway works.

No dwelling shall be occupied until the works have been completed in accordance with the approved details, are open to the public and arrangements have been made for the maintenance of the highway works.

Reason

In the interest of highway safety and to ensure that all road works associated with the proposed development are planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

6. DELEGATED DECISIONS

The schedule of applications determined under delegated powers during the month of June 2020 was noted.

RESOLVED that: - The schedule be noted.

7. DATE OF NEXT MEETING

Tuesday 1st of September 2020.

PLANNING COMMITTEE
04.08.20

Time of commencement: 6:00pm

Time of conclusion: 6:55pm

Chair

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 st September 2020
Address/Location:	Land Off Rea Lane, Gloucester
Application No:	19/00068/FUL
Ward:	Westgate
Expiry Date:	25.10.2019
Applicant:	Mr Andrew Godden
Proposal:	Erection of 33 dwellings including access, landscaping and associated infrastructure. (Amended proposal and amended site area).
Report by:	Joann Meneaud
Appendices:	Site Location plan, Proposed site plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The site is located on the western side of Rea Lane and adjoins the rear garden boundaries of properties in Chartwell Close. The southern boundary of the site is opposite the footpath to High View and opposite the bridleway that runs from Rea Lane along the rear of the properties in High View and then out to Hempsted Lane. The western boundary adjoins existing fields. The land is an existing field and undeveloped, with an existing gated vehicular access located just to the south of Chartwell Close. The site is sloping with the land falling north to south and also falling east to west
- 1.2** The application is submitted in full and proposes a development of 33 dwellings. New vehicular access is proposed from Rea Lane just to the south of the junction with Chartwell Close. The application also includes the provision of a new pond, ecology buffer together with landscaping proposals.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
17/00023/OUT	Outline application for residential development of up to 30 dwellings	Withdrawn	16.05.2019

3.0 RELEVANT PLANNING HISTORY

- 3.1** The following planning guidance and policies are relevant to the consideration of this application:
- 3.2 National guidance**
National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan** **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS include:

SP1 - The need for new development
SP2 – Distribution of new development
SD3 – Sustainable design and construction
SD4 – Design requirements
SD6 – Landscape
SD8 – Historic Environment
SD9 – Biodiversity and geodiversity
SD10 – Residential development
SD11 – Housing mix and standards
SD12 – Affordable housing
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
INF6–Infrastructure delivery
INF7 – Developer contributions

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

A1 – Effective and efficient use of land and buildings
A2 – Affordable housing
A6 – Accessible and adaptable homes
C1 – Active design and accessibility
D1 – Heritage Assets

- D3 – Recording and advancing understanding of heritage assets
- E2 – Biodiversity and geodiversity
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles

The site is allocated for residential development under policy SA12

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight: :

- OS.2 – Public Open Space Standard for New Residential Development
- OS.3 – New housing and open space
- A.1 – New housing and allotments
- FRP12 - Cordon Sanitaire

- 3.7 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
 Gloucester City policies:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

- 4.1 **Highway Authority** – No objection subject to conditions and a Traffic Regulation Order.
- 4.2 **Urban Design Adviser** – Originally objected to the scheme with particular concerns upon the design and layout relating to:
 Close proximity between plots, terrace in the north west corner appears cramped, dwellings should face outwards to help create a positive edge to the development, soft landscaped edge required, house types are traditional in appearance and ordinary in design quality.

In relation to the amended proposal, states that the changes are a slight improvement. It is still quite a cramped site and a poor overall mix of dwellings.

- 4.3 **Landscape Adviser** – The scheme has been amended considerably following concerns raised. The landscaping scheme is much improved. Concerns remain with the views

particularly from the west of the site.

- 4.4 **Ecology Adviser** – Considers that the scheme now provides acceptable mitigation and enhancement.
- 4.5 **Contaminated Land Adviser** – The site investigations reports have been assessed and are considered acceptable and therefore no further investigation or mitigation is required.
- 4.6 **Drainage Adviser** – The scheme has been subject to detailed discussion, the amended proposals are acceptable.
- 4.7 **Gloucestershire County Council (Community Infrastructure section)** – to mitigate the impact on education provision in the area, a contribution of £128,273 is requested for primary school provision, specifically towards the provision of additional places at Hempsted Primary School. A contribution of £151,879 is proposed for secondary school provision, specifically towards the provision of additional places at Holmleigh Park High School. A contribution of £114,540 is proposed for pre-school provision. To mitigate the impact upon library provision a contribution of £6,468 is required.
- 4.8 **Housing Strategy and Enabling Officer** – Generally supports the affordable housing scheme in terms of the mix and house types proposed and welcomes the provision of three wheelchair user dwellings well (in excess of policy requirements). Identifies that the majority of houses meet the National Design Standards but states that none of the dwellings are designed to the requirement of being an “accessible and adaptable dwelling”
- 4.9 **Natural England** – Accepts the Appropriate Assessment and the proposed mitigation in the form of home owner information packs for each new resident
- 4.10 **Open Space and Playing Pitch Adviser** – Sets out the requirements for open space given the lack of provision on site. Supports the principle of a financial contribution and the facilities to be provided/improved
- 4.11 **Severn Trent Water** – Require the use of soakaways to be investigated before acceptance of a surface water connection; if these are ruled out with satisfactory evidence, we would consider the surface water connection to the public surface water sewer at the proposed 3.5litres/second. Require further details of the proposed foul and surface water flows.
- 4.12 **Local Lead Flood Authority** – No objection to the amended proposals
- 4.13 **City Archaeologist** – The site has been subject to a geo physical survey and trial trenching however neither has identified anything significant and therefore no further archaeological assessment is required.
- 4.14 **City Conservation Officer** – Concurs with the findings of the Site Historic Environment Assessments (SHEA)for Strategic Assessment of Land Availability (SALA) 2015, which states that the development of the site would amount to minor harm, which is deemed to be less than substantial harm, in terms of the assessment of impacts upon heritage assets set out in the NPPF. Requires details of materials to be submitted for future consideration to ensure that these are high quality.
- 4.15 **Gloucestershire County Council Waste and Minerals section-** Identifies that the site is located within a designated Mineral Consultation Area (MCA) and Mineral Safeguarded Area (MSA). There is a the need to ensure that the development of the site does not prejudice the operation of the Hempstead Landfill and Household Recycling Centre and Netheridge Sewage Treatment Works. Require further information in relation to waste minimisation

principles.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published. Further consultations have been sent out to advise of changes to the scheme/ the submission of additional information, throughout the consideration of the application, the latest being sent on 6th August 2020.
- 5.2 Over 50 letters of objection have been received raising the following issues:

Principle

- Site should remain undeveloped
- It is premature to consider the site without full consideration of the site through the independent examination of the Local Plan.
- The draft allocation has objections
- The SALA should be given little weight
- Overall the scheme is too dense with too many houses
- Bungalows would be better suited to the site and are much in demand

Highway Issues

- Rea Lane is narrow; it is a country lane and does not allow for 2 cars to pass
- Previous problems with emergency/delivery vehicles struggling to access Rea Lane and potential problems for agricultural vehicles with trailers and equipment.
- Local roads are subject to lots of parking and get congested at school drop off and collection times
- Current potential danger from turning onto Rea lane – visibility is restricted
- Additional traffic would only exacerbate existing situation
- If yellow lines are put in place this would result in further displacement of parking, people will ignore the yellow lines
- No need for the new pedestrian crossing proposed at Chartwell Close
- More housing will exacerbate existing problems at Junction 12 of the M5 where cars are often queuing to exit the motorway
- This site has been used by walkers and the footpath used for many years has now been blocked off

Drainage

- Surface water and drainage is a key consideration for the site
- Residents' gardens and the site get water logged
- The new house at Rectory lane has already affected drainage issues
- The new pond for the Rectory lane house has disappeared and was intended to be provided on this site to improve drainage and run off
- Maintenance of swale and drainage system will be critical
- Water discharging onto adjacent land is not acceptable
- Sewerage system is critical – we have seen raw sewage overflowing onto Rea Lane

Community

- The primary school does not have the capacity for the additional children
- There is already pressure on doctors and other community facilities

Trees

- The trees proposed to the swale will grow too large, resulting in shading to gardens

- Concern at the removal of the hedges

Ecology

- Development will have an unacceptable effect on great crested newts that are protected.
- Newts have been using the site and surrounding area for 40 years

Amenity

- Neighbouring properties will be affected by light pollution and noise pollution,
- Residents' properties and their gardens will be overlooked
- Residents will be affected during the construction period – through noise, disturbance, parking from construction traffic
- The site will be affected by smells from the Netheridge Works

Landscape

- This is a landscape conservation area
- Council documents accept the importance of this area in landscape terms
- Landscape views will be affected

Heritage

- Will result in impact upon Conservation Area

Representation from Cllr Tracey

- Objects to the proposal
- Hempsted has been developed enough
- Rea lane is a narrow country lane and not suitable for further traffic
- This is a busy area with children walking to school, residents going to the church, post office etc
- Further traffic causes more pollution and Hempsted suffers from only having one way in and one way out.

Representation from Cllr Melvin

The traffic coming to and from this development would be unacceptable and affect the safety of residents, particularly children and the elderly.

- It is already difficult to exit from Chartwell Close in a vehicle and a mobility scooter.
- Local roads already become congested with traffic from the school, church and Lysons Hall causing concern at the ability of emergency services to gain access. This development would exacerbate the current parking/congestion.
- The impact on residents would be extremely detrimental.

Hempsted Residents Association

- The site should not be granted planning permission until such time as its allocation within the City Plan has been fully assessed at the Examination and by the Local Plan Inspector.
- The status of the SALA is such that it should be afforded very little if any weight in the determination of this application
- The Council does not need this site to achieve its required level of housing supply.
- The site is of importance landscape character as set out in the Councils Landscape Characterisation Assessment - high-medium landscape sensitivity
- The site has not been subject to full Appropriate Assessment and HRA assessment
- Drainage proposal need to take account of the topography of the site. The site has a very high water table and groundwater is a problem particularly around Chartwell Close and full consideration given to the Council's Drainage Officer suggesting that a swale be provided to assist with surface water run off from Chartwell Close.

- The site has poor access, Rea Lane is narrow and with no segregated provision for pedestrians and traffic. Rea Lane and Chartwell Close become congested along with St Swithuns Road and High View whenever there is a function in the Church, Lysons Hall and the school.
- Chartwell Close and Rea Lane are blocked by school traffic.
- The added hazard of the vehicle movements from an additional 33/35 houses at these time cannot be overemphasised. The additional pedestrian movements of adults and children walking to and from school would be dangerous
- The ecology report acknowledges the presence of the protected Amphibian, Great Crested Newts, however it states they do not breed there. In fact GCN's do breed here. Natural England have visited the area and viewed and verified their presence and breeding in gardens abutting the North side of this site.

5.3 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design and layout
- Landscape impact and proposed landscaping
- Affordable Housing
- Traffic and transport
- Residential amenity
- Heritage matters
- Drainage and flood risk
- Ecology
- Minerals and waste
- Open Space, Recreation, Education and Community Facilities
- Economic considerations
- Planning obligations

6.5 *Principle*

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. Footnote 7 to paragraph 11 of the NPPF indicates that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply

of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

- 6.6 The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review). The current published information indicates that, for the period 2019/20 to 2023/24, Gloucester could demonstrate a five year supply of deliverable housing sites with a 5% buffer (which is appropriate as the Council could demonstrate that it passes the housing delivery test as set out in paragraph 215 of the NPPF). The five year housing land supply assessment for 2020/21 to 2020/25 is in progress and is not yet complete. A positive housing land supply position means that the housing policies in the JCS can be given full weight. If the updated assessment indicates that there is a shortfall in the five year housing land supply, the NPPF clarifies that in such circumstances the planning policies for housing will be judged to be out of date.
- 6.7 The site is identified in the Strategic Assessment of Land Availability (SALA) 2018 as suitable site for residential development that is both achievable and available.
- 6.8 The site is allocated for residential development in the emerging City Plan under policy SA12 for a development of approximately 30 dwellings.

The policy sets out the following site specific requirements and opportunities:

Design and layout

Any development will need to respond sensitively to the landscape character of the area.

Buildings should be no more than two-storey and detailed with materials that complement the landscape.

Trees, hedgerows and SUDs should be utilised to soften the development and protect views into the site from the open countryside.

Historic environment

Written scheme of Investigation for archaeological evaluation.

Mitigate potential impacts to the Hempsted Conservation Area and its setting.

Biodiversity

The policy sets out the need for protection of ecology during the construction period and a number of possible enhancements for the benefit of newts, bats, badgers, hedgehogs, birds including

- *Additional planting and green space*
- *Provision of a new pond*
- *Provision of boxes, log piles and refuge*
- *Sensitive lighting strategy.*

It also identifies that the adjacent site has some potential for a Local Wildlife site.

- 6.10 It is noted that there have been five representations received in relation to the proposed allocation of the site as set out in the emerging City Plan - two of these support the allocation,

one objects to the principle of the allocation, one objects to the extent of the Cordon Sanitaire and one requires inclusion of assessment of the additional wording to the mineral resource of the site.

6.11 It is clear that site lies outside the built-up limits of the City but is located on the edge of Hempsted village in a sustainable location and has been assessed as being suitable for development through the SALA and the City Plan site selection process. JCS Policy SD10 provides that housing development will be permitted at sites allocated for housing through the development plan, including allocations in district plans. While the City Plan is not an adopted development plan, it can be afforded limited to moderate weight and the site's allocation for housing is an important material consideration in the overall assessment of the application. Therefore, it is considered that the principle of residential development may be acceptable on the site, subject to the assessment against other relevant policies.

6.12 ***Design and Layout***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan and particularly policy A1

6.13 The scheme has been amended from that originally submitted, including a reduction in the number of dwellings from 35 to 33 to address concerns raised in relation to the layout, including relationships and distances between properties, sizes of gardens, parking provision and landscaping and the incorporation of new elements integral to the proposed drainage scheme.

6.14 The application now proposes a total of 33 dwellings comprising 25 market units and 8 affordable units. The housing is provided as a mix of terraced, detached and semi-detached dwellings together with one apartment block containing four apartments. All the buildings are two storey approximately 8.5 to 9 metres in height.

6.15 Most of the properties are designed with driveways to the side and all but one of the detached houses also has a single or double garage. A terrace of three houses (plots 16,17 and 18) have a shared parking area to the front. All the properties have either two spaces, two spaces and a garage, or one space and a garage. The only exceptions to this are the one-bedroom flats which would have one space each.

6.16 Generally the properties have good sized sized gardens (under modern standards), appropriate to the size of the houses, and the dwellings have sufficient space and appropriate relationships between them to provide for a good living environment for new residents The dwellings are all proposed as two storey and have similar design characteristics including two storey gable projection details, projecting porches and canopies and a mixture of hipped and gable roof designs.

6.17 The site is sloping with the land falling north to south and also changes east to west. For example the current field access into the site from Rea Lane sits at 24.5 metres, at mid point on the western boundary the level is 20 metres which drops further to the south

western corner is at 15/16 metres. The land on both sides of Rea Lane is higher than the road.

- 6.18 Following recent survey information, amended plans have been submitted that reduce the proposed finished floor levels across the site by about 30 cms on average. The finished floor levels of the houses backing onto Chartwell Close will vary between Plot 1 at the highest point 24.75 metres, sloping westerly to plot 6 at 22.8 metres. The finished floor levels of the houses to be constructed parallel to Rea Lane will be above the level of the road and this varies between 0.3 metres and 1.2 metres. Along the western boundary the apartment building would be at 22.6 metres sloping down to the pond at 16/17/ metres.
- 6.19 In looking at how the development would sit with existing built form and its impact upon the character and appearance of the area, an assessment of the surrounding development is required.
- 6.20 Chartwell Close is a cul de sac of its own particular style. It comprises detached houses set back similar distances from road, with parking on individual driveways. Some houses have projecting garages and projecting 2 storey gable projections are a particular feature. Materials are lighter bricks with elements of vertical tile hanging. The houses are all of a larger size, set in generous plots and the close has an open and spacious character
- 6.21 Development along Rea Lane is more mixed. Much of its length to the north and eastern side is a continuous extent of fence panels enclosing the rear gardens to the properties in High View. Opposite the existing access into the site, are two single storey bungalows, set at a higher level to the road and then further to the south, the frontage to Rea Lane comprises the rear garden boundaries of the properties in High View enclosed by fencing and hedging. Travelling south beyond the existing access into the site, Rea Lane narrows and with the roadside hedges, the character feels more rural.
- 6.22 The property Severn Rise, located on the corner of Rea Lane and Chartwell Close is smaller scale than its neighbours in Chartwell Close and has access from Rea Lane with an open picket style fence along the road frontage. It should also be noted that the property has planning permission for a detached dwelling within the side/rear garden.
- 6.23 The overall approach to the development of the site is considered acceptable in design terms (including the quantum of development and overall density proposed) and it is considered that it does respond positively to the site's surroundings. The provision of predominantly family sized dwellings with individual gardens and driveways, and the use of traditional materials reflects the predominant surrounding built form. The layout also includes houses providing active frontage to Rea Lane together with a new amenity space and planting to soften its appearance along the road. The houses to the Rea Lane frontage are all hipped roof design and this could be considered to be at odds with surrounding houses in Chartwell Close and High View, where gables and double pitched roofs are the norm. The agent has stated that the use of hipped roofs helps to visually reduce the overall size and scale of the houses and also makes reference to the use of hipped roofs on additions to both Gina Groft and 26 High View. Overall the layout has a number of elements that respond positively to the character and form of the surrounding area and is considered that the development would create a sense of place with its own character and be seen as a modern development against the backdrop of existing and more established housing
- 6.24 **Landscape Considerations**
Policy SD6 of the JCS sets out the requirements for considering the landscape impact of

new development and stresses the importance of reference to the Landscape Character assessments which are a key factor in design of developments and assessing their impacts. The policy seeks to protect the landscape of highest quality and those most sensitive to new development.

- 6.25 Additionally, policy E1 of the emerging City Plan requires new proposals to respond sensitively to the landscape character of the area. Furthermore, the emerging policy site allocation SA12 requires new proposals to respond sensitively to the landscape character of the area, restricting development to no more than two storeys and utilising planting to soften the development.
- 6.26 In terms of landscape impact, any development on this open undeveloped field will have an impact upon the character and appearance of the area. It will also change the appearance from Rea Lane and development be visible in longer views from the south and west and from the footpath network in the wider area.
- 6.27 The development of the site and its potential impact upon the landscape character of the local area has been considered through a number of assessments and documents:
- In the Joint Core Strategy (JCS) Landscape Characterisation Assessment and Sensitivity Analysis (2013), the site lies within the wider allocation of G39 West Hempsted scarp and is defined as high to medium sensitivity where there is some potential for new development .
- The Gloucester Landscape Analysis of Potential Development Sites (Gloucester City Council, 2013) identifies the site as being appropriate for development and that its position is well screened from the flood plain and is bound to both the north and east by residential properties.
- 6.28 In looking at the site in aerial view, the area for housing does not extend further south beyond the existing housing at High View on the opposite side of Hempsted Lane. A small part of the land to the west extends beyond the gardens in Chartwell Close and adjoins the rear boundary of the site in Rectory Lane where a new house has recently been constructed. However, this still lies within the built form of the village and the western boundary is contained by the existing field boundary hedging and trees.
- 6.29 The site is open and with no landscape features other than to its boundaries. The northern boundary to Chartwell Close comprises a variety of fences with some, hedging, shrubs and trees, all within the gardens. The eastern boundary along Rea Lane comprises an open post and wire fence with hedging growing through which comprises bramble, together with some elm and elder. The southern boundary has an expanse of bramble together with an open fence. The western boundary has hedging of bramble, dogwood, hawthorn and blackthorn along the majority of its length together with a group of poplars and an English oak to the most southerly part.
- 6.30 The application includes a Landscape Visual Impact Assessment (LVIA) that considers the potential impact of the development upon the landscape. This has been considered in detail by the Council's Landscape Adviser. The detailed landscaping scheme has been amended to address concerns and improvements requested to the proposed mitigation by the Landscape Adviser and also to address the concerns raised by local residents.
- 6.31 The landscaping scheme now proposes further planting to the southern boundary incorporating a fully landscaped buffer to include a tree belt, together with a native

hedgerow planted at a height of at least 2.5 metres. Trees are also proposed around the pond, pumping station and the underground tanks access area. A native hedgerow is also proposed to two sides of the pumping station with further planting to the rear.

- 6.32 The existing hedge along Rea Lane is to be removed and replaced with a native mixed hedge (predominantly hawthorn) along the roadside, with further specimen native trees. Inside the site and outside plot 31 (on the southern side of the new access road), a small grassed area is proposed with bulb planting and further trees. The treatment to Rea Lane is considered appropriate providing a good level of tree planting adding to the appearance of the site along the road.
- 6.33 The western boundary contains the existing features of most value and these will all be retained. New tree planting is proposed to the north western boundary of the site adjacent to the new apartment block. This building is to be sited close to the boundary and the tree species have been amended to propose smaller types to achieve a balance of providing screening without adversely impacting upon the outlook and living conditions of future residents.
- 6.34 The proposed planting to the ecology buffer to the rear of the gardens in Chartwell close has also been amended to address the concerns raised local residents in relation to the overall size and height of the trees and the potential for shading to their south facing gardens. A new hedge is proposed along the entire length of the buffer and the overall number of trees has been reduced. It is considered that this now achieves the correct balance of providing screening of appropriately sized trees, that are beneficial in ecological terms but do not grow so large as to cause nuisance or excessive shading to residents.
- 6.35 There are a couple of points where the Landscape Adviser does not agree with the conclusions within the LVIA and these particularly relate to views of the site from the west. There is a public footpath to the west of the site, which runs southwards from the access road to the Hempsted Recycling Centre down to the bottom of Rea Lane, close to Upper Rea Farm, and then joins the Severn Way which continues both north and south along the River Severn. Even with the new and existing planting the Landscape Adviser considers that, given the closeness of new housing to the western boundary, the landscaping is only likely to provide a partial screen, even in the long term and therefore the effects upon visual amenity are likely to be higher than suggested in the LVA.
- 6.36 The proposed development would change the current open, undeveloped and rural character of the site and the development would be visible in wider viewpoints, particularly from the west and in the shorter views along Rea Lane. Overall the site is relatively small and the design and layout of the scheme has sought to deal with the impact upon the landscape in a sensitive way, and the comprehensive landscaping scheme as proposed, would further soften and assist in screening the sensitive edges of the development site. However the closeness of the apartment block to the boundary is clearly a factor that impacts upon the ability to provide more comprehensive screening to the western edge.
- 6.37 On balance, it is considered that the proposed scheme has addressed the requirements of the landscape policies SD6 and E1 and the City Plan allocation policy SA12. It is clear that the provision of landscaping to help reduce overall landscape impact has been fundamental and an important priority in the overall design of the scheme. The quantum and density of the development is at an appropriate scale, development is only two stories, the western boundary hedgerow and mature trees are to be retained and further native tree planting/ hedgerows are proposed to all boundaries.
- 6.38 Following the Council's Landscape Adviser recommendations, a condition would be applied to require a detailed management and maintenance plan for the amenity area around the

pond the ecology buffer to the northern boundary, the tree belt to the southern boundary, the planted area to the Rea Lane frontage, the tree buffer and root protection area along the western boundary and all new landscaping not within private gardens.

6.39 Conservation Area

Section 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Policy SD8 of the JCS sets out that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.40 Sections 16 and 72 Listed Buildings and Conservation Area Act require special consideration to be given to the protection of heritage assets and their settings. NPPF paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 provides "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".

6.41 The site lies outside the Hempsted Conservation Area which is located about 50 metres to the north. The boundary of the Conservation Area runs to the north of properties in Chartwell Close, along Rectory Lane and then further northwards around the Church and encompassing the main village centre along St Swithuns Road. The Conservation Area Character Appraisal notes in particular that Hempsted retains the character of an independent village, it is located on the top of a flat topped hill and the fields around the village form a "protective green belt" which at that time were designated as Landscape Conservation Area. It notes that Rea Lane was the older main route from the village to the south. It also identifies that from the 1960's major change occurred in the village with the construction of High View and then Chartwell Close. Reference is also made to the importance of surrounding fields forming an important element of the setting of the Conservation Area and the contribution of large mature trees.

6.42 The site was assessed under the Site Historic Environment Assessments (SHEA) for the Strategic Assessment of Land Availability (SALA) in March 2015 as part of the consideration of potential development sites for allocation within the emerging City Plan. The SHEA concluded that any development of the site would have some impact upon the landscape character of the area but that this would amount to minor harm. The Conservation Officer concurs with this assessment, stating that the minor harm is deemed to be less than substantial in terms of the necessary assessment under the NPPF.

6.43 The SHEA identified that to minimise harm, new development should take account of the landscape quality of the area and important views, retain hedgerows and provide additional screening. As detailed earlier in the report, the impacts of the development upon the landscape have been fully assessed and concluded that with the comprehensive landscaping proposed, that the development is acceptable in landscape impact terms. The Conservation Officer has stated that use of high quality materials are necessary to ensure that its design quality is of a high standard, and details of all external materials, are required by condition.

- 6.44 The site allocation policy SA12 within the emerging City Plan requires that any development of the site, “mitigates potential impacts upon Hempsted Conservation Area.” The earlier section in the report discusses the proposals to address the landscape impact of developing the site through the provision of a detailed and comprehensive landscaping scheme and a layout and scale of buildings that reflects its surroundings. These mitigation measures apply similarly to reducing visual impacts upon the setting of the Conservation Area.
- 6.45 As stated by the Conservation Officer, there is a requirement for high quality materials and details of the proposed materials are required by condition. With the mitigation as proposed and with further safeguards in relation to the proposed materials, I consider that the scheme complies with the requirements of Policy A12 in relation to mitigating impacts upon the setting of Hempsted Conservation Area.
- 6.46 Therefore on the basis of a conclusion that the harm to the setting of the Conservatoion Area, is less than substantial, that harm has to be weighed against the public benefits of the proposal. It is considered that the public benefits arising from the proposal (including the provision of market and affordable housing and the associated economic benefits) are capable of outweighing the less than substantial harm to the heritage assets, in this case the setting of the Hempsted Conservation Area .In this respect the proposal would satisfy the requirements set out in the NPPF.
- 6.47 ***Affordable Housing***
The NPPF states that where local authorities have identified the need for affordable housing, polices should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided.
- 6.48 Policy A2 of the emerging City Plan requires the provision of 25% affordable housing on residential sites proposing 10 or more dwellings and this is the percentage proposed under the scheme with eight units proposed as follows:
- 2 one bedroom apartments
 - 2 two bedroom apartments
 - 1 two bedroom house
 - 2 three bedroom houses
 - 1 four bedroom house.
- Five of the units would be for affordable rent (63%) and the 2 two bedroom apartments and a three bedroom house would be shared ownership (37%).
- 6.49 The proposed quantum, mix and tenure of the affordable housing scheme is acceptable and meets the requirements of polices SD12 and A2. Further discussion on the detail of the size and design of the affordable dwellings follows below.
- 6.50 ***Housing Mix and Standards***
JCS policy SD11 seeks to ensure that new housing development provides a mix of house types, sizes and tenures in order to contribute to mixed and balanced communities and

meeting the current and changing needs of families.

6.51 The application proposes a mix of dwelling types as follows:

Market Housing

- 4 two bedroom houses
- 8 three bedroom houses
- 10 four bedroom houses
- 3 five bedroom houses

Affordable Housing

- 2 one bedroom apartments
- 2 two bedroom apartments
- 1 two bedroom house
- 2 three bedroom houses
- 1 four bedroom house.

6.52 Policy A6 of the emerging City Plan sets standards to require accessible and adaptable homes to meet the potential changing needs of residents due to old age, frailty or disability. The policy requires 50% of new housing development to meet Buildings Regulation requirement M4 (2) “accessible and adaptable dwellings” and 4% of the affordable housing development to meet Building Regulations M4 (3) “wheelchair user dwellings”.

Additionally policy F6 of the emerging City Plan requires all new residential development to meet the Nationally Described Space Standards.

6.53 The application proposes that three of the affordable units (a one bedroom apartment, a two bedroom apartment and the four bedroom house) would be built to M4(3) standard and this provision equates to 37% which is far in excess of the policy requirement of 4%.

All of the affordable and market housing units meet the requirements of the National Described Space Standards except the 2 two bedroom houses, which are just slightly under the standards.

6.54 The latest SHMA evidence suggests that 36.8% of new market dwellings should be three bedroom properties, with 29.2% having two bedrooms, 22.3% containing four or more bedrooms and 11.7% having one bedroom.

6.55 The proposed market housing mix does not strictly meet the requirements set out in the SHMA with an under provision of smaller houses and an over provision of larger houses. However, the overall mix of market and affordable together does provide for a wider range of house types and sizes. It is also recognised that the surrounding housing also consists of larger family homes and a development that is in keeping with its surroundings following the character and pattern of neighbouring built form is appropriate for this site. A development of higher density or increased scale, or buildings of greater height would have greater landscape impacts and would be at odds with the surrounding prevailing built form. Therefore, on balance, the overall mix is considered acceptable.

6.56 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe

and accessible connections to the transport network.

- 6.57 Vehicular access to the site is to be provided via a new junction onto Rea Lane and the access continues into and around the site. The access road has footpaths to both sides for most of its length and a footpath to just one side at the lower part. Most of the houses have direct access from this road although a few houses are served by shared surfaced areas. The application provides for the widening of Rea Lane from the bottom of the gardens in Chartwell Close. New pedestrian crossings delineated by a buff surface on the road are proposed the following locations:
- At the southern end of the site opposite the entrance to the footpath to High View
 - Opposite the existing property Gina Croft
 - At the entrance to Chartwell Close
- 6.58 Whilst there is a good level of parking provision within the scheme, there are local concerns the development may lead to some indiscriminate parking on Rea Lane. Therefore, the Highway Authority have agreed with the applicant the possible provision of a Traffic Regulation Order for parking restrictions through the provision of double yellow lines, should these be considered necessary. The restrictions would be applied:
- Along both sides of Rea Lane from just to the north of its junction to Chartwell Close to the south of the new entrance road into the site
 - They would also extend into Chartwell Close, to the point of the new pedestrian access and into the new entrance road to the full extent of the frontages of the first two house (plots 1 and 31)
- 6.59 The Traffic Regulation Order would be required under the S106 Agreement involving a cost of £10,000 to be paid before the occupation of the first dwelling.
- 6.60 It is noted that reference is made in the representations, to a footpath across the site. There is no footpath or public right of way on the site shown on the definitive footpath map.
- 6.61 The County Highway Authority conclude that with the requirement for the TRO in place and planning conditions, there would be an acceptable impact on the road network and the proposal meets requirements of Policy INF1.
- 6.62 ***Residential amenity***
Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.63 The site lies immediately adjacent to the rear garden boundaries of existing residential properties in Chartwell Close/Rea Lane and opposite existing properties in Rea Lane and opposite the rear gardens of properties in High View. Concerns have been raised by local residents in relation to the potential impact upon their privacy, overlooking and general amenity. It is fully recognised that these are sensitive boundaries.
- 6.64 To the northern part of the site the rear elevations of the new properties are at least 13 metres from the rear garden boundaries of the properties in Chartwell Close. Given the very long gardens to Chartwell Close, back to back distances are in excess of 35 metres. Additionally, the ecology buffer is proposed along this boundary and with tree planting and landscaping will provide screening.
- 6.65 Consideration also needs to be given to a planning permission that was granted for a new house within the side/rear garden of Severn Rise in April 2017. The proposed elevations detail a window and a dormer window, both serving bedrooms, at first floor level and a kitchen

and utility room window at ground floor level, in the side elevation that faces the site.

- 6.66 Plot 1 is proposed to the south of the consented dwelling and is L shaped in design. As the plot is located on the corner of Rea Lane it has been designed so that the front and side elevation contain the principal windows. The projecting two storey element of the L shape is the part closest to the consented dwelling and there would be a distance of about 15 metres. There is a first floor window proposed in the rear elevation of Plot 1 however this serves a bathroom. The recessed element of the rear elevation of plot 1 contains a bedroom and landing window and this would set at a distance of 18 metres to the joint boundary. It is considered that this relationship is acceptable.
- 6.67 As detailed earlier, Plot 1 is located on the corner of Rea Lane and its side elevation would face towards the front elevation of High Tide and the rear elevation of 26 High View. The side elevation would contain three bedroom windows at first floor level and the distance to the rear garden boundary of number 26 is approximately 14 metres. The distance between the two properties would be in excess of 28metres and with these levels of separation, whilst it is accepted that there would be some impact upon the outlook and privacy of number 26 but this is not considered unduly harmful. High Tide is set closer to Rea Lane and the separation distance about 24 metres and whilst there would be some overlooking this would be to the frontage of High Tide and this is considered an acceptable relationship.
- 6.68 Plot 31 is similarly designed to Plot 1 with three bedroom windows to the side elevation facing Rea Lane but is set further into the site and is 20 metres from the rear garden boundary to 24 High View. Plot 32 has its principal elevation facing Rea Lane and set over 16 metres from the rear boundary of 23 High View. These relationships are considered acceptable.
- 6.69 Plot 33 is the southernmost plot adjacent to Rea Lane. It is designed with a first floor bedroom window within the side elevation. This window would look across Rea Lane towards 23 High View at a distance of about 13metres. The window is the only window to the bedroom and in both privacy and design terms would be better positioned within the rear elevation where it would overlook its own garden. The applicant has been requested to incorporate this minor change.
- 6.70 A condition would be applied to restrict deliveries and working hours during the development of the site and a construction management plan would be required by condition to ensure that construction activity does not unduly impact upon residential amenity. Additional restrictions upon deliveries during school drop off and collection times are considered appropriate in this location.
- 6.71 It is fully accepted that the development of the site will have some impact upon the existing residents and particularly their outlook and privacy, but with these distances. the screening proposed and the further reduction in finished floor levels across the site, the relationships between the new and existing dwellings and gardens are considered acceptable and comply with policies that seek to ensure new development respects the amenity of existing residents.
- 6.72 ***Drainage and flood risk***
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS and policy E6 of the emerging City Plan reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.73 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) which states that the site is entirely in Flood Zone 1 (area at lowest risk of flooding) and concludes that the proposed development would not be at risk of flooding from all sources.
- 6.74 The drainage proposals have been subject to lengthy discussions and the site allocation policy SA12 identifies the requirement for a sustainable urban drainage scheme for the site.. The drainage strategy has been designed to accommodate surface water flows up to and including the 1 in 100-year storm event and incorporating a 40% allowance for climate change and would also provide betterment to the existing greenfield run off rates.
- 6.75 The drainage proposals incorporate the construction of a new pond in the south western corner of the site. Surface water will be piped to the pond which would discharge the water to two new underground storage tanks located at the most southerly part of the site. Ultimately the tanks then discharge into a new sewer under land to the south and to the STW sewer in Rea Lane. The sewer has been subject to investigation and CCTV and there is now agreement with STW for the use of this sewer with an expected discharge of 3.5 litres per second. This provides clarification upon the comments of STW as set out in the representations section earlier in the report. In extreme rainfall events site levels are designed to direct water flow away from the dwellings and towards the pond and landscaped features.
- 6.76 In the current circumstances an existing land drain runs through the gardens of properties in Chartwell Close and these properties experience some surface water issues. The water from the land drain, discharges onto the gardens and the site and then runs across to land to the west, outside of the site. These proposals seek to improve this situation through the creation of a swale referred to on the plans as “the northern ditch”. This swale would be constructed on land immediately behind the gardens of Chartwell Close and is designed at a depth of 0.6 metres and a width of 1.5 metres. The swale would intercept the runoff from both the existing gardens in Chartwell Close and the gardens of the new properties, and this would then be piped down to the south of the site towards the underground crates.
- 6.77 The swale has been incorporated following the concerns raised by residents and the owner of the land to the west (which are referred to in the representations) and will result in a significant improvement to the current runoff issues. The swale will also form part of an ecology buffer between the existing garden boundaries to Chartwell Close and the new properties.
- 6.78 Foul sewage will be connected to the existing STW foul water sewer located along Rea Lane just to the north of the site. Due to site levels, a foul pumping station is required, and this would be constructed adjacent to the pond.
- 6.79 The drainage proposals have been subject to detailed discussions and the applicant has addressed technical consultees concerns about existing surface water run off issues on the site. The proposals would provide betterment to the current situation and reduce runoff to adjoining land. The creation of the pond and swale would provide additional ecological gain. Therefore, it is considered that scheme complies with the requirements of JCS policy INF2 and City Plan policy E6.
- 6.80 **Ecology**
The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains and Policy E8 restricts development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area

of Conservation and the effects cannot be mitigated. Additionally, the importance of ecology issues is identified in allocation policy SA12.

- 6.81 The site has been the subject of desk and field based ecological surveys. They identify that the land is species poor, semi improved grassland that up until the last 2/3 years, has been grazed by cattle. The surveys found that there was no evidence of badger setts however the site would provide suitable foraging habitat for both badgers and hedgehogs. The existing trees and hedgerows would provide support for common and widespread bird species. The assessment concludes that it is highly unlikely that the site provides an important foraging resource or commuting route for the local bat population. The recent grazing of the land would impact on the potential for reptiles and any reptiles are likely to be of local value only.
- 6.82 Since the submission of the application and following information from local residents, additional work has been undertaken in relation to the presence of great crested newts with a new survey being undertaken in April and May 2020. This has been assessed by the Council's Ecology Adviser who advises that the site and surrounding habitats most likely support a low breeding met-population of great crested newts. The Adviser recommends that the mitigation and enhancement measures set out in the ecological management plan and construction method statement are considered appropriate and sufficient to avoid harm to individual newts during construction and to provide benefits to the local great crested newts population in the long term.
- 6.83 These mitigation and enhancements include
- The creation of a rough grassland strip along the site's western boundary, maintaining the connection between the ecology buffer in the north with land to the south and west;
 - The creation of a new ecology pond in the south-west of the development, providing new breeding habitat for amphibians and encouraging their spread to the south;
 - The creation of more diverse wildflower grassland in the south of the Site, which can be used by foraging great crested newts;
 - The provision of new hibernation features in the form of log piles along the western boundary of the site; and,
 - Reasonable avoidance measures to avoid injury or other harm to any amphibians that may be present within the site.
- 6.84 A new ecology buffer is proposed to the northern part of the site adjacent to the gardens of Chartwell Close, this will include a swale and be subject to further planting. This is discussed in more detail in the drainage section of the report. Local residents have raised about the nature of the planting of the buffer. They are concerned that the ultimate size of the proposed trees would be too large for this space and would result in shading to existing gardens, which are south facing. The landscaping scheme has now been amended to reduce the overall number of trees, provide smaller species of trees. It is considered that this provides an acceptable balance of providing screening with trees that are suitable and attractive to wildlife and are of an appropriate size, so as not to become a nuisance in the longer term.
- 6.85 With the mitigation and enhancements proposed as set out above, together with the new pond, ecology buffer and swale, the provision of bird and bat boxes and extensive new planting, the scheme results in ecological gain and meets the requirements JCS policy SD9 and policies SA12 and E2 of the emerging City Plan.
- 6.86 Habitats Regulation Assessment
European designated sites, such as Special Areas of Conservation (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of

affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA). This is also a requirement of JCS policy SD9 and the emerging City Plan policy E8.

6.87 The Cotswold Beechwoods SAC (3.9km from development) and the Severn Estuary SPA and Ramsar site are sites identified with the potential to be affected by visitor pressure arising from the development of new residential sites within their vicinity.

6.88 An Appropriate Assessment was undertaken and the Council's Ecology Adviser has concluded that the development would lead to a slight but not significant increase in recreational pressures on the aforementioned sites. Therefore mitigation is required and this should take the form of homeowner information packs that would need to be provided to every new home, detailing the location and sensitivities of the Cotswold Beechwoods SAC and Alney Island LNR (in relation to the Severn Estuary SPA), plus guidelines and recommendations of how to avoid impacts (to include keeping to marked routes, proper control of dogs and proper disposal of waste). Additionally, the packs will need to promote and give details of local cycle/footpaths, local publicly accessible green spaces and other recreational activities

6.89 Therefore in conclusion, on the basis of providing a homeowner information pack to each new household, to mitigate for the small potential rise in recreational pressures, it is considered that the proposed development would be unlikely to give rise to any significant effects to the Cotswold Beechwoods SAC or Severn Estuary SPA when considered separately or in combination with other allocated plans or projects. Natural England have confirmed that they agree with the content of the Appropriate Assessment and the provision of home owner packs as suitable mitigation. This would be required by condition and is considered to comply with the requirements of JCS policy SD9 and the emerging City Plan policy E8.

6.90 **Contaminated land**

6.91 The NPPF seeks to ensure that sites are suitable for the proposed use in respect of risks from contamination. Policy SD14 of the JCS requires that developments do not result in exposure to unacceptable risk from existing or potential sources of pollution and incorporate investigation and remediation of any contamination.

The application included details of an initial site investigation for the land. This has been assessed by the Council's Contamination adviser who concurs with the conclusions of the report and advises that no further investigation or mitigation is required and therefore the requirements of policy SD14 have been met.

6.92 **Waste minimisation**

The County Council Waste Core Strategy requires a waste minimisation statement. Policy SD3 of the JCS requires major developments to be accompanied by a waste minimisation statement and expects development to incorporate the principles of waste minimisation.

6.93 The submitted report refers to the undeveloped nature of the existing site and therefore no waste being generated by any demolition. The Statement sets out general principles but refers to more detail being provided in relation to construction and post construction stages, in accordance with the County's Waste Core Strategy and further detail will be required by condition.

6.94 **Waste Management Infrastructure safeguarding**

Policy WCS 11 (Safeguarding Sites for Waste Management) of the adopted Gloucestershire Waste Core Strategy provides that existing and allocated sites for waste management use will normally be safeguarded by the local planning authority. The County Council also identified that the Hempstead Landfill and Household Recycling Centre and Netheridge Sewage Treatment Works are located nearby and that both of these infrastructure developments are safeguarded under Policy WCS 11. (Safeguarding Sites for Waste Management) of the adopted Gloucestershire Waste Core Strategy.

6.95 In relation to Netheridge Sewage Works this is reflected in policy C6 of the emerging City Plan which states that development within the cordon sanitaire around the sewage works, will not be permitted. Retained Policy FRP12 of the 2002 Plan also defines the extent of the Cordon Sanitaire and applies restrictions to development. The majority of the application site (and the area where housing is proposed) lies outside of the cordon sanitaire, although the southern boundary of the site is also the northern boundary of the cordon sanitaire. A small area of the site extends into the cordon sanitaire along the southern boundary and it is in this area where the proposed underground drainage storage tanks are to be sited. Therefore, as the area for housing lies outside of the cordon sanitaire it is considered that the development of the site does not conflict with County policy WCS11 in relation to Netheridge Sewage Works.

6.96 Hempstead Landfill and Household Recycling Centre is located to the north of the site. There are no JCS or City Plan policies that specifically restrict development around this facility, other than policies that assess potential amenity impacts and environmental quality of all new proposals. Given the distance from the site to Hempstead Landfill and Household Recycling Centre and the fact that there are already many properties within much closer vicinity to the facility, than the application site, it is considered that the development would not conflict with County Policy WCS11.

6.97 **Minerals**

The County Council have identified that the site is located within a designated Mineral Consultation Area (MCA) and Mineral Safeguarded Area (MSA). British Geological Survey (BGS) data advises that the site has potential underlying sand and gravel resources. Accordingly, the County Council advises that the development of the site provides an opportunity for the effective on-site utilisation of mineral resources to take place.

6.98 The County Council have stated that the proposal should ideally be accompanied by a site-specific Mineral Resource Assessment to enable assessment of whether underlying resources would be at risk of needless sterilisation.

6.99 Therefore, consideration needs to be given to the requirements of adopted Minerals Local Plan (adopted March 2020) for Gloucestershire, policy MS01 which states:

Non-mineral development proposals within a Mineral Safeguarded Area (MSA) will be permitted provided: -

I. they are exempt from safeguarding requirements as set out in the list contained in table 2; or

II. needless sterilisation of mineral resources will not occur; or

III. the mineral resources of concern are not economically valuable; or

IV. it is appropriate and practicable to extract minerals prior to development taking place; or

V. the overriding need for development outweighs the desirability to safeguard mineral resources.

6.100 The County Council have also requested that an additional requirement in this respect is

incorporated into the wording of emerging City Plan site allocation policy SA12 and it is proposed that this will be changed to include:

Mineral Consultation Area (MCA)

The site allocation lies within a Mineral Consultation Area (MCA) due to the recorded presence of underlying sand & gravel resources. Early engagement with the MWPA is strongly encouraged to establish whether a Mineral Resource Assessment (MRA) is necessary.

- 6.101 The applicant has been requested to provide additional information to enable a full assessment of the proposals under the requirements of policy MS01 and an update will be provided at the Committee meeting.

6.102 ***Open Space, Recreation, Education and Community Facilities***

Open Space and Recreation

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS and policy C3 of the emerging City Plan require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.

- 6.103 On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will be delivered via s106 obligations.

Regulation 122 of the CIL Regulations sets out that infrastructure contributions can only be made under Section 106 agreements where they are

- a) necessary to make the development acceptable,
- b) directly related to the development and
- c) fairly and reasonably related in scale and kind to the development.

- 6.104 Hempsted lies within the Westgate ward which is identified in the Open Space Strategy 2014 – 2019 as having an above standard level of open space, which is mainly due to the large expanse of Alney Island nature reserve and Gloucester Park. Facilities in Hempsted comprise Court Gardens, High View, Soren Larsen Way, Hempsted allotments, Honeythorne Close and Hempsted Recreation Ground. However, the ward falls below standard for both play and playing pitch provision.

- 6.105 The Open Space Strategy 2020 – 2025 identifies most of the open spaces in Hempsted as being of medium quality (which is defined as site is in fair to good condition but may benefit from further improvement) and of medium to high value to the local community. As a play area, Hempsted Recreation Ground achieves a score of 66% for value and 60% for location and therefore sits mid table in the comparison with all other play areas in the City.

- 6.106 The Playing Pitch Strategy 2015 – 2025 identifies Hempsted Recreation Ground as having a poor quality adult pitch used by Trinity and Quedgeley United FC with very limited spare capacity. Its recommendations are to improve the quality of the pitch, through an increase in maintenance investment with the potential to convert to a youth pitch.

- 6.107 The application scheme provides very little open space on site, just the area around the pond. Additionally it does not include any proposals for play or sport provision on the site. Therefore, the applicant has agreed to make financial contributions to mitigate for this as

follows:

- £133,000 for formal sport;
- £47,000 for formal play
- £17,000 for general POS improvements.

6.108 There are a number of opportunities for improving existing facilities within the local area, utilising the financial contribution as follows:

£133,000 for formal sport

£25k- 5 year pitch improvement plan to the pitch at Hempsted Recreation Ground.

£50k Outdoor gym/fitness equipment at Hempsted Recreation Ground or the money is split between Hempsted Recreation Ground and Monk Meadow

£58k towards Gloucester City Council Pitch Improvement Grant –there are number of pitches within 2 kms of the site that have been identified as needing improvement including

- . Gloucester Park
- . The Oval
- . Tuffley Park
- . The Lannett

£47,000 for formal play

Approx £15k for Sculpture play trail at Hempsted Recreation Ground

Approximately £32k for new play equipment, fencing and surfacing upgrade at Monk Meadow Play area

£17,000 for general public open space improvements

All the money to be used for the provision of new allotments

There is an identified need for allotments across the City and particularly in Westgate and Quedgeley as clearly indicated in the Councils Allotment Strategy

The Council are developing a project to increase the number of new allotments. Land within the City Council ownership at Hempsted, has been identified as having the potential for a new allotment site. The money would assist in bringing the project forward.

6.109 These proposals, have been sent to local Ward Councillors for their views. Cllr Melvin has responded stating that, notwithstanding her opinion on the application, any funds should remain within Hempsted.

6.110 On the whole, the funds would be providing improved facilities within Hempsted, particularly Hempsted Recreation Ground and Monk Meadow. Additionally £58k would provide for pitch improvements within 2kms of the site, one of which is at Gloucester Park, also in Westgate Ward. The other sites are outside Hempsted but being within 2kms proximity, this is considered a reasonable distance. Furthermore, the Councils Playing Pitch Strategy provides for a strategic framework for the provision and management of playing pitches across the entire City, rather than with references to wards and housing areas..

6.111 The financial contributions would mitigate for the lack of open space, play and sports facilities being provided on site and would increase opportunities for sport and play to the new residents of the scheme and the wider community, and therefore this meets the requirements JCS policies, INF3, INF4 and INF6, policy C3 of the emerging City Plan and policies A1, OS.2 and OS.3 of the 2002 Plan.

6.112 Education and Libraries

Gloucestershire County Council have requested financial contributions to both education and libraries

- 6.113 The County Council have requested the following contributions and justification for education provision:

In terms of Early Years there is limited choice on the Hempsted side of the canal in the Linden Primary Planning area, limited sufficiency data shows there are waiting lists for day care in the area, which gives rise to the requirement for a full EY contribution for 7.59 places to expand full year round day care provision in the area of £114,540.69.

The nearest Primary School is Hempsted CofE Primary School and the contributions are based on the development generating 8.5 pupils (that is: cumulative yield + this yield + forecast for penultimate forecast year - net capacity), this would give a primary contribution of £128,273.50.

For Secondary, Holmleigh Park High School is the catchment school and also the closest, by the final year of forecasts the school is forecast to be over capacity, therefore a full secondary contribution for 6.6 places is required; as a 11-18 school this contribution would be £151,879.20.

- 6.114 The County Council state that the requirements meet the necessary test in that they are: Necessary to make the proposal acceptable in planning terms to address the capacity issues arising directly from the development, they are directly related to the development in terms of the pupil yields arising from this particular proposal, and fairly and reasonably related in scale and kind to the development.
- 6.115 In terms of libraries, the County Council has advised that the scheme will generate additional need for library resources. A contribution of £6,468 (based on the formula of £196 per dwelling) is therefore required to make this application acceptable in planning terms. The contribution will be used to increase access to services in line with A Strategy for Library Services in Gloucester 2012 and may include capacity improvements, facilitating increased opening hours, increase in accessibility and support for digital and IT facilities and increasing library stock for example.
- 6.116 The applicant has agreed to pay the requested contributions for education and library purposes.
- 6.117 **Economic considerations**
The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.
- 6.118 **Planning Obligations**
Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development: and
 - Fairly and reasonable related in scale and kind to the development.
- 6.119 This is reflected in Policy INF6 of the JCS which provides that where the need for additional infrastructure and services is expected, the local planning authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy

SD12. The requirements for S106 contributions arising from the proposal are set out below.

6.120 **Affordable housing**

As set out above the proposal for affordable housing is the provision of 8 units which comprises the 25% required by the emerging City Plan.

6.121 **Open space**

As set out above the proposal for open space is

- £133,000 for formal sport;
- £47,000 for formal play and;
- £17,000 for general POS improvements.

6.122 **Libraries**

A contribution of £6,468 is proposed to library provision, specifically towards additional library resources.

6.123 **Education**

A contribution of £128,273 is proposed for primary school provision, specifically towards the provision of additional places at Hempsted Primary School. A contribution of £151,879 is proposed for secondary school provision, specifically towards the provision of additional places at Holmleigh Park High School. A contribution of £114,540 is proposed for pre-school provision.

6.124 **Highways**

A contribution of £10,000 towards a Traffic Regulation Order applying double yellow lines should it be considered necessary

6.125 The applicant has agreed to the above contributions which will be delivered via a Section 106 agreement. It is considered that these contributions comply with NPPF requirements and CIL Regulations and would mitigate the impacts of the development. Therefore it is considered that the proposed development makes adequate provision for infrastructure and affordable housing in accordance with Policies INF3, INF4, INF6 and SD12 of the JCS

6.126 **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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.

6.127 This application has been considered in the context of the policies and guidance referred to above. The proposal is generally consistent with those policies and guidance in terms of design, landscape, heritage assets, highway safety implications, impact upon the amenity of any neighbours and the local area. Whilst it is recognised that the development of the site does not strictly comply with JCS policy SD10, the site is allocated within the emerging City Plan and the site selection process has deemed the site suitable for residential development. The scheme complies with the site requirements of that policy and there are a number of benefits arising from these proposals

6.128 **Benefits**

The proposed development would result in social benefits arising from the provision of housing which is given some weight in the overall planning balance. The proposal includes the provision of 25% affordable housing (together with the over provision of Category M4 (3) units) which is given significant weight due to the affordable housing needs of the City. The development would make a contribution to the local economy by an increase in local spend,

use of community facilities and services and direct employment arising from the erection of the new dwellings to which is given moderate weight. Whilst the scheme would not provide any on site open space, the financial contributions to provide improved/additional facilities within the local area would result in benefits for the wider community. The drainage scheme provides betterment over the current situation and provides a good solution to the current problems with surface run off to adjoining land. The pond and swale also add to ecological gain.

6.129 *Harms*

The application site is a greenfield site on the edge of the built-up area of the City and therefore its development would result in some impact upon the undeveloped and rural character of the site. Additionally the visual impact would be seen in both short and longer views. Development of the site will undoubtedly result in some impact upon the amenity and day to day living conditions of local residents. This will be through the additional traffic and some loss of privacy and loss of outlook onto open countryside. However the impact is considered to be at a level which is not unduly harmful. The development of the site would result, in some harm to the setting of the conservation area. The harm is considered to be less than substantial and such harm to heritage assets must be given considerable weight in the assessment of the application and must be weighed against the public benefits of the scheme. In this respect, it is considered that the development of this site does result in a number of public benefits as outlined above, which, taken together, are capable of outweighing the harm to the setting of the Conservation Area in this instance.

6.130 *Neutral*

The Highway Authority are satisfied that the traffic associated with the development can be safely accommodated on the local road network. The application proposes an extensive and comprehensive landscaping scheme and appropriate mitigation for ecology.

6.131 The proposals mitigate their impact upon highway safety, ecology, landscape character, community infrastructure and on existing and future residents, with further safeguarding to be dealt with by conditions.

6.131 Therefore, placing all of the relevant material considerations in the balance, but particularly the public benefits of the proposals and weighing these against the less than substantial harm to the significance of designated heritage assets, pending the outcome of the mineral interest assessment, it is considered that planning permission should be granted subject to the completion of the Section 106 agreement and conditions.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That the grant of planning permission is delegated to the Business Transformation Manager (Planning) subject to the conditions below, the satisfactory assessment of the implications of the application upon the mineral interest of the site, and the completion of a Section 106 agreement to secure the following:

- £6,468 financial contribution to library provision
- £133,000 financial contribution for formal sport;
- £47,000 financial contribution for formal play
- £17,000 financial contribution for general POS improvements
- £10,000 financial contribution towards a Traffic Regulation Order
- 25% affordable housing of the mix and house types detailed
- Appropriate S106 monitoring fee

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of three years from

the date of this permission.

Reason

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

Condition 2

The development shall be undertaken in accordance with the submitted plans and documents except where these may be modified by any other conditions attached to this permission.

Reason

To ensure the works are carried out in accordance with the approved plans.

OPERATIONAL PHASE

Condition 3

Construction work and the delivery of materials shall be limited to the period between 0800hours and 1800hours Monday to Friday, 0800hours to 1300hours on Saturdays and for the avoidance of doubt no construction work or deliveries shall take place on Sundays or Bank /Public Holidays. Additionally there shall be no deliveries to and from the site between the hours of 8.30 and 9.15 am and 2.45 and 3.30pm, Monday to Friday, when Hempsted Primary School is open to pupils.

Reason

To safeguard the amenities of the area and to reduce vehicle movements and prevent congestion of local roads during the school drop off and collection times in the interests of pedestrian and highway safety in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

Condition 4

Prior to the commencement of the development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details:

- (a) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movement patterns.
- (b) Measures to minimise and control noise, vibration, dust and fumes during site preparation works, demolition and construction, including vehicle reversing alarms.
- (c) Details of the parking for all vehicles of site operatives and visitors.
- (d) The unloading and loading arrangements for heavy plant, materials and machinery and any proposed construction compound.
- (e) Measures to avoid traffic congestion on the road network
- (f) Method of preventing mud and dust being carried onto the highway;
- (g) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

To safeguard the amenities of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF. This is required pre-commencement given the potential impacts of early-phase works.

Condition 5

No above ground construction of a building shall take place until a Waste Minimisation Strategy for the construction and operational phase have been submitted to and approved in writing by the Local Planning Authority. The respective phases of development shall take place in accordance with the approved strategy for their full duration.

Reason

To reduce waste in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, Waste Minimisation in development projects SPD 2006 and the NPPF.

DRAINAGE

Condition 6

The drainage proposals shall be implemented in full and prior to the first occupation of the dwellings in accordance with the following approved drawings:

CTP-20-318-C01 Rev B Site levels
CTP-20-318-C21 Road & Sewer Profiles 1 of 2
CTP-20-318-C22 Road & Sewer Profiles 2 of 2
CTP-20-318-C41 Rev B Drainage Layout 1 of 2
CTP-20-318-C42 Rev B Drainage Layout 2 of 2
CTP-20-318-C43 Rev B Exceedance Plan
CTP-20-318-C44 Attenuation Sectional View
CTP-20-318-C45 Rev B Proposed Northern Ditch
CTP-20-318-C46 Basin Section
CTP-20-318-C80 Rev A Adoption Plan

Reason

To ensure the development is provided with a satisfactory means of drainage and preventing the risk of flooding in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 7

No dwelling shall be occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and preventing the risk of flooding in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

LANDSCAPE

Condition 8

The landscaping scheme as detailed on drawings Detailed Soft Landscaping Plan (Sheet 1 of 2) edp5155_d010o dated 6th August 2020 and Detailed Soft Landscaping Plan (Sheet 2 of 2) edp5155_d010o dated 6th August 2020, shall be carried out concurrently with the development and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any

plants fail more than once they shall continue to be replaced until the end of the 5 year maintenance period, as may be amended by the Landscape Management Plan required by condition 9.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment and heritage assets in accordance with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 9

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, the public amenity area and the northern buffer as identified on the proposed site plan 3405.P.201 revision AD received by the Local Planning Authority on 18th August 2020 shall be submitted to and approved in writing by Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be implemented and carried out as approved for the lifetime of the development.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment and heritage assets in accordance with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF.

Condition 10

No development including demolition or site clearance shall be commenced on the site or machinery or material brought into the site, until the measures to protect trees and hedgerows d as set down in the EDP Arboricultural Method Statement dated January 2019 reference edp5155_r003c, have been fully implemented and shall remain in place throughout the period of construction.

Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

ECOLOGY

Condition 11

Prior to first occupation of the development, details of an information leaflet and its method of distribution to each dwelling prior to occupation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- i. the location and sensitivities of the Cotswold Beechwoods SAC,
- ii. how to avoid negatively affecting it,
- iii. alternative locations for recreational activities and off-road cycling, and
- iv. signposting of longer circular walks,
- v. how copies of the leaflet will be circulated with homeowner sales packs, and
- vi. recommendations for dog owners for times of year dogs should be kept on lead when using sensitive sites.

The scheme shall be implemented in accordance with the agreed details, unless agreed otherwise in writing by the Local Planning Authority.

Reason

To ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC as a result of the development in accordance with the Habitats Regulations 2017 and policy

Condition 12

No external lighting within the public areas of the site, shall be installed, unless prior to the first occupation of the dwellings, a lighting scheme is submitted for approval with details of any lighting and external luminaries including measures to control light spillage onto site boundaries and on site vegetation. The scheme shall include aims and objectives; information to demonstrate how the number and wattage of lighting will be kept to a minimum; details of how lighting will be controlled temporally e.g. timers, PIRs and avoid use of broad spectrum light emissions: details of how light spill will be reduced, for example low level illumination, cowlings, planting schemes to screen spill, lights angled so as not to emit at greater than 70 degrees; ensuring dark zone/s; scale drawings showing the number, location, type and wattage of lighting proposed. Development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

Reason

To secure biodiversity mitigation and enhancement in accordance with with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 13

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period has been carried out and a scheme to protect the nesting bird interest on the site based on the results of the survey has first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

To ensure that the nature conservation interest of the site is protected in accordance with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 14

An updated ecological management plan and ecological construction method statement shall be submitted to the Local Planning Authority prior to the commencement of development, and no works or clearance on site shall commence until the documents have been approved in writing. These shall provide further details on the precautionary measures to be employed to protect amphibians and newts and the expected timings of site clearance works. Additionally all mitigation proposals should be fully detailed and updated and follow the recommendations as set out in the EDP Ecological Management Plan and Ecological Construction Method Statements dated January 2020 The development shall be carried out in accordance with the approved documents.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

DESIGN

Condition 15

Notwithstanding the approved plans and details, no above ground construction of a building shall be commenced until details of all building facing and roofing materials and surfacing materials have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials are appropriate to their context in accordance with Policies SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017, and the National Planning Policy Framework

HIGHWAYS

Condition16

No dwelling hereby permitted shall be occupied until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with drawing 3405.P201 AA.

Reason

In the interest of highway safety and in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 17

Prior to the occupation of any of the dwellings at plots 7-10. secure cycle storage shall be provided for each dwelling in accordance with details that have been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be kept available for the parking of cycles only.

Reason

To promote sustainable travel and healthy communities in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 18

Prior to the first occupation of each dwelling hereby approved, appropriate cabling and an outside electrical socket shall be supplied for that dwelling to enable an outside electrical socket for that dwelling to enable ease of installation of an electric vehicle charging point (houses with on plot parking). For those parts of the development without on plot parking, one electrical point per 10 spaces (as a minimum) should be provided to be operational at first occupation of the relevant dwelling. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017 and the NPPF

Condition 19

The first dwelling hereby approved shall not be occupied until a residential welcome pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the local planning authority. The pack shall be provided to each resident at the point of occupation.

Reason

To reduce vehicle movements and promote sustainable access in accordance with Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017

and the NPPF

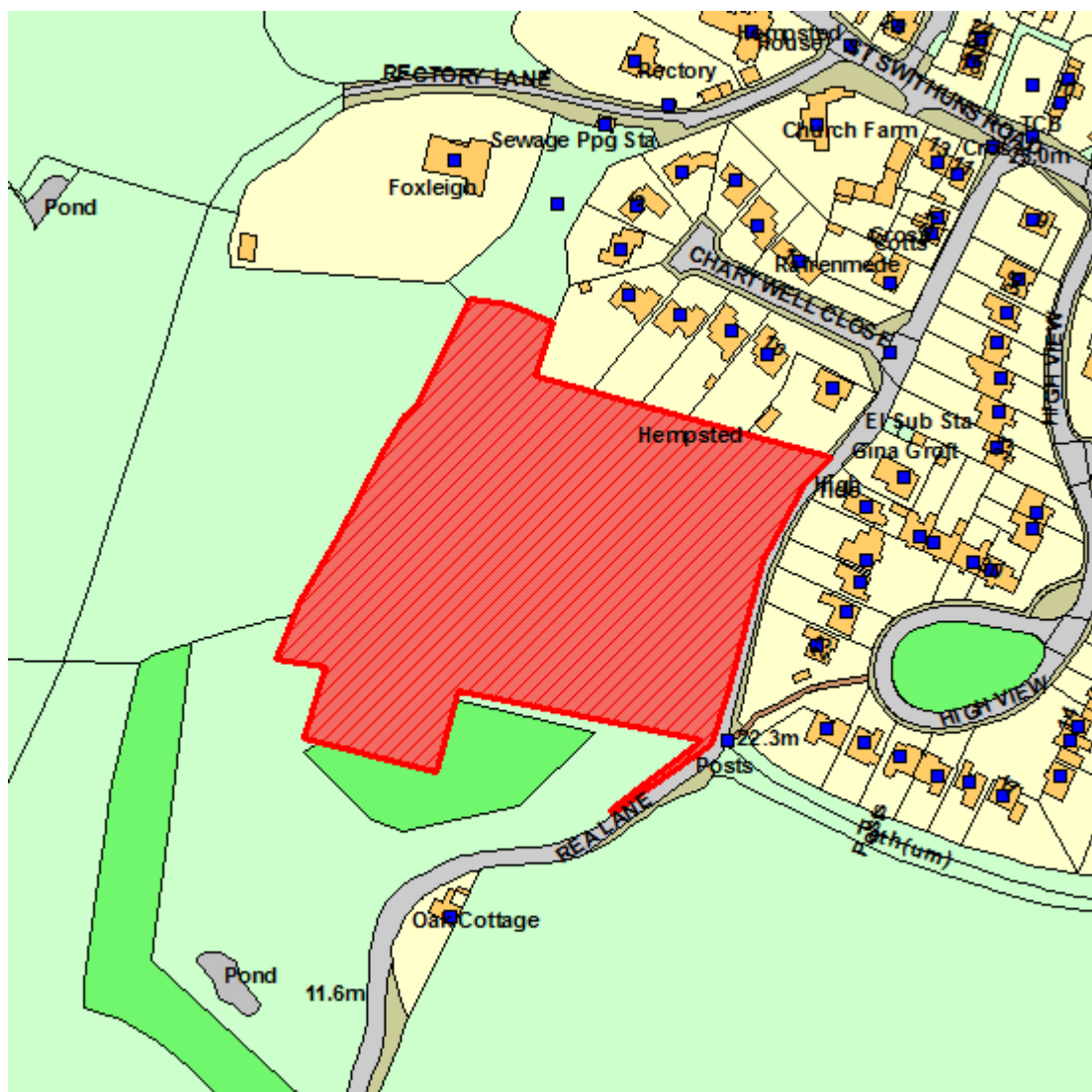
Person to Contact: Joann Meneaud (396787)



Planning Application: | 19/00068/FUL

Address: | Development Land Off Rea
Lane Gloucester

Committee Date: |



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GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 st September 2020
Address/Location:	82 Henry Road Gloucester GL1 3DX
Application No:	20/00080/FUL
Ward:	Kingsholm & Wotton
Expiry Date:	25.03.2020
Extension of time	08.09.2020
Applicant:	Mr Edwin Allen
Proposal:	Change of use to 8 bed House in Multiple Occupation (HMO (sui generis)) including demolition of the existing garage and timber carport, erection of proposed single storey rear extension and associated car parking, cycle parking and amenity space
Report by:	Fiona Ristic
Appendices:	1. Proposed site plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a two storey detached house to the south-east of Henry Road. The property is currently a single family dwelling and is vacant and in poor condition. The property has not been extended from the original design. There is a timber car port and concrete garage adjoining the house within the application site. The property is located within the Denmark Road Conservation Area (Gloucester Conservation Area No.14) and is listed as a property which positively contributes to the character and appearance of the conservation area.
- 1.2 The proposal is to convert the dwelling into an 8 bedroom House in Multiple Occupation. The proposal also includes the demolition of the existing garage and timber car port and the erection of a single storey rear extension. This would measure 4m deep and 3.2m in height. The application includes the insertion of 1 conservation style rooflight in the front elevation and 2 conservation style rooflights in the rear elevation. There would also be the replacement of the existing external windows and doors. The demolition of the garage and car port allows the parking of 5 vehicles off street in part of the current rear garden. The applicant also proposes bin storage and cycle storage for 8 bicycles.
- 1.3 The proposed accommodation includes 8 bedrooms, 2 to the ground floor, 4 on the first floor and 2 within the loft conversion. A separate shower room is provided on each level. A large open plan kitchen/dining/living room would be provided on the ground floor along with a large utility room.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00422/LAW	Proposed change of use from Page 47	Permitted	21.07.2020

	dwellinghouse (Use Class C3) to 6 bedroom house in multiple occupation (Use Class C4) including single storey rear extension to match existing, replacement of existing windows, demolition of existing single storey car port and detached garage, loft conversion within existing roof slope including insertion of conservation rooflights and associated internal layout alterations.		
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3.0 RELEVANT PLANNING POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SD3 – Sustainable design and construction

SD4 – Design requirements

SD8 – Historic Environment

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Emerging Development Plan

Gloucester City Plan

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

A1 – Effective and efficient use of land and buildings

A6 – Accessible and adaptable homes

C1 – Active design and accessibility

D1 – Historic environment

E6 – Flooding, sustainable drainage, and wastewater

F1 – Materials and finishes

F6 – Nationally described space standards

G1 – Sustainable transport

G2 – Charging infrastructure for electric vehicles

Supplementary Planning Guidance

Denmark Road Conservation Area Management Plan

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 CONSULTATIONS

4.1 **Highway Authority** – No objection, subject to a condition asking for a Construction Management Plan.

4.2 **Conservation Officer** – Applicant made the requested changes to the plan. It is considered that the current proposal would preserve and enhance the character and appearance of the Conservation Area and would sustain its significance as a designated heritage asset.

4.3 **Civic Trust** - More negotiations needed. This is over development of this site in the Denmark Road Conservation Area. The number of car parking spaces is unacceptable in this fringe city centre location and will require the removal of three trees. The house contains many original architectural features, doors and fireplaces which should be retained if planning permission is given. Gloucester is oversubscribed with student accommodation.

4.4 **Tree Officer** - The site is in a conservation area, so all trees above a certain size are afforded a degree of protection. There are trees in the rear garden that will be impacted and removed. The applicant submitted an arboricultural impact assessment and tree protection plan. The tree officer has no objection as long as the MHP Arboricultural Impact Assessment and Tree Protection Plan (drawing no 20153.501) are conditioned and adhered to.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 26 Neighbouring properties were notified in writing and a site notice was published.

5.2 4 letters of objection were received on the original plans raising the following issues

Parking – Only 5 parking spaces are provided for 8 bedrooms. Parking is already a problem in Henry Road. Where would visitors park?

Students – Too many student lets in the local area. They are houses that do not benefit the residents of Gloucester.

HMO's – Too many HMO's already in the area

Visibility - Poor visibility splay exiting site due to boundary wall.

Proposed car park – This would bring noise, disruption and emissions and reduce wildlife in the area

Construction – the proposed building works would be disruptive

Refuse – concerned that this will extend over pavement on refuse collection days

Boundary - The existing garage is also the boundary wall of the garden of 23 Honyatt Road. It has been constructed on top of the existing boundary wall. If this is demolished without being replaced by an adequate new wall it will cause total lack of privacy to the back garden and also to the back of the house. There would also be damage to mature trees and plants growing along the side of the wall. -

In response the applicant has confirmed that it is proposed to demolish the existing garage and erect a painted close boarded fence to maintain the site boundary (as per the rest of the existing site boundary). The garage appears to be built solely on the applicant's land, so this existing garage wall is not a Party Wall with the neighbour

3 letters of objection were received on the amended plans

Drainage – Concerned about the impact on the car park on the drainage system. The plans do not address the previous concerns.

Councillor Jeremy Hilton

Objects to the proposal for the following reasons:

1. The proposal is a change of use from a family home into a house in multiply occupation and will change the character of the neighbourhood, which is within the Conservation Area. This property is listed as a positive building. Already there too many HMOs in neighbourhood, most of which don't require planning permission as they are for six persons or less. The local area is losing its character and yet another HMO would add to this unwanted change.

Known HMOs -

Henry Road = 5

Oxford Road = 17

Oxford Street = 6

2. Object to the loss of biodiversity by the loss of the majority of the rear garden, including one tree to a car-park. This should remain a garden. It will also create problems of vehicles exiting and entering the car park because of the congested on-street parking. For many years no car or just one car has been parked up on the side of 82 Henry Road.

3. The proposal is also an overdevelopment of the site. Cramming too many people, living independently into what once was a family home.

4. The front windows should be returned to wooden sash windows to fit the period property, which is in a conservation area. Internal Victorian features should be kept. No external satellite dishes should be installed on the front of the house. – *The amended plans show that the applicant will replace the existing uPVC windows with timber sash windows on the front elevation.*

5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 ***Legislative background***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

6.4 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.5 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, Built Heritage, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Trees
- Economic considerations

6.6 ***Principle***

6.7 ***Use as an HMO***

The property is within a residential area and the proposed use would still be a residential use. Chapter 11 of the NPPF requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Part of the solution for meeting the demand for housing is to intensify existing residential properties through the conversion of the property into multiple flats or a large HMO. While this does provide additional numbers of units it does result in the loss of much needed

family sized accommodation. Planning decisions therefore need to provide a balanced approach which allows some intensification whilst protecting the character.

To account for this City Plan Policy A1 (Effective use of land) states:

Proposals are required to make effective and efficient use of land and buildings.

Development proposals should:

- 1. Result in overall improvements to the built and natural environment; and*
- 2. Be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of the neighbouring properties; and*
- 3. Not lead to a saturation of intensified properties within the area; and*
- 4. Provide adequate off-street parking, access, covered and secure cycle storage which provides for the existing and proposed use; and*
- 5. Not prejudice the potential for the comprehensive development of adjacent land; and*
- 6. Provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development; and*
- 7. Provide adequate, well designed, appropriately located and accessible bin storage areas.*

Saturation is deemed to be reached if:

- It would result in any residential property (C3 use) being 'sandwiched' between two intensified properties; or
- Intensified properties represent more than 10% of households within a 100-metre radius of the application property.

Regarding the number of HMO's in the area, the applicant has provided data to demonstrate that there are 117 properties within 100m radius of the application site. There are 10 flat conversions and 1 large HMO. Therefore, there are 11 intensified properties which would be 9.4% of the total properties within 100m of the site. This is below 10% threshold for an unacceptable intensification set out in policy A1 of the Gloucester City Plan (2019). The property would also provide adequate amenity space, bin storage and off-street parking and therefore complies with criteria 6 and 7 of policy A1.

- 6.8 It must also be noted that a Lawful Development Certificate has recently been issued confirming that the property can be used as a 6 bedroom HMO with the same proposed external works to the building as this planning application. The applicant therefore has a fall-back position of using the property as a 6 person HMO. The site is located within the built-up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

6.9 ***Design, Built Heritage, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.

- 6.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

6.11 Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 193 states that 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. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance.

6.12 The application site is a vacant property in the Denmark Road Conservation Area. The Conservation Area and particularly Henry Road, with front gardens and chimneys, is a well-maintained street, and has retained much of its original character. The application property is currently run down and has existing silver aluminium double glazed sash windows on the front elevation. The proposal would replace the aluminium windows on the front elevation with slimline timber, double glazed horned sliding sash windows in white. This would enhance the appearance of the building and therefore the Conservation Area in accordance with policy SD.8 of the JCS (2017). The proposal involves one rooflight on the front roofslope and two on the rear roofslope. These would be Conservation style and therefore not unduly prominent. The application also proposes a single storey rear extension. This would be 4m deep and 2.6m in height. The proposed extension could be built under permitted development. All the proposed external changes to the buildings were included in the recently permitted Lawful Development Certificate (20/00422/LAW). The proposal includes an amenity area and a rear parking area. The proposal would require the removal of a large fruit tree and 2 small trees. The tree officer has no objection subject to the measures in the arboricultural report and tree protection plan being conditioned.

Given these proposed changes, it is considered that the proposal would enhance this vacant building and therefore preserve and enhance the character and appearance of the Conservation Area and would sustain its significance as a designated heritage asset. As such the proposal accords with Section 16 of the National Planning Policy Framework and JCS Policies SD.4 and SD8, and would meet the requirements of the statutory duty of Section 72(1) of the 1990 Act.

6.13 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network

6.14 The application site currently has a driveway with car port and shed/garage. These structures would be demolished and the applicant proposes to construct a driveway to the rear of the site where there would be a parking area for 5 cars. The applicant also proposes a secure cycle store for 8 bicycles. The parking concerns of the neighbours are acknowledged, but the County Highways Officer have assessed the application and have no objection subject to a Construction Management Condition. The proposal would therefore comply with policy INF.1 of the JCS (2017)

6.15 ***Residential amenity***

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.16 Amenity of neighbouring occupiers

The physical changes to the building are only the insertion of the rooflights, replacement of windows and the construction of the 4m deep single storey rear extension. Given the proposed dimensions of the flat roof, single storey rear extension, it is not considered that it would significantly impact on the amenity of the neighbouring properties. The single storey rear extension does comply with the dimensions for a rear extension to a detached dwelling under permitted development.

The application also includes the construction of a permeable, tarmac car park at the rear for 5 cars and the secure bike store. Two large trees would be retained at the rear of the site which would shield the Care Home at the rear of the site from the proposed car park. The proposed parking spaces would also be set away from the boundary with the neighbouring property to the north-east. A site visit was made to the property to establish the impact of the parking area in the rear garden. The applicant has confirmed that they will install an acoustic fence along the boundary with the neighbour to the north-east to minimise noise from the parking area. The fence would also screen the view of the parking area. It is considered that the applicant has designed the proposed parking area as well as possible given the site. It is acknowledged that there is a trade-off between the parking area in the rear garden or having the additional cars on the street. It was observed at the site visit, that the street is already heavily parked and this has been reflected in some of the neighbour comments. It is therefore considered that on-balance, with the acoustic fence, the proposal would not significantly affect the amenity of the neighbouring properties and would comply with policy SD.14 of the JCS (2017).

Amenity of future occupiers

Consideration also needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

1. New housing should meet and where possible exceed appropriate minimum space standards.
2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8

The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.

Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

National space standards require the following gross internal floor area:

The standard provides that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The standard also requires that any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area. Further, the standard requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.

The required internal space for a 1 person 1 bed room is 7.5m². The 8 bedrooms vary in size from 9.4m² up to 13.6m². This means that they would comply with the minimum space standards. The proposal also includes an area of outside private amenity space measuring 64m². Local parks are also easily accessible from the application site. The proposal includes off street parking, bin storage and cycle storage. It is therefore considered that the proposal would provide an acceptable level of amenity for the new occupiers and would therefore comply with policy SD.14 of the JCS (2017).

6.17 *Drainage and flood risk*

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

The application site is located in flood zone 1 which is the areas at lowest risk of flooding. The application includes permeable tarmac for the parking area. It is therefore not considered that there are drainage issues with the proposal and it would comply with policy INF.2 of the JCS (2017)

6.18 *Trees*

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains,

6.19 The application does result in the loss of 1 large, fruit tree in the centre of the garden and some small trees in poor condition. These trees are not covered by Tree Preservation Orders. However, the applicant is retaining three trees in the garden (one in the amenity area and two at the rear of garden) and the front hedgerow is to remain as existing. The application also retains part of the existing grassed garden as amenity space. It is considered that the proposed changes would not significantly impact on the ecology of the area. The applicant submitted an arboricultural report and tree protection plan and the Council's Tree officer has no objection subject to the measures in the reports being implemented. This will be secured by a condition.

6.20 *Economic considerations*

The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

6.21 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal would result in the refurbishment and sensitive enhancement of this vacant building in the Denmark Road Conservation Area and would not lead to an oversaturation of HMO's in the area. It is considered that the proposal is consistent with the above policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the Denmark Road Conservation Area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is **GRANTED** subject to the following conditions;

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the submitted forms and proposed floor plans (181-04 rev B) received by the Local Planning Authority 5th March 2020 and proposed elevations (181-05 rev B) received by the Local Planning Authority 15th July 2020, Arboricultural Survey and Tree Protection Plan received by the Local Planning Authority 31st July 2020 and proposed site plan (181-03 rev C) received by the Local Planning Authority 13th August 2020 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017)

Condition 3

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/ construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Condition 4

The proposed cycle and bin storage shown on the proposed site plan (181-03 rev C) received by the Local Planning Authority 13th August 2020 shall be made available before the development is occupied. The cycle spaces and bin store shall be retained for the duration of the development.

Reason

To ensure that adequate refuse provision and cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 5

The proposed windows shown drawing number 181-05 rev B (Proposed elevations) received by the Local Planning Authority 15th July 2020 shall be installed in accordance with the approved details, before the building is occupied and permanently retained.

Reason

To preserve and enhance the character of the Denmark Road Conservation Area in accordance with policy SD.8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (2017)

Condition 6

The works to the trees shall comply with the measures in the Arboricultural Survey and Tree Protection Plan received by the Local Planning Authority 31st July 2020

Reason

To protect the trees that will be retained and to preserve the character of the Denmark Road Conservation Area in accordance with policy SD.8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (2017)

Condition 7

The boundary treatment (including the acoustic fence) shall be erected in accordance with the approved details on site plan (181-03 rev C) received by the Local Planning Authority 13th August 2020, before the building is occupied and shall be permanently retained.

Reason

In the interests of visual amenity, to minimise disturbance and to ensure dwellings have satisfactory privacy in accordance with policies SD.4 and SD.14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

Condition 8

The driveway and parking area shall be completed in the permeable tarmac as shown on the proposed site plan (181-03 rev C) received by the Local Planning Authority 13th August 2020 before the building is occupied and shall be permanently retained.

Reason

In the interests of visual amenity and to minimise noise disturbance in accordance with policies SD.4 and SD.14 of the Gloucester, Cheltenham and Tewkesbury Joint Core

Strategy (2017).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF, the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

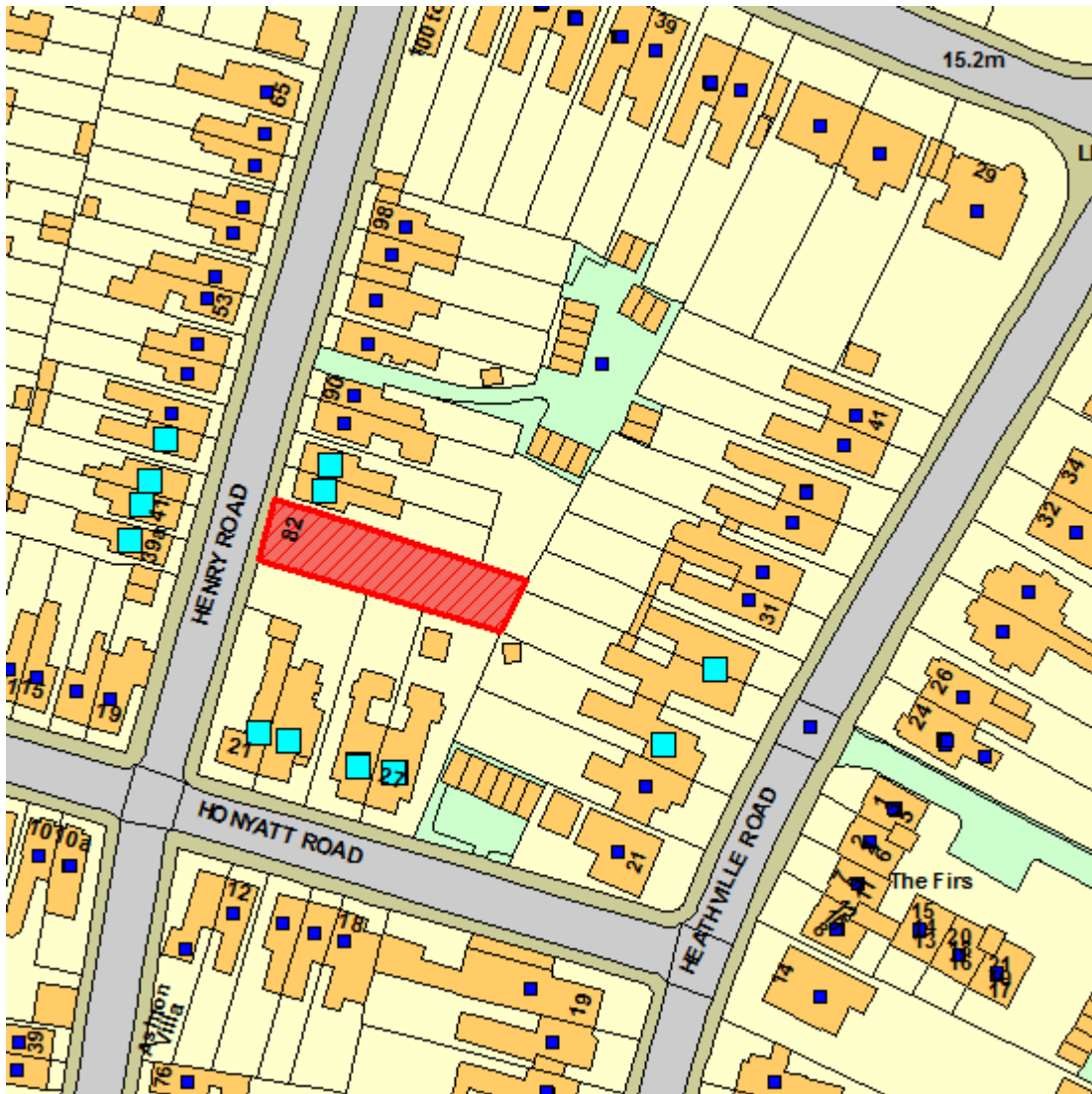
Person to Contact: Fiona Ristic (396716)



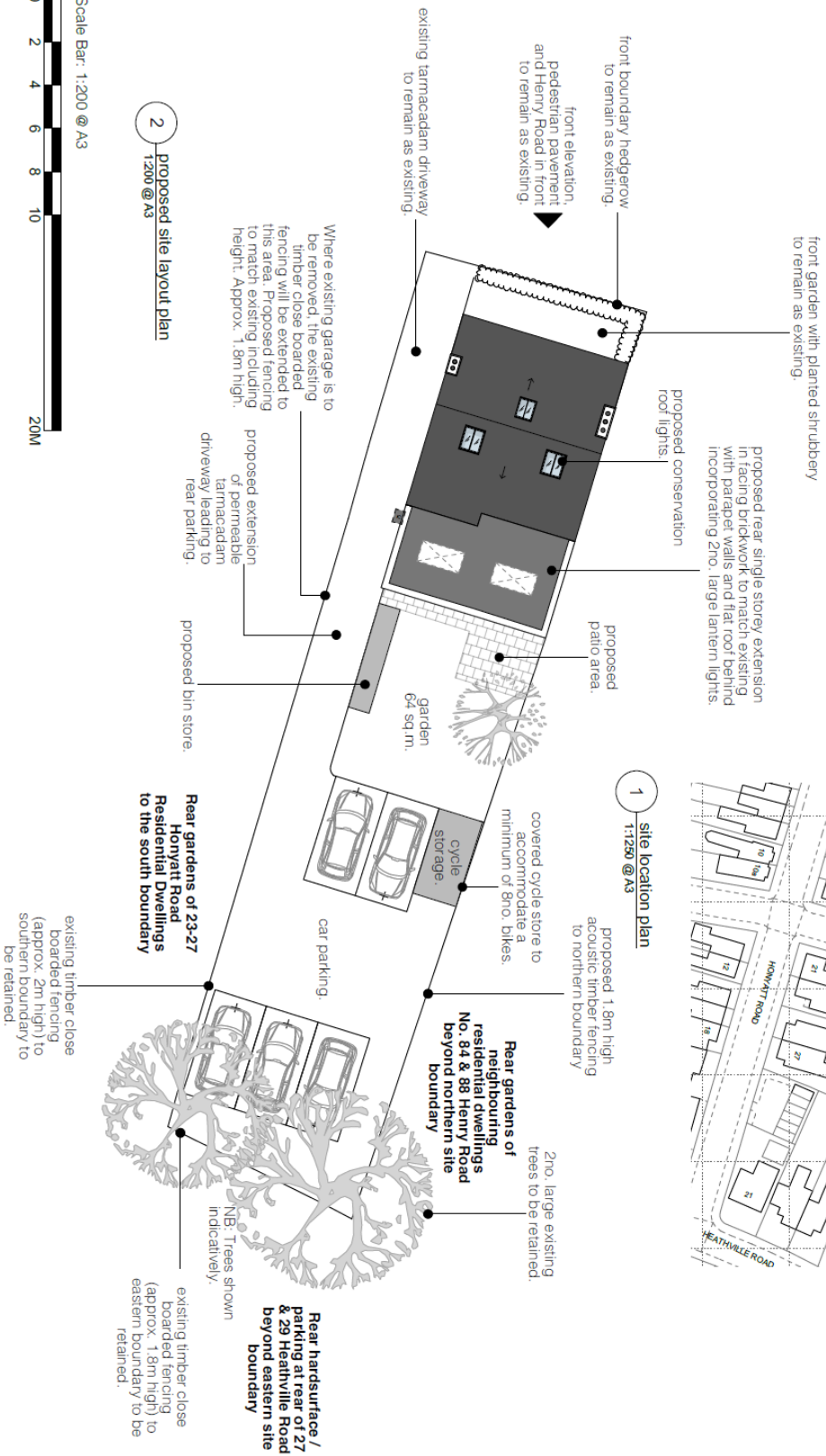
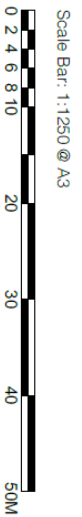
Planning Application: | 20/00080/FUL

Address: | 82 Henry Road Gloucester
GL1 3DX

Committee Date: | 1st September 2020



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LEGEND

- Indicates overhead or hidden feature
- - - - - Indicates width of door leaf
- Indicates window and sill heights
- ⌀ Indicates ceiling height
- Indicates direction of change in level
- ⏏ Indicates electrical consumer unit
- ⏏ Indicates electric supply & meter
- ⏏ Indicates water supply & stop tap
- Indicates direction of roof falls
- HMC Indicates hot water cylinder
- IC Indicates drainage inspection chamber

PLANNING

PEDERSEN SMITH+ architects

Project: THE LIMES 82 HENRY ROAD GLOUCESTER GL1 3DX

drawing: PROPOSED LOCATION & SITE LAYOUT PLAN

scale: A3 as noted 18-03 18-03