

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST APRIL 2014**

ADDRESS/LOCATION : **NEWARK FARM, HEMPSTED**

APPLICATION NO. & WARD : **13/01203/FUL
HEMPSTED**

EXPIRY DATE : **22ND JANUARY 2014**

APPLICANT : **NEWLAND HOMES LTD**

PROPOSAL : **DEMOLITION OF EXISTING FARM
BUILDINGS AND CONSTRUCTION OF 8 NO.
DWELLINGHOUSES AND ASSOCIATED
GARAGES AND PARKING, AND
FORMATION OF NEW VEHICULAR ACCESS
FROM LADYWELL CLOSE**

REPORT BY : **ADAM SMITH**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE PLAN
6 REPRESENTATIONS**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is part of Newark Farm, accessed from a lane off Hempsted Lane. The farm appears to have been developed in the mid-1800s. The farm house is next to the application site and appears to date from c1890 and was occupied until 2013, although the farmstead ceased to function as a farm around 20 years ago. The site itself comprises several now-dilapidated farm buildings arranged around a courtyard – a pitched roof brick built single and two storey barn and a dutch barn on the south side and a long single storey brick range on the north side. The access lane continues on past the farm to the west, serving a cottage at the end.
- 1.2 The proposal is to demolish the farm buildings and construct 8 residential units (four 4-beds, four 3-beds). These would be arranged fronting into the site, with four detached units on the south side and a terrace of four on the north side. A new vehicular access would be created off Ladywell Close. The existing access off the lane would be closed to vehicles and pedestrians by permanently fixing shut the gate (still allowing access to the adjacent farmhouse).
- 1.3 The terrace on the north side would be single storey with a single dormer to each property to front and one to rear, plus rooflights to the upper

accommodation. They would have timber panelled sections for the doors and windows with a brick frame to the front elevation.

- 1.4 The four detached units on the south side are all two storey with attached or integral garage – in the case of the west end unit (plot 4) this is a rebuild of the existing barn and would have two integral garages. The three other units would be brick faced at ground floor with a timber cladding to first floor.
- 1.5 Conservation Area Consent was abolished in October 2013 so the demolition proposals form part of this single application.
- 1.6 The application is presented to the Planning Committee at the discretion of the Development Services Manager given the issues involved.

2.0 RELEVANT PLANNING HISTORY

21727/01

- 2.1 This was an application for alterations to the existing dwellinghouse. It was approved subject to conditions on 6th October 1982.

21727/02

- 2.2 This was an outline application for the erection of two dwellings. It was refused on 29th April 1987 due to the village character, access constraints and setting a precedent.

3.0 PLANNING POLICIES

Central Government Guidance - National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF) cancelled all previous national planning policy and is a material consideration in all planning decisions. It does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is underpinned by a presumption in favour of sustainable development. Authorities should seek to approve applications where possible, looking for solutions rather than problems.

The NPPF advises that authorities should approve development proposals that accord with statutory plans without delay, and also grant permission where the plan is absent, silent, indeterminate or out of date. This should be the case unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole, or specific policies in the NPPF indicate development should be restricted.

The NPPF sets out 12 core planning principles that may be summarised as follows – planning should;

- Be genuinely plan-led, empowering local people and should be kept up to date;
- Not be just about scrutiny but a creative exercise to enhance and improve places;

- Proactively drive and support sustainable economic development;
- Always seek high quality design and good standards of amenity;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting green belts;
- Support the transition to a low carbon future, taking account of flood risk and coastal change, and encourage the re-use of existing resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets;
- Actively manage patterns of growth to make fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies for health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services.

The NPPF goes on to cover various topics which, as relevant to this application, are briefly summarised as follows:

Housing

Authorities must ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing and identify and update annually a 5-year supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Promoting sustainable transport

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

Requiring good design

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

Conserving and enhancing the historic environment

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals.

The more important the asset, the greater weight should be apportioned to its conservation. Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused unless certain exception criteria are met.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere.

Conserving and enhancing the natural environment

The aims of contributing to and enhancing the natural and local environment remain. Impacts on biodiversity should be minimised. Developments should be prevented from contributing to or being put at unacceptable risk from soil, silt, water or noise pollution, and remediating and mitigating land where appropriate.

The Development Plan

3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - "The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

2002 Plan allocations

Within the Area of Principle Archaeological interest.

Adjacent to the Landscape Conservation Area.

The site is now within the Conservation Area although it is outside it in the 2002 Plan.

2002 Plan Policies

The aims of the following additional policies from the City of Gloucester Second Deposit Local Plan (2002) are relevant in considering this application:

FRP.6 – Surface water run-off

FRP.9 – Light pollution

FRP.10 – Noise
 FRP.11 – Pollution
 FRP.15 – Contaminated land
 B.7 – Protected species
 B.10 – Trees and hedgerows on development sites
 BE.1 – Scale, massing and height
 BE.4 – Criteria for the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.8 – Energy efficient development
 BE.12 – Landscape schemes
 BE.18 – Vehicular circulation and parking in new residential development
 BE.21 – Safeguarding of amenity
 BE.29 – Development within Conservation Areas
 BE.30 – Demolition of non-Listed Buildings in Conservation Areas
 BE.30a – Control of redevelopment within Conservation Areas
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.33 – Archaeological field evaluation
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.9 – Parking standards
 TR.10 – Parking provision below the maximum level
 TR.12 – Cycle parking standards
 TR.31 – Road safety
 H.4 – Housing proposals on unallocated sites
 H.7 – Housing density and layout
 H.8 – Housing mix
 CS.11 – Developer contributions for education

3.3 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Draft Joint Core Strategy. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.4 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Highway Authority raises no objection subject to conditions to secure a Construction Method Statement and to permanently close the access to the lane.
- 4.2 The Civic Trust has no objection in principle to the development, but it considers further negotiation is needed on the design and orientation of the detached houses. The Trust considers that the redeveloped linear barn forms one side of an attractive courtyard or square but the houses on the opposite side bear no relation to them and fail to finish off what could be a thoughtful redevelopment of derelict buildings.
- 4.3 The Hempsted Residents Association has not commented.
- 4.4 The Spatial Planning and Environment Department raises no objection.
- 4.5 The Urban Design Officer supported the original proposal subject to some revisions. In response to the revised scheme the Officer raises no objection subject to conditions to deal with materials and detailing such as windows.
- 4.6 The Conservation Officer originally raised several queries, which are now resolved by the various amendments. The Officer now raises no objection subject to securing the approval of certain details by condition and restricting permitted development rights.
- 4.7 The Tree Officer and Landscape Architect raise no objection subject to securing the planting proposals and a tree protection plan.
- 4.8 The Drainage Engineer raises no objection subject to approving the detailed drainage system, provided this secures the water quality aspects of a sustainable urban drainage system as well as the attenuation.
- 4.9 The Environmental Planning Service Manager has commented on the ecological issues. Further information is sought on the bat mitigation proposals. In terms of badgers the mitigation strategy appears to be suitable to progress to a license, and the other ecological effects are considered acceptable subject to securing mitigation.
- 4.10 The City Archaeologist raises no objection subject to conditions to secure a watching brief and building recording.
- 4.11 The Environmental Protection Officer raises no objection subject to conditions to control the construction process in terms of dust, noise and times of work.
- 4.12 The Contaminated Land Officer raises no objection.
- 4.13 The Neighbourhood Management Officer raised queries about access to the site by a refuse vehicle.
- 4.14 The County Council has requested contributions to primary education facilities in the area.

4.15 Natural England issues Standing Advice for ecological impacts.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 22 neighbouring properties were notified directly, and site and press notices were published. Ward Councillors were also notified. Also, the applicants note that they undertook consultation with the Hempsted Residents Association on 3rd May and 1st August 2013, and visited neighbours immediately adjacent to the site on 9th August 2013 to discuss proposals and timescales.

5.2 Six representations have been received in total. Four comments on the original scheme may be summarised as raising the following issues:

- No consideration has been given to the adjacent property which would be overlooked by four houses – this would be alleviated if the windows were to face west instead of south;
- Access from Ladywell Close is not suitable;
- Parking is already insufficient, and querying parking proposals;
- The road needs resurfacing;
- Access should be taken off the Newark Farm road;
- Presence of bats;
- Impact on the local school;
- Noise impacts;
- Medical support facilities;
- Impact on the quietness of the village;
- Financial compensation for residents for the impacts of the development;
- What works are proposed in Ladywell Close;
- The old farm buildings are becoming an eyesore;
- The proposal would enhance the village scene;
- The design of Ladywell Close always intended that there would be access to the farm building site.

5.3 Subsequently two more follow-up letters have been received in response to the amended scheme and may be summarised as follows;

- Invasion of privacy;
 - Impacts on wildlife;
 - The provision of alternative roosting locations for bats is insufficient;
 - Homes could be built elsewhere in the locality without upsetting the biodiversity.
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- No argument with the development of the farm per se;
 - Access to Hempsted School, medical services and utilities;
 - Impact of the occupants' and construction traffic;
 - Why can't the private road to the farm and Bank Cottage be used?;
 - Access arrangements for future development in the area;
 - Financial compensation for disruption;
 - Ladywell Close needs resurfacing.

5.4 The full content of all correspondence on this application can be inspected online or at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 It is considered that the main issues with regard to this application are as follows:

- Principle
- Design and conservation
- Traffic and transport
- Residential amenity
- Ecology
- Drainage
- Trees and soft landscaping
- Archaeology
- Education

Principle

6.2 The site is at the edge of the built up area of Hempsted, which has a range of local facilities and public transport provision. The farm was previously separate from the built up area but is linked to the main part of the village by the modern housing development of Ladywell Close and the Primary School. There is no locally defined urban boundary, and while the site is not allocated for residential development (and due to being land occupied by agricultural buildings it is not within the definition of 'previously developed land'), I consider it would be a modest and acceptable expansion of the residential development in Hempsted. The development would comprise a windfall in terms of housing supply, which is an important contributor to 5 year housing land supply calculations.

Design and conservation

6.3 The site is within the Conservation Area and the buildings are recorded in the Conservation Area Appraisal as 'Positive Buildings'. The space around them is recorded as 'Positive open space'. A Heritage Statement has been produced examining the significance of the standing buildings and a Structural Report has also been produced to consider the viability of re-use of the buildings.

6.4 The demolition of such buildings in a conservation area used to be dealt with by making an application for conservation area consent. This procedure was removed in October 2013, but the relevant conservation issues are still to be considered as part of the full planning application.

6.5 Of these buildings, the north range of brick sheds appears to date from the mid 1800s, with the southernmost brick barns slightly later in the 1860s. There is some difference of opinion on the provenance of the dutch barn but it is a later addition appearing in late 19th century maps and seems to have 20th century alterations.

- 6.6 The buildings are generally in such a run-down condition with a range of structural issues and water and vegetation-damage that they are not suitable for conversion. The one possible exception, Barn 2, would need to have the whole roof and much of an exterior wall replaced. Its re-use seems likely to be difficult to achieve in practice. The building itself has limited architectural merit and the importance is in the collection of buildings rather than this building per se. The re-build of this barn on a like-for-like basis is considered acceptable in conservation terms.
- 6.7 It is generally agreed among Officers that this scheme could be a welcome addition in design and conservation terms, which would preserve the area's character and appearance.
- 6.8 The proposed layout follows the general form of the existing arrangement of buildings around a central courtyard. This would achieve a density of 22 dwellings per hectare, and appears a satisfactory balance between the efficient use of the site and the sensitive conservation/design issues.
- 6.9 The north row of units would be in a continuous form reflecting the existing brick range, with the southern row of detached units replacing the existing larger barns.
- 6.10 A key issue is achieving the necessary quality and attention to detail to ensure the farmyard character comes through in the new scheme. I consider conditions are necessary to secure the approval of this to ensure the quality is delivered.
- 6.11 A provisional materials palette has now been provided. Existing bricks will be re-used where possible for the buildings, and this is advocated by the applicants' consultant. The courtyard surfacing will be reconstructed using the existing cobbles where possible to the private areas and new setts to the road.
- 6.12 The central circulation area would be paved rather than tarmac. Farm-style railings to the northern row of gardens would be suitable to retain the character of the Conservation Area at this transition out to the adjacent open land.

Traffic and Transport

- 6.13 Ladywell Close is a T-shaped cul-de-sac with a turning head at the end adjacent to the site. The new access would continue on from the turning head into the site. The extension to Ladywell Close is of sufficient width to accommodate the movements associated with 8 additional dwellings.
- 6.14 The existing lane to the north of the site is not suitable to cater for the proposed development. A condition is necessary to ensure the permanent closure of access to the lane from the site.

- 6.15 A swept path analysis has been submitted that demonstrates that a refuse vehicle can access the site, and this is also representative of service and delivery vehicles.
- 6.16 Car parking is provided with at least 2 spaces per plot and most having 3. This is sufficient to comply with the expected levels of car ownership and provide for visitor car parking.

Residential Amenity

Overshadowing effects

- 6.17 The site is to the north of the Ladywell Close properties and given that the rebuilt barn unit 4 is only slightly higher than the existing and the adjacent farmhouse has substantial grounds, I do not consider any harmful overshadowing effects would arise for neighbouring properties.

Overlooking effects

- 6.18 In terms of overlooking, the adjacent unit to the south, no.11 Ladywell Close, merits consideration. This property has a rear garden of around 30 metres deep and 10-18 metres wide. Units 2 and 3 have two bedroom windows and a bathroom window at first floor facing south to the rear. Unit 4 (the rebuilt barn) has been redesigned to have only a bathroom window at first floor to rear and two rooflights over the stairwell. This redesign is most welcome in my view to improve the relationship with the neighbouring property. Planting is also proposed within the rear gardens of the properties that could provide screening (although the long-term future of tree screening is not always guaranteed).
- 6.19 There would be no significant overlooking from unit 4 given the revised configuration. Unit 3 is 14/14.5m back from the boundary. Unit 2 is aligned with the side elevation of no. 11 and a small area of no. 11's garden. Windows of plot 3 and, to a lesser extent, of unit 2, would be perceived from the garden of no. 11, however the overall effect of the revised scheme would not in my view be of significant harm to the amenities of occupants of this neighbouring property, taking into account the separation distances, the revised proposals and the size and arrangement of the neighbouring garden.

Overbearing effects

- 6.20 The existing barn is 9-10m off the boundary and 6.7m to ridge. The proposed rebuilt barn is on the same footprint and 7.2m to ridge. I do not consider it would be overbearing to the neighbouring no. 11 to south, especially given the existing situation.
- 6.21 Unit 3 is 14/14.5m back from the boundary (further away than the existing barn in that position) and 7.8m to ridge. Unit 2 is 12m back from the boundary and to the side of the neighbouring property, 7.8m to ridge with a hipped roof. A double garage with a pitched roof would be sited set-back between plots 2 and 3. I do not consider that any of the new buildings would be overbearing such as to cause any significant harm.

Construction phase

- 6.22 Conditions are considered necessary to control the construction phase in terms of noise, dust and times of work.

Future occupants

- 6.23 I consider the properties would provide a satisfactory level of accommodation internally and externally for future occupants.

Ecology

- 6.24 An ecological study has been undertaken and is acceptable in terms of good practice.

Bats

Bat activity and roosts were identified on and around the site. The consultants advise that the scale of impact would be limited to one or two individuals for all species (natterer's, noctule, common pipistrelle, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe identified) and the impact at a species level is likely to be negligible. Control of light levels is needed for the construction phase and for the houses, and over the construction works themselves. The proposed mitigation strategy is to compensate for the loss of roosting opportunities by creating an alternative roost site on land in the applicant's ownership. Bat bricks would also be incorporated. As all the species of bat are a European Protected Species, the Authority must apply the three 'derogation tests' to reflect the considerations when granting a license. These are:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

It is considered that the condition of the site must be addressed and a quality redevelopment is needed to preserve the character and appearance of the Conservation Area. There is no alternative if the site buildings are to be dealt with. More information is needed on the proposed alternative roost in order to be clear that the conservation status of the species is maintained.

Badgers

- 6.25 The development would result in the loss of a main and subsidiary sett. The consultants advise that there are likely to be other setts within their range but these are unknown so the impact of the loss of the setts should be assumed to be adverse. Given this impact, mitigation will be required. The mitigation strategy is to provide an artificial sett, and I understand that this has actually now been constructed. This will become active following the license application to close the existing sett.

Hedgehogs

- 6.26 The consultants advise that there is potential for hedgehogs to use the site for nesting/foraging. The nesting habitat would be lost but the provision of new gardens would offer alternative foraging. Given the small size of the site it is unlikely to have any adverse impact on the distribution and conservation status of hedgehogs.

Breeding birds

- 6.27 Swallows were nesting in buildings on the site and there is potential nesting and foraging habitat for UK BAP species. The consultants advise that the development is likely to have a negative impact on small numbers of nesting birds but due to the small scale would be unlikely to alter the distribution or conservation status of the species. New gardens would offer replacement foraging opportunities and nesting opportunities could be created by nest boxes and access to new structures. With the inclusion of these measures the impact could be reduced to neutral.

Reptiles and amphibians

- 6.28 No evidence of their presence was found during the surveys so it is considered to have low potential. Use of the site for foraging is possible mid-April to mid-October. The development would result in the loss of suitable terrestrial habitat but the new gardens would create replacement habitat.

Drainage

- 6.29 The foul and surface water drainage system for the development would connect to the existing sewers in Hempsted Lane. The Drainage Engineer seeks approval of the final system which can be secured by condition. The water quality components of a sustainable urban drainage system need to be secured also as well as the attenuation.

Trees and soft landscaping

- 6.30 A tree survey has been undertaken and reviewed by the Tree Officer. Some trees will be lost but none are worthy of a tree protection order. The proposed planting on the submitted landscaping plan includes sufficient mitigation for the loss of the trees. Both the Landscape Architect and Tree Officer are content with the proposals.

Archaeology

- 6.31 An archaeological evaluation has noted some limited medieval remains and a small quantity of residual Roman material. Given these results and the proximity of known archaeological remains of Roman date to the north-east, there is considered to be a reasonable potential for further remains to be present. Under this scenario a watching brief during ground works is considered reasonable and necessary. Furthermore, as the farm buildings are of some local interest and character as heritage assets and are proposed for demolition, a building recording exercise is similarly considered reasonable and necessary.

Education

- 6.32 A contribution of £22,868 is requested for primary education. No contributions are sought for pre-school or secondary education. I am advised that the applicant is to submit a unilateral undertaking to secure this.

Human Rights

- 6.33 In compiling this recommendation 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) 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 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

- 7.1 There is no objection to the principle of development here which would tidy a derelict site and the proposals show a development of sufficient quality for this location within the Conservation Area. There is also no objection in terms of highway safety or archaeology and the amendments made to the scheme are such that no significant harm would be caused to the amenities of neighbours. Further information is sought on the alternative bat roost. If this proves to be acceptable then there would be no ecological objection either.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That full planning permission is granted subject to receiving sufficient information to demonstrate that the mitigation measures for bats would maintain the favourable conservation status of the species, the completion of a legal agreement or undertaking to secure a contribution of £22,868 for primary education and the following conditions:

Condition

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

The development shall be undertaken in accordance with the plans referenced

192-1.1 Rev. B – Proposed site layout – received by the Local Planning Authority on 12th February 2014

192-1.5 Rev. A – Plot 1 Floor plans – received by the Local Planning Authority on 12th February 2014

594-1.6 Rev. B – Plot 1 Elevations - received by the Local Planning Authority on 18th February 2014

192-1.7 – Plot 2 & 3 Floor plans - received by the Local Planning Authority on 19th November 2013

192-1.8 – Plot 2 Elevations - received by the Local Planning Authority on 19th November 2013

594-1.9 – Plot 3 Elevations - received by the Local Planning Authority on 19th November 2013

192-1.10 Rev. B – Plot 4 Floor plans - received by the Local Planning Authority on 12th March 2014

192-1.11 Rev. B – Plot 4 Elevations - received by the Local Planning Authority on 12th March

192-1.12 – Plot 5 Floor plans & elevations - received by the Local Planning Authority on 19th November 2013

192-1.13 – Plot 6 Floor plans & elevations - received by the Local Planning Authority on 19th November 2013

192-1.14 – Plot 7 Floor plans & elevations - received by the Local Planning Authority on 19th November 2013

192-1.15 – Plot 8 Floor plans & elevations - received by the Local Planning Authority on 19th November 2013

192-19 – Double garage plans & elevations – received by the Local Planning Authority on 6th March 2014

192-18 – Single garage plans & elevations - received by the Local Planning Authority on 6th March 2014

except where otherwise required by conditions of this permission.

Reason

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

Condition

The buildings shall not be demolished in accordance with this permission until a contract for the carrying out of the works of redevelopment of the site has been made (confirmation of which shall be provided to the Local Planning Authority prior to demolition).

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition

No demolition shall take place until a Demolition Statement has been submitted to and approved in writing by the Local Planning Authority. This shall identify the method of demolition, the areas of materials to be salvaged

for re-use in the development, the method of their removal, and the method of storage of those materials. Demolition shall only take place in accordance with the approved Demolition Statement.

Reason

To preserve the character and appearance of the Conservation Area in accordance with Policy BE.29 of the 2002 City of Gloucester Second Deposit Local Plan and the Paragraph 131 of the National Planning Policy Framework.

Condition

No demolition or construction shall take place until an Ecological Method Statement for the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how ecological interests will be preserved including a timetable for the works. Demolition and construction shall only take place in accordance with the approved Ecological Strategy.

Reason

To preserve ecology in accordance with Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002 and the National Planning Policy Framework.

Condition

No demolition or construction shall take place until a Noise and Air Pollution Strategy for the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. Demolition and construction shall only take place in accordance with the approved Noise and air pollution Strategy.

Reason

To preserve the amenities of the area in accordance with Policies FRP.10, FRP.11 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002 and the National Planning Policy Framework.

Condition

During the demolition and construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times – Monday to Friday 0800hours to 1800hours, Saturday 0800hours to 1300hours, and for the avoidance of doubt not at any time on Sundays or bank holidays.

Reason

To protect the amenities of local residents in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan 2002.

Condition

No above-ground construction works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

External facing materials for walls (including specifying salvaged materials);
External facing materials for roofs (including specifying salvaged materials);
Hard surfacing materials (including specifying salvaged materials);
Brick bond and mortar mix specification;
Materials for windows and doors and scaled drawings of their reveal depths;
External finish of flues and meter boxes (including plans of their location);
Specification of rainwater goods;
Plans showing the location for any satellite dishes;
Scaled elevation drawings of boundary treatments;
Plans and materials specification of any bin storage facilities.

Development shall take place only in accordance with the approved details.

Reason

To secure a high quality of design and preserve the character and appearance of the Conservation Area in accordance with Policies BE.7 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan and Paragraph 131 of the National Planning Policy Framework.

Condition

No construction of any building shall commence until details of any external lighting to the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address potential effects on bats. Any external lighting shall only be implemented as approved and shall be maintained as such for the duration of the development and no additional external lighting shall be installed within the development at any time without the prior written consent of the Local Planning Authority.

Reason

In the interests of ecological preservation in accordance with Policy B.7 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

A condition, as necessary, to secure the implementation to full working order of the alternative bat roost at an appropriate time and its retention.

Reason

In the interests of ecological preservation in accordance with Policy B.7 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

No development shall take place until details of bat bricks and bird boxes to be installed have been submitted to and approved in writing by the Local Planning Authority. The approved bat bricks and bird boxes shall be implemented within any buildings prior to the occupation of any such respective building and within external areas concurrently with the implementation of landscaping unless an alternative timetable is agreed in writing with the Local Planning Authority.

Reason

To preserve ecology in accordance with Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002 and the National Planning Policy Framework.

Condition

The Badger Mitigation shall be undertaken in accordance with the Methodology received by the Local Planning Authority on 19th November 2013. The existing sett on site shall not be closed and no demolition shall take place until the alternative sett is shown to be active with such evidence having been submitted to and agreed in writing by the Local Planning Authority.

Reason

In accordance with the submitted ecological report and to preserve ecology, in accordance with Policy B.7 of the City of Gloucester Second Deposit Local Plan 2002 and the NPPF.

Condition

The soft landscaping scheme (which shall comprise that shown on Plan ref. C174/P/77 unless any variation is agreed to in writing by the Local Planning Authority) shall be carried out concurrently with the development hereby permitted 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 on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of

development until full details of adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development

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 B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

Condition

No unit shall be occupied until the boundary treatments to that property have been implemented in accordance with the plan ref C174/P/77 and the specification agreed under Condition 8.

Reason

In the interests of privacy and to preserve the character and appearance of the Conservation Area in accordance with Policies BE.21 and BE.29 of the City of Gloucester Second Deposit Local Plan 2002 and Paragraphs 17 and 131 of the National Planning Policy Framework.

Condition

No demolition or construction work shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological monitoring and recording (a 'watching brief')

during ground works related to the development proposal, with the provision for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site has potential to include significant elements of the historic environment. If present and revealed by demolition and development works, the Council requires that these elements will be recorded during groundworks and their record made publicly available. This is in accordance with Policies BE.31 and BE.37 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraphs 131 and 141 of the National Planning Policy Framework.

Condition

No development or demolition shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available. This is in accordance with paragraph 141 of the National Planning Policy Framework.

Condition

No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall incorporate a Sustainable Urban Drainage System (SuDS) unless otherwise agreed to by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before any unit is occupied.

Reason

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, and to prevent surface water discharging onto the highway in the interests of highway safety in accordance with Policies FRP.1a, FRP.6, FRP.11 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities; and
- vi. specify the intended hours of construction operations;

Reason

In the interests of highway safety and in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 32 of the NPPF.

Condition

No dwelling shall be occupied until the gate between the courtyard and the existing lane is fixed shut as shown on plan ref. 192-1.1 Rev. B – Proposed site layout – received by the Local Planning Authority on 12th February 2014, and it shall be retained as such for the duration of the development.

Reason

To prevent access to Newark Farm access lane as this is not suitable for additional pedestrian, cycle or vehicular traffic, in the interests of highway safety and in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 32 of the NPPF.

Condition

No construction of a building shall take place until full details of any flues and ducting for all above-ground services, satellite dishes and antennae to be incorporated externally onto that building have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed in accordance with the approved details.

Reason

In the interests of protecting the character and appearance of the Conservation Areas in accordance with Policies BE.7 and BE.29 of the Second Deposit City of Gloucester Local Plan 2002), and the National Planning Policy Framework.

Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls, outbuildings,

extensions, or alterations to roofs including dormer windows shall be constructed other than those expressly authorised by this permission.

Reason

In the interests of protecting the character and appearance of the Conservation Areas in accordance with Policies BE.7 and BE.29 of the Second Deposit City of Gloucester Local Plan 2002), and the National Planning Policy Framework.

Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows above ground floor level other than those expressly authorised by this permission shall be constructed in the south-facing elevations (those facing no. 11 Ladywell Close) of the properties marked as Plots 2, 3 and 4 or the west facing elevation of the property marked as Plot 4 on the approved layout plan.

Reason

In order to protect the residential amenity of adjacent properties in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 17 of the National Planning Policy Framework.

Condition

The window in the rear (south facing towards no. 11 Ladywell Close) at first floor level of the building shown as plot 4 on the approved site layout shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing.

Reason

In order to protect the residential amenity of adjacent properties in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 17 of the National Planning Policy Framework.

Notes

Wildlife & Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 – Bats

It is an offence for any person to:

Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.

Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Local Planning Authority. You can also call the UK Bat helpline on 0845 133 228.

Wildlife and Countryside Act 1981 (as amended) – Birds

All birds, their nests and eggs are protected by law and it is thus an offence to:

intentionally kill, injure or take any wild bird

intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

intentionally take or destroy the egg of any wild bird

intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Local Planning Authority.

Note

An informative note regarding badgers and the Protection of Badgers Act 1992.

Note

An informative note regarding protected species generally and the Conservation of Habitats and Species Regulations 2010.

Note

The siting of satellite dishes and antennae will need to be sensitively located and any dishes/antennae to be installed over and above any equipment approved pursuant to Condition 8 above will require the submission of separate formal applications for consideration by this planning authority.

Decision:

Notes:

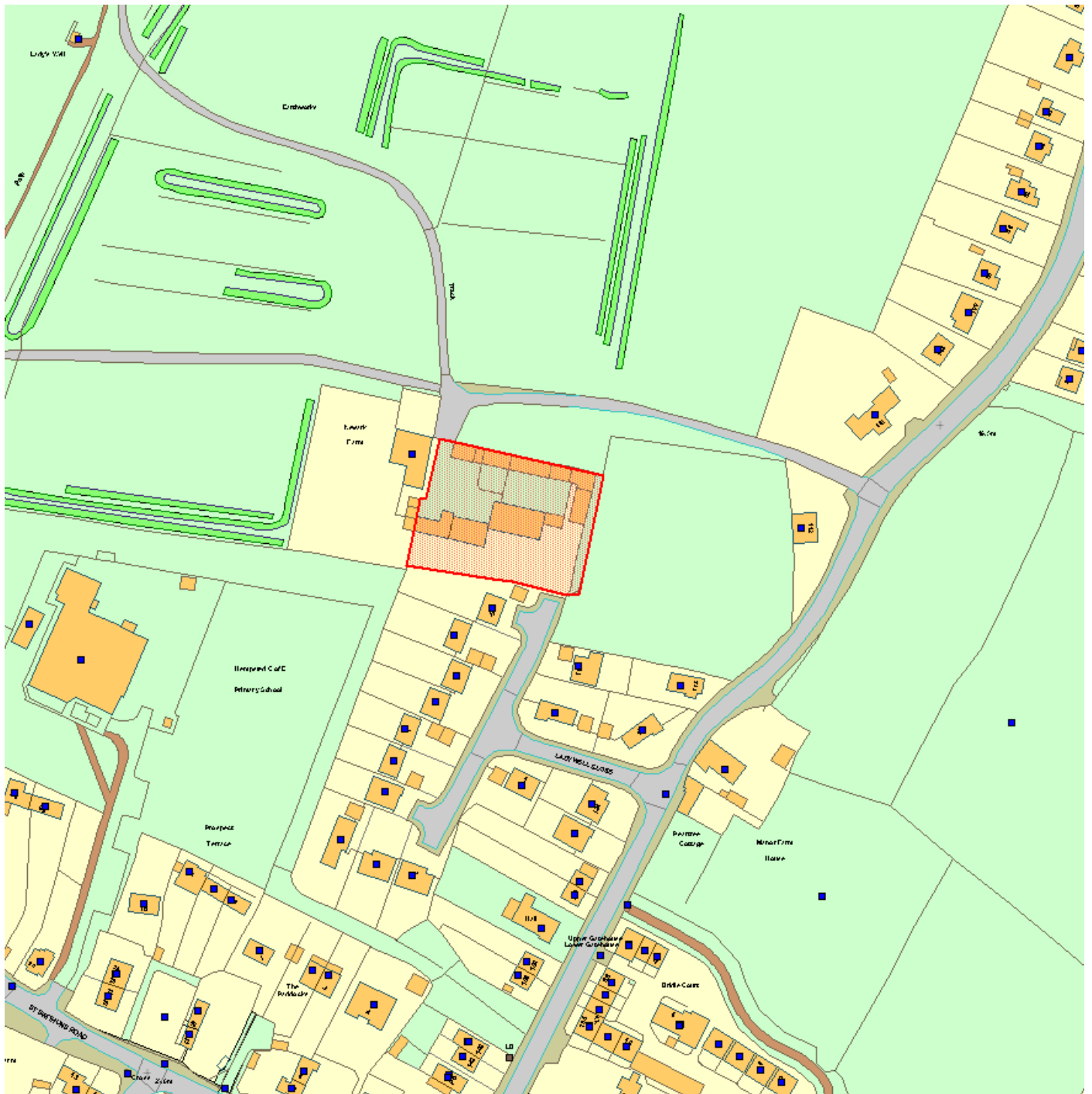
.....

Person to contact: Adam Smith
(Tel: 396702)

13/01203/FUL

Newark Farm
Hempsted Lane
Gloucester
GL2 5JS

Planning Committee 01.04.2014



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This type of development is not suitable to be accessed from Ladywell close, there is already not enough parking available for residents and family members etc, furthermore, I not only have my own children (adults), living at home, but we now have four grand children who play in the close due to its safe nature, the further traffic caused by this access would impede on the nature of why we purchased this house in this close. I also have an issue with the road condition, our close road surface is breaking up badly and has never been resurfaced since development in 1980, if this application was to proceed it would need the complete resurfacing of the close. Why can access be from the Newark farm road as what the map would suggest, as you can see from the map, there are only gardens showing adjoining Ladywell Close. As this land was part of Newark Farm and then been split and sold accordingly, we would ask that this application be reconsidered as not suitable, but if this is to be considered, then access should only be from the Newark Farm access road, and not from Ladywell Close. Please leave our close alone.

Mr Alex Paterson
4 Ladywell Close
Gloucester
GL2 5XE

My and my wife's comments are as follows: What consideration has been given to the possibility of bats (an endangered species) living in the buildings that are to be demolished? If the houses are to be occupied by people with children of school age can Hempsted School cope with the extra numbers? However the houses are to be occupied what consideration has been given to the possibility of noise therefrom - whether by vehicles or by the occupants? What facilities are there to be with medical support? What facilities are provided for cars to be parked on site? We live opposite the entrance to Ladywell Close and have owned No8 for 26 years (living there for 22). We brought the house because of the quietness of the village and the Close. That could all change, with cars for the new development heading first for our house before turning right into the new development. What financial compensation are we to be offered to counter this, and the noise and pollution caused by the vehicles involved in the building work? Why has the Highways Agency said that the only access to the new site is via Ladywell Close? What work will be involved in Ladywell Close per se - for example resurfacing, sewerage, and mains water supply? Why cannot the access to occupants cars and vehicles involved with building work not be via the private road to Newark Farm? Whilst the above have all been framed as questions, behind each is an objection.

Mr Peter Canning
8 Ladywell Close
Gloucester
GL2 5XE

Hello

Comments have been submitted regarding proposal [Demolition of existing farm buildings and construction of 8 no. dwellinghouses and associated garages and parking, and formation of new vehicular access from Ladywell Close at Newark Farm Hempsted Lane Gloucester GL2 5JS](#). The following supporting comment was made today by Mr Donald Stockwell.

The old farm buildings are becoming an eye sore in the village, plus a possible habitat for vermin. To replace them with a sensitively designed group of properties, in size, comparable with the existing buildings, will in my opinion enhance the village scene. I appreciate the people who live in Ladywell Close, may object, but the design of their Close always intended that there would be access from Ladywell to the farm building site.

Mr Donald Stockwell

BUSINESS SUPPORT
SERVICES

14 JAN 2014

11 Ladywell Close
Hempsted
Gloucester
GL2 5XE

Gloucester City Council
Development Control
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Dear Sir/Madam

Ref: 13/01203/FUL
Planning Application, Neward Farm, Hempsted

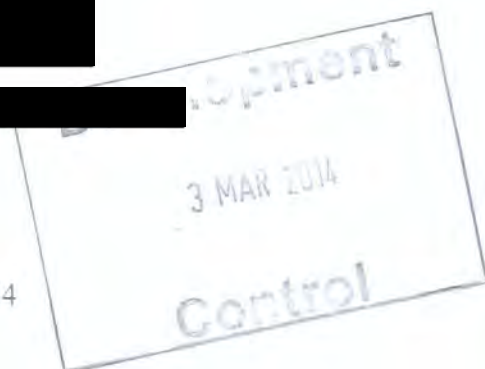
Living adjacent to the above proposal, I feel little or no consideration has been given to 11 Ladywell Close where we have lived for the last twelve years. In particular four houses will be looking directly onto our property. This particular concern would be alleviated if the windows on the upper floor of these houses when built faced west rather than south. I would also like to reiterate the same concerns which Mr P Canning has already expressed in his objections to you.

Yours faithfully

Robert H Fleming

Mr A Smith
Gloucester City Council - Development Control
Herbert Warehouse, The Docks
Gloucester
GL1 2EQ

[REDACTED]
[REDACTED]
27 February 2014



Dear Mr Smith

Ref: 13/01203/FUL
Planning Application, Newark Farm, Hempsted

INVASION OF PRIVACY

With reference to the renewed plans submitted by Newland Homes relocating some of the windows in relation to Plot 4, the windows on Plot 1, 2 and 3 are in close proximity to us, with the windows looking directly onto our property.

The reason that we bought the above property is my wife's love of gardening and she would feel most uncomfortable if the development was to go ahead in its present form. We always anticipated building on this site, envisaging the barn conversion and five or six quality detached bungalows on the remainder of the site (similar comments have been made by the Civic Trust). To say there would be an invasion of privacy under the current plans would be an understatement.

WILD LIFE

Having lived at 11 Ladywell Close, adjacent to the proposed development at Newark Farm, for the past fourteen years, we have been privileged to witness the unique benefits this site has for the local wildlife. Many species, ranging from insects to larger mammals have prospered from this uncommon haven. The long grasses have proven invaluable to creatures such as snakes, badgers, foxes and pollinating insects. The old stables and barn have provided shelter for badger and fox cubs. Furthermore, the barn has been home to numerous bird species and a bat population, one assumes Newland Homes have obtained a European Protected Species Licence. The subsequent plans for the developers to include new roosting locations for the bats is insufficient as there is no guarantee that the bats will happily relocate, effectively forcing out a protected species for only eight homes.

It appears we are losing the habitat of dozens of species for a very small amount of gain. A more suitable site could be sought that would not upset such a variety of wildlife and destroy a unique habitat. I feel that within one mile of this area a lot more homes could be built without upsetting the biodiversity of the area.

Yours sincerely

[REDACTED]
R H Fleming

Dear Adam Smith,

Thank you for your letter of 18 February 2014 about the planned development at Newark Farm Hempsted lane. My comments are as follows.

Neither I nor my wife have any argument with the development of Newark Farm per se. We are not overlooked by the Farm, neither do we overlook it. The same cannot be said of the Ladywell Close property adjoining the Farm but they will have to voice their feelings. We wonder though about the new homes' access to Hempsted School (which is already full we understand), the availability of medical care, and the ability of sewerage, water, gas, and electricity to cope. In respect of gas we have already seen a representative measuring up the adjacent spur of Ladywell Close with a view to quoting for the installation of gas pipes.

Where we do have an objection is the Highways Agency saying that the only access to the new development is via Ladywell Close. I and my wife have lived at No 8 for some 20 years. We brought the house with the aim of seclusion and peace and village life, yet now we are faced literally directly with traffic going to the new houses and turning right opposite us (and vice versa for leaving traffic). Not only with that traffic but, we guess, with all the building traffic as well. A local inhabitant has said that all along Ladywell Close was intended to be a link with Newark Farm. We wonder if that is true and, if it is, where it is laid down.

We wonder why the Private Road to Newark Farm and Bank Cottage cannot be used for the planned development. If it is that the building traffic will be using that road, why cannot the new houses use that road as well. And we wonder about access to what we believe will be the eventual new development of many (more) houses to the West of Hempsted Lane. As we understand it access to that development will be via Honeythorne Close and that area. Can that area cope? Or, will there be an additional access (or access) via the Private Road to Newark Farm and Bank Cottage (or Ladywell Close). If the latter ever comes to pass then that will make a mockery of access to the new houses at Newark Farm being via Ladywell Close.

In conclusion it will not have escaped your notice (and hopefully that of the Highways Agency) that Ladywell Close needs resurfacing. Also, we look forward to all the affected houses in Ladywell Close (No8 included) receiving financial compensation - possibly by way of a reduction in council tax- for the disruption that could be caused by access to the new development being via our Close.

In passing you should be aware that at the entrance to Ladywell Close on a lamppost is a notice dated 29 November 2013 about planning. That says that the plans can be inspected at Development Control. All the information that I have gleaned to date suggests that that is simply not true. Development Control has been beyond the reach of public face to face access for at least one year.

Yours sincerely

Peter and Diana Canning