

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **6<sup>TH</sup> MAY 2014**

**ADDRESS/LOCATION** : **LAND SOUTH OF RECTORY LANE**

**APPLICATION NO. & WARD** : **13/00977/FUL  
WESTGATE**

**EXPIRY DATE** : **11<sup>TH</sup> DECEMBER 2013**

**APPLICANT** : **MR C, R AND G SNELL**

**PROPOSAL** : **ERECTION OF A DETACHED THREE  
BEDROOM DWELLING HOUSE.**

**REPORT BY** : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/** : **1. PLANNING COMMITTEE REPORT 1<sup>ST</sup>  
APRIL 2014 INCLUDING APPENDICES.**

**OBJECTIONS** : **2. 1<sup>ST</sup> APRIL 2014 LATE MATERIAL  
3. 2 LETTERS OF REPRESENTATION  
REFERRED TO IN THE LATE MATERIAL.  
4. AGENTS RESPONSE DATED 31<sup>ST</sup>  
MARCH 2014.**

**1.0 UPDATE**

- 1.1 The application was originally reported to the Planning Committee on 1<sup>st</sup> April 2014. At this meeting the Members resolved to defer the application for a Committee site visit to be arranged with a request that a Highways Officer also attend the site meeting.
- 1.2 A site inspection meeting was arranged for 12.30pm on Monday 14<sup>th</sup> April. No Members attended the meeting and as such no formal Committee site visit was undertaken. However, Officers including a Highways Officer continued with an informal site visit and viewed the site and the proposed access point off Rectory Lane. The City Council Officers also viewed the site from the rear garden of number 6 Chartwell Close.
- 1.3 A copy of the 1<sup>st</sup> April committee report and its appendices together with the late material and additional neighbour representations referred to in the late material are attached.

**2.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

That planning permission is granted subject to the following conditions:

Condition 1

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

Reason

Required to be imposed by 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 approved drawing nos. T117i and MS3229, received by the local planning authority on 19<sup>th</sup> September 2014, T117iii and Site Location Plan Rev A, received by the Local Planning Authority on 15<sup>th</sup> October 2014 and T117ii received by the Local Planning Authority on 20<sup>th</sup> February 2014 and 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 Second Deposit City of Gloucester Local Plan (2002).

**BEFORE COMMENCEMENT OF CONSTRUCTION**

Condition 3

Development shall not take place until details or samples of materials to be used externally 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 harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Notwithstanding the details submitted no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Notwithstanding the details submitted no development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

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

Condition 6

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;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Construction work shall not commence until a scheme of works for protecting the dwelling unit against ambient noise has been submitted to and approved by the Local Planning Authority. The scheme of works should ensure compliance with the 'good standards' for bedroom and living accommodation as specified in BS 8233:1999". Development shall be carried out in accordance with the approved details.

Reason

To protect the residential amenities of the future occupiers of the property from in accordance with policy BE.21 of the Second deposit City of Gloucester Local Plan (2002).

Condition 8

Unless otherwise agreed in writing by the Local Planning Authority no development including demolition and/or site clearance shall commence on

site, or materials or machinery brought to the site for the purposes of development until the recommendations of the 'Great Crested Newt Mitigation Strategy for Land at Hempsted' (reference Snall1\Mitigation.do prepared by Ros Wilder, Wilder Ecology dated 16<sup>th</sup> December 2013) have been fully implemented. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.

Reason

To ensure that the nature conservation interest of the site is protected in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

No development or below ground demolition works shall take place within the proposed development site until the applicants, or their 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 development works, the Council requires that these elements will be recorded during development and their record made publically available. This accords with paragraph 141 of the National Planning Policy Framework.

Condition 10

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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 and to minimise the risk of pollution in accordance with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation or site securing must not commence until parts 1 and 2 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site

affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 of this condition has been complied with in relation to that contamination. No occupation of each phase of the approved development scheme must take place until part 4 of this condition has been complied with for that phase.

### **1. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA1990 in relation to the intended use of the land after remediation.

### **2. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **3. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of this condition, all of which is subject to the approval in writing of the Local Planning Authority.

### **4. Verification Report**

Following completion of measures identified in the approved remediation scheme including those identified under part 3 of this condition, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.”

## **WORKS PRIOR TO OCCUPATION**

### Condition 12

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. T1117/iii with any gates situated at least 5.0 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such for the duration of the development.

### Reason

To reduce potential highway impact by ensuring the access is suitably laid out and constructed.

### Condition 13

The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. T1117/iii and those facilities shall be retained available for that purpose for the duration of the development.

### Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

## **WORKS CONCURRENT WITH DEVELOPMENT**

### Condition 14

The landscaping scheme approved under condition 5 above 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 retarded 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 BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

## **GENERAL**

### Condition 15

Development shall be carried out in accordance with the proposed site levels and the slab levels of the dwelling as detailed on the approved plan (drawing no. T117/ii Rev B received by the Local Planning Authority on 24<sup>th</sup> February 2014).

### Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 16

During the construction phase 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-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

### Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 17

No materials or substances shall be burnt within the application site during the construction phase.

### Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

### Condition 18

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/dormer windows shall be constructed the side elevations of the dwelling.

### 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).

### Notes

1. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised

to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulation approval. There is a pumping station close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

2. 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.

3. An informative regarding the protection of Great Crested Newts

4. 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.

Decision: .....

Notes: .....



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Person to contact: Caroline Townley  
(Tel: 396780.)

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **1<sup>ST</sup> APRIL 2014**

**ADDRESS/LOCATION** : **LAND SOUTH OF RECTORY LANE**

**APPLICATION NO. & WARD** : **13/00977/FUL  
WESTGATE**

**EXPIRY DATE** : **11<sup>TH</sup> DECEMBER 2013**

**APPLICANT** : **MR C, R AND G SNELL**

**PROPOSAL** : **ERECTION OF A DETACHED THREE  
BEDROOM DWELLING HOUSE.**

**REPORT BY** : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/  
OBJECTIONS** : **1. SITE LOCATION PLAN  
2. 29 LETTERS OF REPRESENTATION  
3. LETTER FROM HEMPSTED RESIDENTS  
ASSOCIATION DATED 5<sup>TH</sup> NOVEMBER  
2013.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is approximately 0.2 hectares in area and located to south of Rectory Lane, to the west of the rear of houses in Chartwell Close and to the east of 'Foxleigh'. To the south is an agricultural field owned by the current Applicant.
- 1.2 The application site forms part of the former farmyard, part of which was developed in the 1970's to provide the houses in Chartwell Close.
- 1.3 The application seeks permission for a new two storey detached three bedroom dwelling. The proposed house would front onto Rectory Lane and would be set back from the frontage to the Lane by between 16 and 19 metres with a substantial garden to the rear. The materials would be facing brickwork and a plain clay tile roof, with all materials to be agreed. The house has been designed with windows in the front and rear elevations and blank side gable walls. The dwelling has been designed to incorporate sustainability measures including the provision of photo-voltaic panels, the opportunity for the inclusion of a wood burning stove, sustainable drainage and measures to reduce water consumption.
- 1.4 Vehicular access to the site would be gained directly from Rectory Lane at the existing access point to the site. The internal driveway leads to two on-site car parking spaces and turning area.

- 1.5 The submitted Great Crested Newt Mitigation Strategy recommends the inclusion of native hedgerow planting, the provision of tussocky grass corridors and the provision of a wildlife pond within the rear garden area. These measures are now included as part of the application.
- 1.6 The application has been referred to Committee by Councillor Pam Tracey for the following reasons:

*“Overshadowing and overbearing impact on neighbouring properties. Would cause loss of privacy and intrusion of neighbouring houses/gardens. Was a designated Landscape Conservation Area which has known biodiversity assets including protected species. This small rural lane already gets congested at peak times and is an entrance to the Severn Way. Plus a building on this site would appear intrusive and out of character with its surroundings.”*

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 There is no relevant planning history associated with this site.

## **3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 From the Second Stage Deposit Plan the following policies are relevant:
- ST.7 - Urban Design Principles
  - LCA.1 – Development within Landscape Conservation Areas
  - FRP.1a – Development and Flood Risk
  - FRP6 – Surface water run-off
  - FRP.10 – Noise
  - BE.5 - Community Safety
  - BE.6 – Access for All

BE.1 – Scale, Massing and Height  
BE.21- Safeguarding of Amenity  
BE.23 – Development Affecting the Setting of Listed Buildings  
BE.34 – Presumption in Favour of Preserving Archaeology  
TR.31 – Road safety  
B.7 – Protected Species.

- 3.5 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, October 2013. 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.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
  - The extent to which there are unresolved objections to relevant policies; and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

- 4.1 **Gloucestershire County Council (Highways)** – The forward visibility from the site is considered to be acceptable and no highway objection is raised.
- 4.2 **Severn Trent Water** - Raises no objection subject to the inclusion of a condition requiring the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage and a note regarding the presence of a public sewer and pumping station.
- 4.3 **Planning Policy Officer** – The site is identified as Landscape Conservation Area in the Second Deposit City of Gloucester Local Plan (2002).

The site was submitted to and assessed as part of the Gloucester Strategic Housing Land Availability Assessment (SHLAA) Review of Sites 2012. The site is identified within the document as SUB55 and is deemed suitable, available and achievable of delivering 4 dwellings. The joint JCS methodology for the 2013 Sites Assessment panel removed those sites considered unavailable to deliver 5 or more dwellings and such sites will now be

accounted for in trajectory work as windfalls over the plan period. The site was therefore not considered by the 2013 Gloucester Site Assessment Panel.

Given that the application is only for one dwelling and the site was previously considered suitable for the delivery of 4 dwellings by the 2012 SHLAA work there is no policy objection raised to the current proposal.

- 4.4 **City Archaeologist** – The proposed development is located on the edge of the village of Hempsted which dates back to the late Saxon period. It is therefore located within or adjacent to an area of Saxon and medieval settlement. Roman period pottery and glasswork have also been recovered c.70m to the north of the site, suggesting some potential for archaeological remains from that period to be present. The City Archaeologist has therefore raised concerns that the site has the potential to contain below-ground archaeological remains of Roman, Saxon or medieval date.

In view of the archaeological sensitivity of the site the City Archaeologist has recommended that a programme of archaeological mitigation should be undertaken so as to record any archaeological remains and finds which may be adversely affected by the proposed development. A condition is recommended to facilitate this.

- 4.5 **Environmental Protection Officer** - Does not recommend imposing any condition in relation to potential odour from the existing Severn Trent pumping station. However, it is recommended that a condition be imposed to prevent noise associated from the mechanical elements of the pumping station affecting the occupants within the proposed development.

- 4.6 **Hempsted Residents Association** – Object to the application. Have consulted with local residents and the overwhelming response is that residents are not in favour of the build. The letter cites a number of reasons for objecting including:

- The field is essential in maintaining the special green, rural village character and identity of Hempsted in both visual and community terms;
- The field is critically important to the setting of Hempsted Conservation Area and development would link with the Conservation Area;
- The field forms part of the open countryside; to build would be a loss of tranquillity;
- To protect an important habitat for wildlife. This site provides a natural shelter and safe haven for many species of animals and birds from the otherwise open and exposed natural landscape around it;
- To protect long distance views from the rear of properties in Chartwell Close across the escarpment to the West and the Forest of Dean;
- The need to retain green infrastructure in the Hempsted Area following the huge amount of housing and other development that has taken place in the area; and
- Joint Core Strategy Landscape Character, Assessment and Sensitivity Analysis which shows the site in area G39 and designated as a Medium to High Landscape Character Area meaning that “Key characteristics of

landscape are vulnerable to change and/or have high value as a landscape resource”.

- Gloucester Council SHLAA process is not in accordance with Government guidance.

The representation also suggests policies for the long term protection of the open land forming the urban fringe of Gloucester and suggests that the Neighbourhood Plan process should be complete before any planning applications be determined so that the community can be properly engaged with and consulted under the NPPF guidelines.

A full copy of this representation is attached as an appendix.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the display of a site notice. In addition 23 properties have been notified in writing. Neighbours were re-consulted on the receipt of the amended Ecological report.

5.2 As a result of this publicity 29 letters of representation have been received. The main issues raised can be summarised as:

### General

- The application seems to imply that it is associated with Church Farm. This plot has not been associated with Church Farm for the past 27 years.
- Back of property has a supporting/retaining wall. Need access to the strip of land for maintenance. Concern about impact on stability of retaining walls.
- Concerns regarding drainage of surface water as the site is regularly waterlogged. Historic problem with drainage in the village which has lead to overflowing drains.
- Existing problem with the existing capacity of local drains/sewage system. Manhole in Rectory Lane frequently overflows causing raw sewage to flow down the Lane. More housing will place further strain on the system. System should be upgraded before further building works take place – further blockages and leakages will have public health risks.
- Garden wall drains directly into the application site and do not want the development to affect our drainage.
- Erection of a property in this location does not serve any fit purpose for the village.
- Loss of views of Windmill Hill to the south west from the village conservation area. Those walking the Severn Way public footpath also share the same view. The proposed building would remove this view from the Conservation Area.
- A building would be visible from the west and would clutter the skyline looking from the west.
- Consider pertinent street scene to be looking down Rectory Lane from Severn Way sign. Proposed house, tangential to the Village Conservation Area, would be unduly dominant, not sympathetic, to the nearest house in

Chartwell Close and Church Farm. Because of the various different ways these houses face the net result would be a clutter in a location that needs to be protected.

- Query whether building regulations would allow a building here on sloping land which has been made flat by depositing rubble. Question whether it would necessitate piles.
- Site is outside the boundary of the Village envelope.
- All construction and domestic traffic would have to pass between the two listed buildings (Church Farm and Hempsted House).
- Gas line buried in the bank would need to be protected.
- Site has been used for at least the past 27 years by dog walkers and ramblers. This has been prevented in recent times by excess vegetation. Has been a pathway from back gates of nos. 6 and 7 Chartwell Close to allow access to the fields with the owners verbal permission.
- Appear to be a number of errors in the supporting documents.
- Wall outside Hempsted House (listed building) is protected and leans and would be vulnerable to constant heavy traffic during construction period. Bank on Church Ram side continues to be eroded in particular by HGVs.
- Previously advised that the site would never be granted planning permission due to its position.
- Value of neighbouring houses will be dramatically reduced if permission is granted.
- Layout and siting is inappropriate and unsympathetic to the appearance and character of the local environment.
- Should planning permission be looked upon favourable suggest a bungalow with conditions of no further dwellings on the proposed development and no vehicular access past the dwelling to reduce impact on wildlife and loss of privacy.
- Any development would ruin this AONB.
- Village is bursting at the seams.
- Question land ownership of verge.
- Application designed to provide access to much more substantial development in the future. Once access road has been built it would provide access to the field behind which would hugely impact on the village.
- Essential to retain the remaining undeveloped countryside given large amount of development.
- Out of character.
- Disagree with Landscape Officer's comments.
- Rubbish bins for Hempsted House, The Rectory and Foxleigh are all collected at the top of Rectory Lane.
- Will adversely impact on Conservation Area and adjacent listed buildings.
- Ancient Roman objects could be on the land.
- Question whether there is any covenant on the land restricting it to agricultural use.

#### Ecology

- Land is a well known habitat of the Great Crested Newt, a protected wildlife species.

- Evidence of Great Crested Newts in neighbouring garden ponds.
- The survey was undertaken in December when the Newts would be hibernating.
- There are nesting birds, hedgehogs, rabbits and many other species on this Greenfield site adding to the biodiversity.
- There are at least three ponds containing Great Crested Newts within 150 metres of the development. The proposed mitigation strategy does not take into consideration those in the pond at Church Farm.

### Landscape

- Object to proposal to plant silver birch trees close to retaining wall as the root system will destabilise the retaining wall and may eventually undermine our house.
- Trees would take light from our garden and windows and shed leaves and twigs. Trees would be overshadowing and overbearing.
- Proposed development falls into area G39 of the Joint Core Strategy Landscape Character Assessment and Sensitivity Analysis and is designated as a Medium to High Landscape Character Area – “Key characteristics of landscape are vulnerable to change and / or have high value as landscape resource”.

### Amenity

- Would be forced to look out onto a brick wall blocking, darkening and shadowing us. This would be a great impact on our well-being and right to natural sunlight.
- Position of house appears to be at the narrowest part of the site with little or no consideration to existing properties.
- Layout will result in vehicles driving very near to the retaining garden wall – concerned will cause erosion and weakening of the wall plus vehicle noise disturbance.
- Obstruction of view.
- Proposed development by reason of its mass, bulk, height and proximity would have an unacceptably adverse impact on the amenities of the properties and neighbours immediately adjacent to the site resulting in overlooking, intrusion and loss of privacy also visually by being overbearing.
- Siting of building will result in severe overlooking of garden in serious invasion of our privacy.
- Development would have dominating impact and our right to the quiet enjoyment of our property.

### Highway/Access

- St Swithuns Road which is the access to Rectory Lane is a dead end road leading to a school and church. Proposal will worsen existing congestion and parking problems.
- Rectory Lane is very narrow. Do not see how Highways can deem it ok for another building unless the existing double yellow lines can be enforced – parents often have trouble at school start/finish times.



- Have difficulty coming to and from property during school drop-off/pick up times and additional traffic will pose an additional safety hazard.
- Road is inadequate for heavy goods traffic and domestic traffic. Surface is already suffering. Damage could be from refuse carts which continue to erode the bank. The vehicles have to reverse along the road as there are no turning facilities. No other vehicles can pass when they are in the lane. Additional construction traffic will exacerbate this situation.
- No street lighting in the lane.
- Two car parking spaces could result in vehicles overhanging or parking in Rectory Lane resulting in congestion.
- Parking and traffic congestion is already bad during school start/finish times and when there is a large gathering in the church/church hall with cars parking on double yellow lines blocking access/egress for emergency vehicles. Would also greatly reduce visibility of exit route for the proposed dwelling house and become a danger to pedestrians.
- Question visibility and accuracy of submitted plans. Visibility to the west is 25 metres not 80 metres. At the Vicarage gateway the road is 3 metres wide reducing to 2.5 metres up to and beyond the telegraph pole not 5 metres.
- Insufficient space for vehicles and pedestrians to pass safely.
- No pavements.
- Use of lane would create a real and serious danger to users of the Severn Way with potentially fatal consequences if emergency vehicle could not gain access.
- Rectory Lane frequently used by large agricultural vehicles.

Chartwell Close Residents Association – Object for the following reasons:

- Important habitat for wildlife.
- To protect long distant views from the south and west back towards Hempsted and from the Severn Way National Trail.
- To protect important long distance views from the rear of properties in Chartwell Close
- Need to retain undeveloped countryside in Hempsted area.
- Road safety.
- Field is essential in maintaining the special green, rural village character and identity of Hempsted in both visual and community terms.

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

**6.0 OFFICER OPINION**

6.1 The main issues for consideration with the application relate to the siting and design of the building, impact on the neighbours, access, and the implications of the development on protected species, landscape conservation area, future development, and issues surrounding the SHLAA process.

### Siting and Design of the Building

- 6.2 The proposed dwelling would be sited on a plot between two existing dwellings. The adjacent houses in Chartwell Close are elevated above the application site with the property to the west, Foxleigh, sited at a lower level down the slope of the hillside.
- 6.3 The proposed dwelling would be two storeys in height and of a relatively traditional design. It is considered that its visual impact, depending on the finished site levels will be relatively minimal. Views into the site from Rectory Lane are currently very limited at ground level because of the existing hedgerow, scrub, vegetation and trees. Longer distance views from the Hempsted Bypass and the Severn Way, (running along the edge of the River Severn) are also limited due to the prominence of existing properties in Chartwell Close. The site is also softened by the existing hedgerow and trees on the surrounding farmland from the longer distance views.
- 6.4 The only relatively clear views into the site and towards the proposed dwelling would be from the adjacent houses and gardens in Chartwell Close and The Rectory. However, the proposed dwelling would be located at a lower level than these existing properties and the views are already softened by the existing vegetation. Additional planting within the site could further screen the views of the proposed new dwelling.
- 6.5 The site would also be screened from Foxleigh to the west by existing vegetation.
- 6.6 The site is located just outside of the Hempsted Conservation Area and it is considered that it would have minimal impact on the character or setting of the Conservation Area, the character of the area or on local landmark buildings.

### Residential Amenity

- 6.7 The proposed house would be located between the rear of existing properties in Chartwell Close and Foxleigh. It is recognised that the relationship between the application site and existing properties is sensitive.
- 6.8 The proposed new house would be two storeys in height with windows located in the front and rear elevations. There are no windows proposed in either of the side elevations. The side elevation of the proposed new house would be sited to the west of properties in Chartwell Close, and at its closest point, approximately 19 metres from the rear elevation of No. 5 Chartwell Close. The level of the application site is below that of the properties in Chartwell Close with the eaves level of the proposed new dwelling being approximately 2 metres lower than the closest property in Chartwell Close and the ridge approximately 500mm lower.
- 6.9 The existing properties in Chartwell Close currently enjoy an open aspect with views over agricultural land and it is acknowledged that the proposed development will alter this outlook. However, the right to a view and potential impact on the value of properties are not material planning considerations. Overall given the siting, fenestration and orientation of the proposed house it

is considered that the relationship between the existing and proposed dwellings would be acceptable and that there will not be unacceptable overlooking or overbearing impacts. Whilst it is accepted that there will be an impact on the neighbouring properties, on balance I consider that this impact is not sufficient enough to justify a refusal of planning permission.

#### Access and Highway Issues

- 6.10 The application site is located off a narrow lane which to the west of the site only serves one other dwelling, a sewage pumping station and agricultural land. The submitted plan shows that Rectory Lane is 3 metres wide by the Vicarage gateway and 2.5 metres up to and beyond the telegraph pole.
- 6.11 The Highway Authority has confirmed that the vehicular visibility demonstrated on the submitted plan is over highway and that this is acceptable. Notwithstanding this, the Highway Authority has indicated that based on the width of the road the likely speed of traffic is 20 mph and the forward visibility of 25 metres referred to in one of the representations is considered more than sufficient for vehicles travelling at this speed to see a hazard and stop. The Highway Authority has also commented that the extent of the highway boundary was considered prior to responding.
- 6.12 On this basis no highway objection has been raised.

#### Ecology

- 6.13 An Ecological Assessment was submitted in support of the planning application. On receipt of information from neighbours about the presence of Great Crested Newts in neighbouring ponds a revised assessment was produced. On the basis that the ponds identified as containing Great Crested Newts (GCN) are located within 500 metres of the site a mitigation strategy has been recommended for their protection.
- 6.14 The revised Assessment recognises that the ideal time to undertake a survey of the ponds would be mid March to Mid June and has accepted that the information from neighbours should be taken as conclusive evidence that the protected species is present in the immediate area and has the potential to use the site. The report states that although the site now contains rough tussocky grassland covered predominantly in brambles this was not always the case and as such the site did not until recently have the habitats which would provide terrestrial habitat for GCN. As there are no ponds on the site itself the only provision the site can provide is not as a breeding site for GCN, but as terrestrial habitats due to the presence of rough tussocky grass and areas of scrub which could provide cover for the GCN.
- 6.15 Great Crested Newts are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the Conservation Regulations 2010. If on the basis of the proposed development it is likely to result in an offence (e.g. killing, breeding site destruction etc), then a licence must be applied for.

- 6.16 The amended report acknowledges that the development will result in the loss of a small amount of predominantly sub optimal GCN habitat. A precautionary mitigation strategy has been developed to ensure that no harm is caused to any GCN and to ensure that sufficient enhanced terrestrial habitat remains to compensate for any loss of habitat. The mitigation strategy includes the provision of temporary amphibian exclusion fencing, the provision of a new wildlife pond, native hedgerows, rough grassland, a 5 metre wide ungrazed field margin and the provision of two hibernaculum.
- 6.17 The revised Ecological Assessment together with the newt mitigation strategy is considered acceptable.

#### Landscaping / Landscape Conservation Area

- 6.18 The Second Deposit City of Gloucester Local Plan identifies the site as being within the Landscape Conservation Area and policy LCA.1 (Development within Landscape Conservation Areas) states:

*“Development will not be permitted that would detract from the particular landscape qualities and character of Landscape Conservation Areas unless there are exceptional circumstances. Open air recreational uses and small-scale development required to support them, agricultural development and renewable energy proposals may be acceptable provided they are sensitively located, designed and landscaped.”*

- 6.19 The site also falls into area G39 (West Hempsted Scarp) of the Joint Core Strategy Landscape Character Assessment and Sensitivity Analysis and is designated as a Medium to High Landscape Character Area – “Key characteristics of landscape are vulnerable to change and / or have high value as landscape resource”.
- 6.20 Views into the site from Rectory Lane are currently very limited at ground level because of the existing hedgerow, scrub, vegetation and trees. Longer distance views from the Hempsted Bypass and the Severn Way, (running along the edge of the River Severn) are also limited due to the prominence of existing properties in Chartwell Close. The site is also softened by the existing hedgerow and trees on the surrounding farmland from the longer distance views. The sites position is well screened from the flood plain and is bound to the east and west by existing residential properties. The site is screened from the flood plain and River Severn to the south west.
- 6.21 The reasons for the designation of the Scarp in the both the 2002 policy and JCS Landscape Character Assessment and Sensitivity analysis was that it plays a key role in “*containing the urban east from rural west*”. The application site is located on what is essentially an in-fill plot between the bungalow to the west at Foxleigh and the rear of houses in Chartwell Close and its development will not result in building on the open land to the west of Hempsted. It is considered that the visual impact of the proposed dwelling will be relatively minimal.

- 6.22 On this basis it is not considered that the proposal would detract from the particular landscape qualities or of the character of the Landscape Conservation Area.

#### Impact on the Conservation Area and Listed Buildings

- 6.23 The site is located adjacent to the Conservation Area boundary to the north of Rectory Lane and in close proximity to a number of listed buildings. The application includes an assessment of the impact of the development on the setting of both the Conservation Area and the Listed Buildings. The Conservation Officer is satisfied that subject to the use of appropriate materials and boundary treatment the proposed development would not have an adverse impact on either the setting of the adjacent Conservation Area or Listed Buildings.

#### Concerns Regarding Future Development

- 6.24 A number of neighbours have made representations raising concerns that the current application being used to establish the access to a more substantial development on either the current application site and/or the field behind. However, this application needs to be considered on its individual merits and any future applications would need to be assessed on their particular merits.

#### SHLAA

- 6.25 Suggested that the SHLAA process undertaken by the City Council is not in accordance with Government Guidance.
- 6.26 'The 2012 Strategic Housing Land Availability Assessment (published Jan 2013) was a technical exercise that was required to be undertaken in order to provide an evidence base to inform plan making. The process itself did not identify sites to be allocated – that is the role of the City Plan – it solely considered the 'suitability', 'availability' and 'achievability' of sites for residential development, plus a potential site capacity, based on the evidence base available at the time of the study. Given the technical nature of the study the methodology did not include community involvement.
- 6.27 Changes to emerging national planning policy guidance contained in online National Planning Policy Guidance now require such studies to consider sites for both their housing and employment suitability. Accordingly the methodology for the renamed 'Sites Assessment Panel' was amended for the 2013 study and agreed jointly across the three JCS planning authorities. The revised methodology makes the following statement with regard to community involvement,
- 6.28 'Community involvement' includes any 'call for sites' carried out by a local authority as well as public consultation carried out as part of development plan preparation (for example the Gloucester City Plan sites consultation). Sites emerging from Neighbourhood Plan work will be incorporated into the 2014 assessment.'
- 6.29 In the spirit of the revised methodology, and given the submission of an application to the local planning authority for the designation of a

Neighbourhood Area and a Neighbourhood Forum for Hempsted at the time of holding the Sites Assessment Panel, at the request of the local community a statement was read out on behalf of Hempsted residents at the start of the panel session and all e-mails submitted by residents were made available to those present. In addition all representations made to the City Plan consultation held in the summer of 2013 were also made available to the Panel meeting.

- 6.30 The conclusion of the Site Assessment panel found that as the site could not yield 5 or more dwellings that it should be removed from the study. Only those sites yielding 5 or more dwellings are considered by the study, smaller sites are considered to be windfalls
- 6.31 It is the role of the City Plan to allocate sites for housing development in the City, however members will appreciate that the development plan process is lengthy and that a Pre-submission Local Plan for the City cannot be published until a Pre-Submission version of the Joint Core Strategy has been published. The current JCS timetable is for a pre-submission document to be put before Council's in April 2014.
- 6.32 Meanwhile, the local planning authority is obliged by DCLG to consider any planning applications that may be submitted for residential development in the Hempsted area in a timely manner in accordance with national planning policy.'

#### 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 It is considered that overall the design and layout of the proposed single dwelling is acceptable. It is recognised that any development on this site will have a degree of impact on existing properties, particularly those in Chartwell Close who back onto the application site. However, overall given the siting, orientation and fenestration of the proposed dwelling, I consider that the relationship with the existing houses is satisfactory.
- 7.3 The Highway Authority is satisfied that the vehicular visibility is acceptable and there are no issues relating to the capacity of the local highway network and highway safety to justify a refusal of planning permission. On this basis

the County Council has raised no highway objection to the application subject to conditions.

- 7.4 The application site is located between existing development and it is not considered that its development would be detrimental to the existing and emerging Landscape policies or on setting of the adjacent Conservation Area or Listed Buildings.
- 7.5 The revised Ecological Report acknowledges the presence of Great Crested Newts in neighbouring ponds and provides mitigation measures to ensure their protection and provide an enhanced habitat to the satisfaction of the Local Planning Authority
- 7.6 In conclusion subject to appropriate conditions it is considered that the proposed use of the site for residential development makes the best use of available land in accordance with advice in the NPPF and local plan policies.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

That planning permission is granted subject to the following conditions:

### Condition 1

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

### Reason

Required to be imposed by 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 approved drawing nos. T117i and MS3229, received by the local planning authority on 19<sup>th</sup> September 2014, T117iii and Site Location Plan Rev A, received by the Local Planning Authority on 15<sup>th</sup> October 2014 and T117ii received by the Local Planning Authority on 20<sup>th</sup> February 2014 and 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 Second Deposit City of Gloucester Local Plan (2002).

## **BEFORE COMMENCEMENT OF CONSTRUCTION**

### Condition 3

Development shall not take place until details or samples of materials to be used externally 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 harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Notwithstanding the details submitted development not shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with policies BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Notwithstanding the details submitted development shall not commence on site or machinery or materials brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

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

Condition 6

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;
- vi. specify the intended hours of construction operations;



vii. measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Construction work shall not commence until a scheme of works for protecting the dwelling unit against ambient noise has been submitted to and approved by the Local Planning Authority. The scheme of works should ensure compliance with the 'good standards' for bedroom and living accommodation as specified in BS 8233:1999". Development shall be carried out in accordance with the approved details.

Reason

To protect the residential amenities of the future occupiers of the property from in accordance with policy BE.21 of the Second deposit City of Gloucester Local Plan (2002).

Condition 8

Unless otherwise agreed in writing by the Local Planning Authority no development including demolition and/or site clearance shall commence on site, or materials or machinery brought to the site for the purposes of development until the recommendations of the 'Great Crested Newt Mitigation Strategy for Land at Hempsted' (reference Snall1\Mitigation.do prepared by Ros Wilder, Wilder Ecology dated 16<sup>th</sup> December 2013) have been fully implemented. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.

Reason

To ensure that the nature conservation interest of the site is protected in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

No development or below ground demolition works shall take place within the proposed development site until the applicants, or their 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 development works, the Council requires that these elements will be recorded during development

and their record made publically available. This accords with paragraph 141 of the National Planning Policy Framework.

Condition 10

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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 and to minimise the risk of pollution in accordance with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

**WORKS PRIOR TO OCCUPATION**

Condition 11

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. T1117/iii with any gates situated at least 5.0 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such for the duration of the development.

Reason

To reduce potential highway impact by ensuring the access is suitably laid out and constructed.

Condition 12

The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. T1117/iii and those facilities shall be retained available for that purpose for the duration of the development.

Reason

To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

**WORKS CONCURRENT WITH DEVELOPMENT**

Condition 13

The landscaping scheme approved under condition 5 above 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 retarded 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 BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

**GENERAL**

Condition 14

Development shall be carried out in accordance with the proposed site levels and the slab levels of the dwelling as detailed on the approved plan (drawing no. T117/ii Rev B received by the Local Planning Authority on 24<sup>th</sup> February 2014).

Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

During the construction phase 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-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

No materials or substances shall be burnt within the application site during the construction phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

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/dormer windows shall be constructed in the side elevations of the dwelling.

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).

## Notes

1. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulation approval. There is a pumping station close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

2. 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.

3. An informative regarding the protection of Great Crested Newts

4. 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.

Decision: .....

Notes: .....

.....

.....

Person to contact: Caroline Townley  
(Tel: 396780.)

13/00977/FUL

Land South Of  
Rectory Lane  
Gloucester

Planning Committee 01.04.2014



In connection to planning ref 13/00977/ful. I object to this application for a 3 bed detached house , any development would ruin this AONB .

SIMON LANE  
11 ST SWITHUNS ROAD,  
HEMPSTED

thank you for sending me planning details.

I disapprove of the build of a single property as I consider it will not fit in the surrounding area, which I consider to be an area of natural beauty.

Simon Lane



FAO Caroline Townley

Church Farm  
Rectory Lane/St Swithuns Road  
Hempsted  
GL2 5LW/GL2 5LH

Comments on the planning application Ref 13/00977/FUL as at 31  
October 2013

I wish to make the following additional comments on this application, following those made earlier (regarding the association of the application with Church Farm,) which remain valid.

My Comments are as follows:-

1) the site is outside the boundary of the Village envelope ( Defined in the Hempsted Brief) which I assume still has some merit despite recent changes made by Government policy changes. All my historic documents show this boundary together with the Conservation area boundary. If so then I believe that the application should be refused on this alone.

2) The access to the site Via Rectory Lane , a lane adopted but very poorly constructed and not well maintained, would mean that all Construction and domestic traffic would have to pass between the two listed buildings namely Church Farm and Hempsted House and the road is clearly inadequate for carrying heavy goods traffic as well as domestic traffic. It was resurfaced only a few years ago but is already suffering from the heavy traffic as can be seen by the break up of the tarmac surface. This damage could well be from the movement of the refuse carts which continue to erode away the bank outside this property and plain to see. All these vehicles have to reverse along this road as there is insufficient room to turn in the lane and indeed no other vehicle can pass when they are present in the lane. Allowing more construction traffic will exacerbate this situation. The road local to the proposed entrance is probably only 3 metres wide and this is only about one third the length of the lane.

Recently we were woken , after midnight by a 6 axle articulated vehicle stuck in Rectory lane. It had presumably taken a wrong turning off the Bypass. The Foreign driver (non british no plate) failed to reverse the vehicle to enable it to turn despite crossing the grassed area alongside this

house and coming within 2 feet of the walls of Church Farm, and had to reverse the vehicle back along St Swituns Road.

The wall outside Hempsted House (listed building) is a protected one but leans at an unhealthy angle and would be vulnerable to constant heavy traffic in the construction period (see later comments re possible development possibilities)

Parents of the children attending the local school park in this lane at the start and finish of the school day and in so doing regularly block the lane; despite the fact that there are double yellow lines on both sides of the lane. Visits by PCSO are effective only on the days they are present (ie very few). A school Traffic plan was talked about but has yet to be realised and an increase in numbers will only add to the problem. (The School is already oversubscribed)

3) The bank on the Church Farm side of the lane continues to be eroded in particular the by heavy goods vehicles. This partly due the width of the lane and the vehicles attempting to pass on the slightly wider part of the lane. The wider section of the lane narrows after the Rectory where it is little more than 2-3 metres wide. Some wide agricultural vehicles also have had an impact such that a manhole cover for the STW meter box was recently moved bodily from its position outside the pumping station (note still not fixed although reported).

4) Residents of Foxleigh and the Rectory repeatedly have problems with the parked vehicles, parked on the double yellow lines. Attempts to get parents to move these cars to give a path through are often met with verbal abuse, or worse.

5) The supporting documentation indicates that the site is suitable for up to 4 houses. The current lane setup is totally unsatisfactory for this and would lead to even more disputes with parents. The increase in construction traffic would exacerbate the problem even more in the shorter term.

6) I have much sympathy for the residents of Chartwell Close whose properties back on to this site- any new building are likely to obstruct their views over the fields and hills of the Forest of Dean etc. The effects of the proposed new dwelling(s) can be visualised from the lower of the two fields to the west.

7) There appear to be a number of errors in the support documents

a) I am unaware of any Doctor or Vet facilities as close as 0.4 miles, the nearest being at Quedgeley.

b) Access to Beaufort School is I understand not currently available to Hempsted pupils.

c) The site frontage of 45 m, this may actually cover the full length but in practice only a much shorter length of say 5 m is useable, bearing in mind the location of the STW Pumping Station, which is critical to the village. To create a wider access more infill would be required to boost the entrance as proposed. ( whenever there is a problem with the sewage system in the upper part of Hempsted it seems necessary to use large tankers which have to load at this pumping station, again heavy wheel loads on the lane up to this point)

8) The site involved has been used for the past 27 years, at least by dog walkers and ramblers alike, to go through this site to the fields beyond. This was prevented in recent times by the excess vegetation that has been allowed to grow. Little other use has been made of the site except for the loading of cattle from the adjacent field.

The current owners, or their relatives, have owned the land all the time since I purchased Church Farm in 1986.

Whilst a survey was apparently carried out in December and no Newts found, hardly surprising at that time of the year, (google search says unlikely to be seen at this time), my wife found a great crested newt in our garden near our pond as recently as September of this year which is very close to the site. The pond is close to the perimeter of No 2 Chartwell Close.

9) I understand that earth spoil was deposited on this site at some time in the past and depending upon the depth of this spoil any foundation would be less secure. I would think that any major activity allowed on this site would create a risk to the retaining walls to the properties of Chartwell Close which form the part of the perimeter of the site. I have recently learnt that the rubble and spoil from the demolition of the old building ex Church Farm, were spread on the area and as a result changed the profile of this site. Special measures would be required to construct in this area. Aerial Photograph available of the site in 1968.

10) There is currently no street lighting in this lane

11) There is a gas line buried in the bank local to the proposed site entrance which would need to be protected

12) there appears to be a problem with the capacity of the existing drains/sewage system, reflected in problems elsewhere in the village.

After periods of heavy rain the manhole cover opposite the pumping station lifts allowing water to discharge down this lane. The cover is currently in the slightly raised position as a result of heavy rainfall. The deficiencies of this system should be addressed before any further development can take place.

13) Should you, after all the objections, recommend outline approval, I would suggest that the approval is for only one bungalow, so as to reduce the impact on the Chartwell Close properties that back on to the site.

However, whilst you may be unable to take account of this, my suspicion is that this application is intended to 'test the water' prior to making a different application which would ultimately seek access into the 'strawberry field' for future development. I would hope that in the circumstance of you giving approval conditions are applied to prevent this.

Mr & Mrs S D Crichard.

Hello

Comments have been submitted regarding proposal [Erection of a detached 3 bedroom dwelling house. at Land South Of Rectory Lane Gloucester](#). The following objection was made today by Mr Michael Webb.

*While not an immediately adjacent neighbour we have the following concerns: 1. Traffic and vehicular access within St Swithuns Lane and Rectory Lane is already a major problem for all residents in Hempsted Village and the addition of further housing can only exacerbate this. 2. This may be a "tactical" planning application for a property that "may" never be built or if built, to provide a platform to build a case to change land-use further and allow more development on this strip of land and/or the field(s) adjacent/leading from it. This is greenfield land and the proposed development is not sympathetic to the neighbouring properties; the environment or the village.*

Caroline Townley  
Planning, Development and Control  
Herbert Warehouse  
The Docks, Gloucester  
GL1 2EQ

29<sup>th</sup> October 2013

**Objection to Planning Application 13/00977/FUL . 3 Bed House Rectory Lane Hempsted.**

Dear Caroline,

With Reference to the above I should like to object on the following grounds:

- 1) The view from the end of St Swithuns Rd/top of Rectory Lane, looking over the gateway which will form the entrance to the proposed building, affords views of Windmill Hill to the SW from within the village conservation area and gives a great sense of place. Those walking the Severn Way, a National Path, at this point, also share the same view. A building here would remove this view from the Village Conservation Area.
- 2) A building on this site would, I think, be visible from the West and would clutter the skyline looking from the West. At present, looking from the extensive "Landscape Conservation Area" to the west affords a virtual complete green escarpment aspect to Gloucester City's west side and when approaching the City from the West (A48/A40). This, I consider should be kept at all costs.
- 3) I query, not assert, if building regulations would allow a building here on land which was sloping and has only been made flat by depositing rubble for a distance on top. Would this necessitate piles?
- 4) The approach down Rectory Lane is very narrow (at present it only serves a pumping station and two other dwellings). I do not see how Highways can deem it ok for another building *unless* the existing double yellow can be enforced. At present they are not. Present users often have great trouble at school start/finish times.
- 5) I consider the pertinent Street Scene to be looking down Rectory Lane from the Severn Way sign post. The proposed house, tangential to the Village Conservation Area, would be unduly dominant - certainly not sympathetic - to the nearest house in Chartwell Close and also to Church Farm - Listed. Because of the various different ways these houses face the net result would be a clutter in precisely the sort of location which needs to be "protected".

Thank You

Gordon Heath

Hello

Comments have been submitted regarding proposal [Erection of a detached 3 bedroom dwelling house, at Land South Of Rectory Lane Gloucester](#). The following objection was made today by Mrs Heather Bennett.

*Mr & Mrs C R Bennett 5 Chartwell Close Hempsted Gloucester GL2 5XA 18th February 2014  
FAO Caroline Townley Development Control Gloucester City Council Herbert Warehouse The Docks Gloucester GL1 2EQ  
Dear Ms Townley Your Reference 13/0977/FUL  
Location Land South of Rectory Lane Gloucester Proposal Erection of a detached 3 bedroom dwelling house  
Further to your letter of 11th February advising of amended plans, and giving us 14 days to comment I would like to comment as follows: Regarding the proposal to plant a cluster of silver birch trees close to our retaining wall, we strongly object to this, as the root system of these trees will destabilise the retaining wall around our garden and may eventually undermine our house. The trees would take light from our garden and windows and shed leaves and twigs. The proposed trees would be overshadowing and overbearing. We need to retain access to the site in order to maintain our section of retaining wall. I would also like to point out that I strongly disagree with some of the comments of Kay Lillington such as: "The proposed dwelling is two storey, relatively traditional in design and its visual impact, depending on finished site levels, will be relatively minimal". I strongly disagree with this. From our living room window at first storey level we can see the roof of Foxleigh, a bungalow which is built at a considerably lower level down the hill being of only single storey construction. Therefore the impact of a two storey dwelling built nearby at on a site level approx 1.0 meters below property will be very significant. "The only relatively clear views into the site and towards the proposed dwelling would be from upstairs windows of adjacent properties at Chartwell Close and The Rectory". Again I strongly disagree with the above. We have a very clear view into the site from our, living room, dining room, kitchen and garden all at ground level. "It would be useful to have some sections through the site, including floor levels of adjacent properties, to illustrate this point". I think side sections through the site would demonstrate that the visual impact on our property and other neighbouring properties would be significant. I attach some photos to demonstrate how clear the view from our property into the site is and vice versa some photos from the site of our property. They also demonstrate that the site boundary varies between 80cm and 100cm below our property level when the height of the retaining wall is measured. I believe that the site was until recently part of the conservation zone. It is a green field site, outside the village envelope and should be preserved as such. Yours faithfully Mrs Heather Bennett Mr Christopher Bennett*

Mrs H Bennett

Hello

Comments have been submitted regarding proposal [Erection of a detached 3 bedroom dwelling house. at Land South Of Rectory Lane Gloucester](#). The following objection was made today by Mr Michael Webb.

*While not an immediately adjacent neighbour we have the following concerns: 1. Traffic and vehicular access within St Swithuns Lane and Rectory Lane is already a major problem for all residents in Hempsted Village and the addition of further housing can only exacerbate this. 2. This may be a "tactical" planning application for a property that "may" never be built or if built, to provide a platform to build a case to change land-use further and allow more development on this strip of land and/or the field(s) adjacent/leading from it. This is greenfield land and the proposed development is not sympathetic to the neighbouring properties; the environment or the village.*



*Mr & Mrs C R Bennett 5 Chartwell Close Hempsted Gloucester GL2 5XA 28th October 2013  
FAO Caroline Townley Development Control Gloucester City Council Herbert Warehouse  
The Docks Gloucester GL1 2EQ Dear Ms Townley Your Reference 13/00977/FUL Location  
Land South of Rectory Lane Gloucester Proposal Erection of a detached 3 bedroom dwelling  
house I refer to the above planning application. My husband and I strongly object to the  
erection of a 2 storey, 3 bed dwelling house directly behind our property. We would be forced  
to look out onto a brick wall blocking, darkening and shadowing us. This would have a great  
impact on our well-being and right to natural sunlight. This application is already causing us  
great distress. The back of our property has a supporting/retaining garden wall. We need  
access to the strip of land for maintenance purposes. Our garden wall drains directly into the  
proposed site and we would not want the a development to effect our drainage. The position  
for the erection of this 3 bed dwelling house appears to be in the narrowest part of the site  
with little or no consideration given to existing properties. This would mean vehicles driving  
very near to our retaining garden wall which i fear will cause erosion and weakening of the  
wall plus vehicle noise disturbance to us. If the planning application is to remain for one 3  
bed dwelling house with no future plans to utilise the land at the rear of the site for a further  
property then why would it be situated at the narrowest part of the site where it will cause  
maximum impact to my property and the bungalow below us. St Swithuns Road which is the  
access to Rectory Lane is a dead-end road leading to a school and church. this road already  
suffers tremendous traffic and parking problems with people communiting to and from the  
school, church and existing properties. We already find it difficult to commute to and from  
our property during school run drop off and pick up times and additional vehicle movements  
in a street highly congested with parking pose an additonal safety hazard. The erection of a  
property in this location does not serve any fit purpose for the village. We strongly  
recommend you visit our property to see what an overall detrimental impact the proposed  
development of a 2 storey 3 bedroom dwelling house on the proposed site will have on us.  
Yours faithfully Mrs Heather Bennett Mr Christopher Bennett*

Mrs Heather Bennett  
5 Chartwell Close  
Gloucester  
GL2 5XA

Mr & Mrs R.A. Beddall  
7 Chartwell Close  
Hempsted  
Gloucester  
GL2 5XA

27<sup>th</sup> October 2013

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

Attention:- Caroline Townley

Dear Ms Townley

**Re: Planning Application 13/00977/FUL & 13/00961/LBC**

In response to your letter dated 16<sup>th</sup> October 2013 I can only express my Shock , Amazement and Disbelief that Gloucester City Council are considering the erection of a 3 bedroom dwelling house on land that is well known as the habitat of a protected wildlife species , namely the **Great Crested Newt**.

In 1979 the year after my purchase of 7 Chartwell Close , being a new build we decided in install an outside swimming pool. On completion we noticed newts & frogs were making use of it but as the pool was chlorinated no way could they survive on a long term basis , so once a day i would check the pool and the skimmers for there presence , if any were found i would remove them and take them round to my neighbours at Number 8 whom had a pond in his garden.

At the time of my first pool season i was talking to Mr Snell (senior) about these amphibians to be told that it was a well known fact that these creatures were around as Chartwell Close was built on land that did have a natural pond.

At this time i was not aware of the species but as both my wife & I are avid wild life lovers we just made sure that only a minimal amounts died in our pool.

After a number of years we were fortunate enough to be able to purchase from Mr Snell additional land.

On this additional land i built a pond for local amphibious animals hoping i could persuade them to stop using my swimming pool , this worked to some extent for most of the year but in the spring all the young newts & frogs went back to my swimming pool

Every other year i would clear the pond as it came completely congested with tree leaves, at such times i would catch and save all amphibians that were in the pond. Attached you will find a photo of all the newts rescued this year and as you can see there are a number of Great Crested Newts.

Only yesterday whilst clearing away some rubble a large female great crested newt was found , photographs have been taken of this newt which are available for your viewing , this female was returned to the pond

I refer to Snells planning application in which it states a survey was carried out for the presence of Great Crested Newts in December last year , every one knows such creatures would not be found in this month as they would be hibernating The only way they could have been found were if action to remove rocks occurred , I know this did not occur as there main habitat is completely overgrown with bramble bushes

I trust you will take the necessary action in rejection of this planning application and i look forward to hearing from you accordingly.

You are welcome to visit my dwelling such that you can verify all that stated above

Yours Faithfully,

A black rectangular redaction box covering the signature of Ron Beddall.

Ron Beddall



Re the above application.

My reasons for objection are.

1 The land South of Rectory Lane has very limited vehicular access plus having no paved area for pedestrians, also because of the local school the access to Rectory Lane its self is restricted at arriving and leaving times being supported on a daily basis by police presence during this time.

2 The Drainage to this part of Hempsted is at full capacity now leading to raw sewage sometimes being discharged in Court Gardens, any additional input can only make the situation worse.

3 Has there been an application for a change of use for the area.

If in your wisdom permission is granted may I suggest, The Road works and Pavement along with the main drainage and any remedial work be completed before the Building works starts.

Thank you for the opportunity of review of the situation.

Regards

Alan Steward.

BUSINESS SUPPORT  
SERVICES

01 NOV 2013

Ms Caroline Townley  
Planning Department  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL12EQ

My Ref: RECLANE1.doc  
Your Ref: 13/00977/FUL

Monday, 04 November 2013

Dear Ms Townley,

**Objection to Planning Application 13/00977/FUL (Rectory Lane)**

I object most strongly to this planning application. It is clearly not honest. It is obviously designed to be the thin end of a wedge to provide an access way to much more substantial development in the future.

What right minded person, would build a small house pushed over to one side of the plot on a piece of land that would accommodate at least 3 more similar houses, unless there was an undeclared intention to build more.

Similarly once an access road has been built it would provide access to the pasture field behind where a very substantial development could take place. This would hugely impact on the character of the village and would completely spoil the beautiful vistas and the enjoyment of the countryside for the residents of Hempsted and visitors who regularly walk along the footpaths in this area.

There are substantial problems with access to this plot it is down a very narrow lane adjacent to listed properties and listed constructions. Not only that, the planned development would be completely out of character with this part of the village.

The resulting, increased traffic, passing through a part of the village that is not designed for through traffic will cause significant problems. There is considerable congestion in the mornings and afternoons due to the school traffic.

We have problems with overloaded sewers without adding more effluent.

There is lot of wild life in the vicinity which has increased as a result of the investment and conservation work carried out by the Severnside Project. This effort would be completely wasted if this application goes ahead as it stands. There is also the problem of the Great Crested Newt. This I believe is an endangered species. They are relatively common in the area and I have seen them in my garden. These need to be protected in accordance with the national wild life protection polices

P.J.M. Burgess

BUSINESS SUPPORT  
SERVICES

0 / NOV 2013

Ms Caroline Townley  
Planning Department  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL12EQ

My Ref: RECLANE2.doc  
Your Ref: 13/00977/FUL

Monday, 04 November 2013

Dear Ms Townley,

**Objection to Planning Application 13/00977/FUL (Rectory Lane)**

Please find below my objection to the planning application for a single dwelling off Rectory lane, Hempsted.

From the plans it is clear that this application is being used as a lever to provide legal access for the construction of more houses possibly many more houses.

Rectory Lane itself is a small narrow lane which regularly becomes congested at busy periods of time such as school start and finish times and for large congregations at the Church. To have further traffic on this tiny lane would only exacerbate the problem.

This site provides a natural shelter and safe haven for many species of animals and birds from the otherwise exposed natural landscape around it and is an important habitat for wildlife such as the endangered great crested newt.

The long distant views from the south and west back towards Hempsted, and from the Severn Way National Trail needs protecting for the enjoyment of the residents of Gloucester and visitors to the area.

Similarly the important long distance views from the rear of the properties in Chartwell Close across the escarpment to the West and the Forest of Dean need protection.



I believe it is essential to retain the remaining undeveloped countryside in the Hempsted Area following the huge amount of housing and other development that has already taken place in the area.

Yours faithfully

Mrs Wendy Burgess

My attention has been drawn to a comment in a letter from Tuffnell's ,dated 19/12/13, re the above application and refers to a crossing over agreement re the bank in Rectory lane.

Could you please advise on what this could mean and the extent of the coverage.

I think in previous correspondence that I expressed concern over the likelihood of further damage to this bank if approval is given to this application.

I have tried to review more of the items listed against this application, as shown on your web site , including what I thought might have shown the latest plan T1117/iii but it together with some other documents seem to be unavailable , why?

I am still seeing references to Church Farm on the later correspondence despite me pointing out that I bought the title to Church Farm so I believe I own the intellectual property associated with it. Would you please inform those using it in error to stop the practice.

I recently found a copy of the plan showing the routing of the drains crossing the proposed site which gives cause for concern that the proposed house can be constructed with adequate clearance form the drains. ( I believe there was a letter from Severn Trent Water indicating their conditions , in the original list but this too seems to have disappeared).

The latest correspondence re the GC newts makes no reference to these newts found local to our own pond , does this mean they are considered to be 'out of range'.

I understand the application is likely to be heard at the april planning meeting, could you confirm this closer to the planned date.

Regards

Steve Crichard

**Planning Application 13/00977/FUL**

We fully support the objections raised to the planning application for a single dwelling off Rectory Lane by our neighbours in Chartwell Close.

We feel this is one more step to losing Hempsted's village identity.

Access to this site is of major concern. As has been mentioned by several neighbours, traffic in St Swithins Road is a problem at the beginning and end of the school day. We try to avoid entering or leaving Chartwell Close at these times. Another dwelling in this area will only add to this situation.

Ken and Maureen Barker  
3 Chartwell Close, Hempsted

We object to this application on the following grounds:

1. The only access to this proposed site is via single track lane, exiting onto St Swithun's Road by the school. During school drop off and collection times this area is very busy and passage of pedestrians and vehicles is delayed. The congestion has been highlighted in school and residents' association newsletters. Vehicles are parked in St Swithuns Road, Rectory Lane (frequently blocked), Rea Lane and Fieldview.
2. Functions at the Church, school and the Lysons Hall also cause similar traffic congestion. Increasing the number of homes in this area would significantly add to the problem in an area of the village which is basically a cul-de-sac. We think it is imperative that a traffic survey is carried out which we contend would confirm the severe congestion which affects Rectory Lane to a point below the entrance to the Rectory and in close proximity to the proposed dwelling entrance. We would also dispute that Rectory Lane could be construed as anything but a single road. There is no place for the passage of two vehicles simultaneously.
3. Rubbish bins for Hempsted House, The Rectory, and Foxleigh are all collected at the top of Rectory Lane. In our case the only point to position our receptacles without blocking the narrow lane is at a point which would be the entrance to the propose dwelling.
4. Land which is accessed via Rectory Lane is agricultural and frequently requires access by large agricultural vehicles to land owned by Gloucester City Council, for hay /silage making and for access to cattle grazing on the land. Adjoining land is owned by a farmer who both grazes stock and cultivates crops. A combine harvester and associated tractors and trailers use Rectory Lane to both access and exit the fields.
5. The sewerage system is already problematic. The manhole cover in the middle of Rectory Lane next to the pumping station frequently overflows causing raw sewage to flow down the Lane, often for many hours. On several occasions a tanker has been employed to pump the drain out. This process has continued through the night causing difficulties for the homes in close proximity, i.e. noise disturbance and restriction to access/egress. More housing will place further strain on the sewerage system. Without prior investment in upgrading the system, before any further building takes place, further blockages and leakage of raw sewage is inevitable with consequent public health risks, not least to children at Hempsted School as well as residents.
6. Further building on the proposed area will increase water run-off. Our house, Foxleigh, lies below this land. During rainstorms, water runs down the south side of the garden, pooling in various parts and placing the stable at risk of flooding. Water also pools at the northern end of the house and has to be swept away to avoid damage to the infrastructure. This has been significantly more frequent with the higher levels of rainfall over the last 5 years. The garden is one of the original orchards and contains three original perry pear trees, two original apple trees and an abundance of mistletoe. One of the perry pear trees is in an area where water pools and would be compromised if the level of water increased.

7. Since the re-surfacing of St Swithuns Road and the top end of Rectory Lane, water pours down Rectory Lane during rainstorms. The drains are incapable of accommodating the increased water and this has caused erosion of the lower part of Rectory Lane. Despite repeated requests for the Lane to be re-surfaced and adequate drainage installed this has not been undertaken as it is not seen as a priority. Further building in the proposed area would make this situation worse.

8. The outlook from the end of St Swithun's Road and top of Rectory Lane affords views of Windmill Hill to the south-west, May Hill to the west, and also towards the Forest of Dean, all from within the village conservation area and gives a great sense of place. These views are equally as important as those towards Robinswood Hill. A building here would severely detract from that outlook and aspect.

9. There is an abundance of flora and fauna in the proposed area and our orchard garden. We frequently see foxes, badgers, muntjac deer, rabbits, hares, grass snakes, slow worms, newts, toads and frogs. The birdlife includes nightingales, woodpeckers, cuckoos and pheasants. There is a wide variety of wild flowers and butterflies. Further depletion of their habitat would be detrimental to their survival.

10. A Gloucester City Council draft document of November 2006, Hempsted Conservation Area, Appraisal and Management Proposals mentions as part of the Character Appraisal:

‘The church end of the village is especially attractive with its village cross, Church Farm, St Swithun’s Church and Hempsted House forming a ‘classic’ English village scene’.

Modern dwellings in such close proximity must inevitably have an adverse impact on a scene exemplified by these three listed buildings.

Yours Faithfully,

**Dr Walter John and Mrs Kathleen Noonan. 5<sup>th</sup> November, 2013**

From: churchfarmhempsted  
To: tracy.jones  
Subject: Planning application ref 13/00977/FUL  
Date: Wed, 30 Oct 2013 14:08:38 +0000

I have just read a copy of your letter to Caroline Towney re the above application and raising little or no objection to this planning request.

I have a few comments on this as the road/lane in question lies to the NW of this property namely Church Farm.

1)The road surface has already suffered from the limited access of refuse carts and agricultural vehicle as can be seen from the break up of the road surface on the relatively recently laid surface and I have taken photos of this.

2) The road boundary has been widened because of the erosion of the bank outside my property and of that at the rear of of one of the Chartwell Close properties.

3) the width of the lane at a point nearest where the access to the development proposed is only 3 metres and to widen it means removing some of the bank which I do not believe belongs to the developers.

4) some years ago I raised a similar query with GCC and Mr Peters informed me that the banks in fact was consider to be held by the Highways authority, But in this case I would have thought that the banks belonged to the adjacent properties.

5) there are buried services under this bank which need a minimum covering and this will be removed if development takes place.

6) The report submitted on behalf of the developers use some 'artistic licence' in defining their access

7) The developer continues to show that their proposal is linked to Church Farm on their drawing T1117/iii but his has had no connection the Church farm since 1986 and should be removed from the record

8)I noted that the application/notice of proposed development was attached to a post outside my rear entrance but should have placed on the next post alongside the site

Regards  
Steve Crichard Church Farm Hempsted

Caroline Townley  
Planning Department  
Gloucester City Council

Mrs L M Jordan

By email

18 March 2014

Dear Ms Townley

Re: Planning Application No 13/00977/FUL Land South of Rectory Lane

I would refer to my previous letter informing you that to my knowledge there are at least three ponds containing Great Crested Newts within 150 metres of the proposed site.

The proposed Newt Mitigation Strategy put forward does not take into consideration the Great Crested Newts in the pond at Church Farm.

The most obvious route to the Church Farm pond is the verge running from Church Farm along Rectory Lane into the field. This verge also serves to protect the fences and retaining walls of the properties from traffic. The retaining walls have drainage pipes which open onto the verge continuing into the field, these would also make useful hiding places for the newts.

It now appears that the applicant is requesting a crossover agreement regarding this verge, presumably with the intention of widening the access to the field. Should this verge be crossed at any point by a road or drive it would compromise the access for the newts.

Would you please take this into account when considering the planning application for this site of rich biodiversity.

Yours sincerely  
Linda Jordan

Dear Ms Townley

**Your Reference 13/0977/FUL**

**Location Land South of Rectory Lane Gloucester**

**Proposal Erection of a detached 3 bedroom dwelling house**

Further to your letter of 11th February advising of amended plans, and giving us 14 days to comment I would like to comment as follows:

Regarding the proposal to plant a cluster of silver birch trees close to our retaining wall, we strongly object to this, as the root system of these trees will destabilise the retaining wall around our garden and may eventually undermine our house.

The trees would take light from our garden and windows and shed leaves and twigs. The proposed trees would be overshadowing and overbearing.

We need to retain access to the site in order to maintain our section of retaining wall.

I would also like to point out that I strongly disagree with some of the comments of Kay Lillington such as:

*"The proposed dwelling is two storey, relatively traditional in design and its visual impact, depending on finished site levels, will be relatively minimal".*

I strongly disagree with this. From our living room window at first storey level we can see the roof of Foxleigh, a bungalow which is built at a considerably lower level down the hill being of only single storey construction. Therefore the impact of a two storey dwelling built nearby at on a site level approx 1.0 meters below property will be very significant.

*"The only relatively clear views into the site and towards the proposed dwelling would be from upstairs windows of adjacent properties at Chartwell Close and The Rectory".*

Again I strongly disagree with the above. We have a very clear view into the site from our, living room, dining room, kitchen and garden all at ground level.

*"It would be useful to have some sections through the site, including floor levels of adjacent properties, to illustrate this point".*

I think side sections through the site would demonstrate that the visual impact on our property and other neighbouring properties would be significant.

I attach some photos to demonstrate how clear the view from our property into the site is and vice versa some photos from the site of our property.

They also demonstrate that the site boundary varies between 80cm and 100cm below our property level when the height of the retaining wall is measured.



I believe that the site was until recently part of the conservation zone. It is a green field site, outside the village envelope and should be preserved as such.

Yours faithfully

Mrs Heather Bennett

Mr Christopher Bennett









I wish to object most strongly to the planning application reference 13/00977/FUL for the build of a 3 story house in land off Rectory Lane. The village is bursting at the seams alrerady and this is so close to the school it will add further to the traffic congestion.

Charles McGuigan

I would like to lodge my objection to the proposed erection of the 3 bedroom detached dwelling - reference number above,

I believe that any additional building in this area would be non productive and have a detrimental effect on the current home owners living in the immediate vicinity along with impacting on the villages visual and physical right to enjoy the village overall.

I would also like to note that ,from what I have read the land in question is home to the Great Crested Newts and Ancient Roman objects could also be on the land -The land owners who have registered an interest to build on the land are aware of the sites amphibian inhabitants . This coupled with inadequate parking, road safety and access issues to the proposed site not to mention St Swithuns Road which , already has enough issues with traffic especially during the school drop off and pick times would be laden with increase traffic during the re build. Hempsted village and the surrounding land is subject to various proposals for new buildings is would not serve the area well at all.

Yours faithfully

M. Griffin  
5 St. Swithuns road  
Hempsted

Ecological objection

Dear Ms Townley

Gloucester City Council  
Planning Development & Control

Your reference: 13/00977/FUL  
Location: Land South of Rectory Lane  
Proposal: Erection of a detached 3 bedroom dwelling house

**Ecological Objection**

I wish to lodge an objection to the proposed plan on the grounds that the site is, and has been for many years, the habitat of a local population of Great Crested Newts. The Ecological Assessment of Land carried out on 14 December 2012 looking for potential reptile habitat and terrestrial habitat for amphibians particularly great crested newt (*Triturus cristus*) was seriously flawed.

The survey was conducted during the hibernation period. Great Crested Newt Mitigation Guidelines state that a Presence/Absence survey takes place in Terrestrial habitats over a period of 60 nights (with suitable weather conditions) between March and October.

The survey also states there are no ponds within a radius of 900 metres. In fact there are a number of ponds ranging between 30 and approximately 150 metres of the site which do contain reptiles and amphibians.

To my knowledge three certainly contain Great Crested Newts which have been identified by Gloucestershire Wildlife Trust who have informed GCER and also Dr Colin Studholme to deal with any planning application from yourselves.

Additionally various wildlife species, newts, frogs, snakes, hedgehogs, stoats etc are regularly seen on the land in question. The land is clearly a good source of biodiversity and merits protection, consequently I feel the planning application should be rejected inperpetuum.

Yours sincerely

Linda M Jordan  
4 Chartwell Close, Hempsted



Caroline Townley  
Planning Department  
Gloucester City Council

By email

Dear Ms Townley

Ref: Planning Application:13/00977/FUL  
Location : Land South of Rectory Lane Gloucester  
Proposal: Erection of a detached 3 bedroom dwelling house

We have today measured Rectory Lane and from the point of access, 2.4 metres back from the edge of the carriageway the unobstructed view down the Lane to the west across the corner of the pumping station is 25 metres as opposed to the 80 metres stated in the plan.

Adjacent to the pumping station the road curves to the left with a sharp downward gradient which obscures the view. At the vicarage gateway, the road is 3 metres wide, by the time the road starts to curve to the right it is 2.5 metres up to and beyond the telegraph pole, not 5 metres as stated in the plan. Corrected Plan attached.

The plan also states there is sufficient space for vehicles and pedestrians to pass safely, clearly this is not the case unless the vehicles are motorbikes. Currently there is nowhere in this lane where vehicles can pass.

The discrepancies between the planning application map and our comparison with measurements indicates that whoever submitted the plan clearly did not carry out an accurate site survey and therefore the content is misleading. It also appears that the Highway recommendation relied on the inaccurate measurements of the applicants plan and both documents should be discounted.

We contend that the proposed use of the Lane would create a real and serious danger to the many walkers with children and dogs who currently enjoy the advantage of the Severn Way. There would be potentially fatal consequences if an ambulance or emergency vehicle could not gain access.

I also noticed is that additional land ownership is claimed by the Snell family to encompass the verge up to the point where it reaches the fence of Church Farm. Their claim uses highway boundary maps up to 1936 in support. I am in possession of a highways map which is post 1978 which clearly shows this not to be the case.

I (Linda Jordan) have lived at 4 Chartwell Close since 1982; until I became physically incapable of doing so I maintained the verge alongside my retaining wall and fence as I believed it was part of my land.

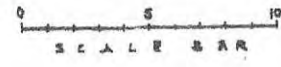
In light of the above coupled with the seriously flawed ecological report and the detrimental impact on the privacy and lifestyle enjoyment of residents overlooked by this potential development it should be rejected unconditionally.

Yours sincerely

Linda Jordan 4 (Chartwell Close) & John Roderick (8 Chartwell Close)

VISIBILITY SOME 80M. WEST

IMPROVEMENTS TO VEHICULAR ACCESS - INFORMATION REQUESTED BY L.P.A.  
PROPOSED DEVELOPMENT (ERECTION OF ONE DWELLING) AT PART CHURCH FARM  
RECTORY LANE HEMPSTED GLOUCESTER. GL2 5LW FOR THE SNELL FAMILY  
OCTOBER 2013 DRN: T1117/III  
SCALE 1:200 @ A3  
READ IN ASSOCIATION WITH DRN: T1117/I, T1117/II & SITE SURVEY MS-3229  
SEE ALSO LOCATION PLAN REV.A.



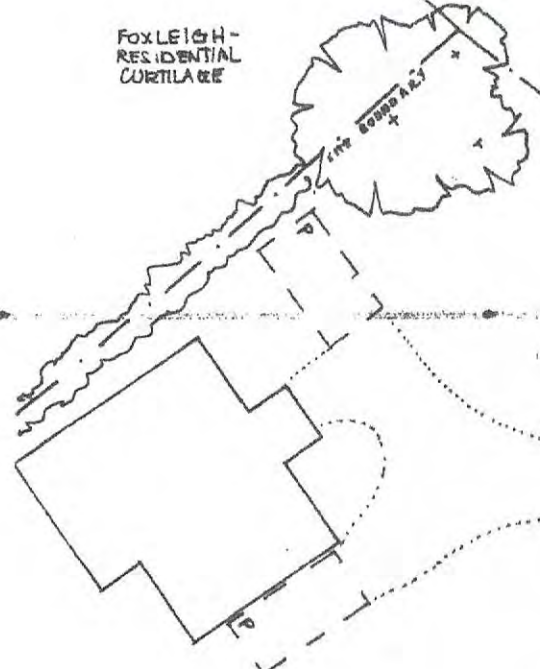
THE LAKE CURVE TO THE LEFT AND DRIVE

FOXLEIGH-RESIDENTIAL CURTILAGE

RECTORY LANE  
THE RECTORY - RESIDENTIAL CURTILAGE  
EXTENT OF VISIBILITY 25M

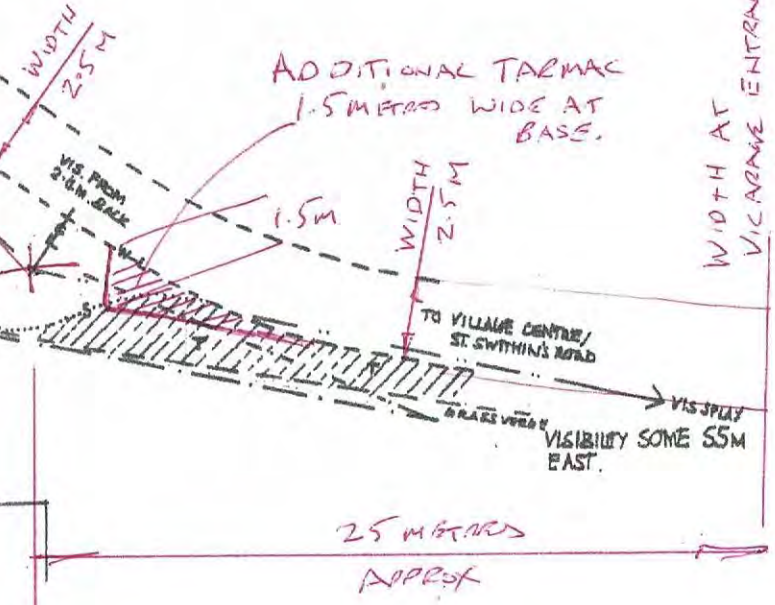
- KEY:
- T. TARMAC - PART EXISTING ACCESS PART OWNED BY APPLICANTS BUT EXISTING CARRIAGEWAY EDGE UNDEFINED
  - W.L. - CARRIAGEWAY EDGE TO BE DEFINED BY WHITE UNITS
  - S - SETS TO DEFINE ACCESS EDGE.
- NOTE: EXISTING HISTORIC TARMAC AREA TO BE RETAINED AS AN INFORMAL PASSING AREA (AS EXISTING) AREA ALSO ASSISTS IN DELIVERING VEHICULAR & PEDESTRIAN VISIBILITY & PEDESTRIAN REFUGE.
- T.P. TELEGRAPH POLE

IN ACCURATE



CHARTWELL CLOSE DWELLINGS

EXISTING GATES / GATE POST TO BE REMOVED TO REMAIN OPEN NO GATES. CATCH DRAW AT THIS POINT.



WIDTH AT VICARAGE ENTRANCE 3.0M

ADDITIONAL TARMAC 1.5 METERS WIDE AT BASE.

VISIBILITY SOME 55M EAST.

**Ms Caroline Townley  
Planning Department  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ**

**31.10.13**

**Re: Planning Application 13/00977/FUL (Rectory Lane)**

Dear Ms Townley

Please find below our objection to the planning application for a single dwelling off Rectory Lane, Hempsted.

To protect an important habitat for wildlife. This site provides a natural shelter and safe haven for many species of animals and birds from the otherwise exposed natural landscape around it.

To protect important long distant views from the south and west back towards Hempsted, and from the Severn Way National Trail

To protect the important long distance views from the rear of the properties in Chartwell Close across the escarpment to the West and the Forest of Dean

The need to retain undeveloped countryside in the Hempsted Area following the huge amount of housing and other development that has already taken place in the area.

Road Safety - Rectory Lane itself is a small narrow lane which regularly becomes congested at busy periods of time such as school start /finish and large services at the Church. To have further traffic on this tiny lane would only add to the problem.

The field is essential in maintaining the special green, rural village character and identity of the Hempsted in both visual and community terms

Chartwell Close Residents Association

FAO Caroline Townley,

Have just tried to look through recent updates of the documents associated with this application so have not fully appreciated their contents but note that the plot is still being associated with church Farm and the title for which was transferred to me back in 1986 > I am attempting to develop this land but third parties could easily assume that I am.

I also note that Kay Lillington refers to a Electricity Substation in Rectory Lane, I have never seen one there. I do note that STW have a pumping station there and would have thought she would know the difference.

My earlier comments still apply as I can see no improvement except the new road surface over part of Rectory Lane.

If you could give some clues as to the important changes, which I may have missed I would be very grateful and would like to know when this is likely to be raised at the Planning Meeting

Could I ask again for you to confirm if the 'village Envelope' area still applies as this query never seem to be answered.

Regards

Steve Crichard

Mr & Mrs Potente

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

27th February 2014

Dear Ms Townley

Your Reference 13/0977/FUL

Location Land South of Rectory Lane Gloucester Proposal Erection of a detached 3 bedroom dwelling house

Firstly we wish to advise you that we did not receive a letter from you regarding amended plans and found out through a third party. Having now looked at the amended plans there are several points we wish to be taken into consideration.

The proposal to plant silver birch trees close to our retaining wall, we strongly object to this, as the root system of these trees will weaken the retaining wall at the end of our garden, which will ultimately cause their collapse and lead to landslip into the site. There are also drainage pipes built into the wall which discharges into the proposed development. There has been no consideration to as to access for householders to maintain this.

The trees would take light from our garden and windows & as the majority of our living space windows look out over the site and cause our property to become overshadowed .

With regard to the comments of Kay Lillington:

1. "The proposed dwelling is two storey, relatively traditional in design and its visual impact, depending on finished site levels, will be relatively minimal".

We have attached photographic evidence that this will definitely not be the case, the roof of the bungalow situated lower down the hill is clearly visible from our ground floor kitchen and dining room windows. Therefore the erection of a two storey dwelling closer to Chartwell Close and higher up the hill will have an overbearing and overwhelming impact on the properties adjacent to it.

2. "The only relatively clear views into the site and towards the proposed dwelling would be from upstairs windows of adjacent properties at Chartwell Close and The Rectory".

We have a very clear view into the site from all of our, ground level rooms and garden.

3. "It would be useful to have some sections through the site, including floor levels of adjacent properties, to illustrate this point".

W think side sections through the site would be excellent in demonstrating that the visual impact on our property and other neighbouring properties would be significant.

This land is a green field site adjacent to a conservation area, in fact until fairly recently is was within the conservation area, why it is now deemed outside the conservation area we do not know as it is a rich source of biodiversity, a green field site and is outside the village envelope. It should be preserved for both wildlife and future generations.

Yours

Mr & Mrs Potente







I will be writing to you re 13/00977/FUL in more detail but feel very strongly that this application should be withdrawn as it is as it seems to imply that it is associated with Church Farm . For the past 27 years this plot has not been associated with Church Farm and should be made clear to all, and the simplest and more honest way to this is to have the application re submitted Would you please confirm that you will implement this.

The submission ref 13/00961/LBC has nothing to do with the other submission so I assume this has been referred to in error

S D Crichard

Hello

Comments have been submitted regarding proposal [Erection of a detached 3 bedroom dwelling house. at Land South Of Rectory Lane Gloucester](#). The following objection was made today by Mr Roger Scrivin.

*I live in close proximity to this proposal, and I fear that it is being used to create sufficient space for access to be applied for at a later date to what we call locally "The Strawberry Field" Hempsted is subject to current proposals for significant housing development, and if access to the Strawberry Field is the ultimate intention, then it will significantly impact on the centre of the village, which would be required for access.*

Objection to 13/00977/FUL

Sir. I raise objection to the proposed planning application 13/00977/FUL on the grounds of the position and access to the site in Rectory Lane Hempsted. The current access is one for occasional agricultural needs, not every day community use. There are no pavements for pedestrians and handicapped with scooters or wheelchairs. What is more the present roadway is not wide enough to accommodate pedestrian accesses which means vulnerable people having to use the roadway to access any properties in Rectory Lane.

The site is adjacent to the entrance to Hempsted Primary School with 213 pupils, infants and juniors who have to access and leave the school twice a day, plus their Moms or Dads sometimes both. Which means that access to and from Rectory Lane is obstructed for about 3/4 hr in the morning and over an hour in the afternoon because the children leave at different times in the afternoon according to their age. Then there is dinner time when some children go home for lunch and again the area becomes a no go area for vehicles. The road outside of and approach to the school is designated a 20MPH area and it requires a police presence there now to safe guard the comings and goings to the school and make sure there is no parking in a very congested area.

If consent is given what will be the impact on the drainage system in the area, it is already running to capacity and any minor problems resulting in pure sewage being discharged into properties in Court Gardens, this problem is well known to exist and I am not sure whether it has been resolved or not but needs to be taken into consideration.

Another fault in the current system is a drain fault in Hempsted Lane outside of I believe about No 100. Every time we have rainfall water comes out of the curb stone on the left side going towards town and drains across the road as well as down the same gutter some 50 or more yards until it finds another drain to use. This proves how the system is running to capacity now without any more. One last point, is there any covenant on the land where this building is proposed as it is at the present moment agricultural ground, has any release for development been made?

Regards

Alan Steward, Gina Croft, Rea Lane, Hempsted.

Ms. Caroline Townley  
Planning Department  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

5<sup>TH</sup> November 2013

**Re: Planning Application 13/00977/FUL (Rectory Lane)**

Dear Ms. Townley,

Thank you for your letter informing us of the planning application for a single dwelling off Rectory Lane in Hempsted.

We do believe that it is important to object to this proposal on several grounds:

**ROAD SAFETY:** The congestion in and around Rectory Lane, due largely to the school, church and community hall (without adequate parking facilities) is a significant problem already for residents. To increase the traffic on such a narrow lane would create additional difficulties that our small village was simply not designed for.

**PROTECT WILDLIFE:** This area is an important habitat for a range of birds and animals that require our protection.

**RETENTION OF UNDEVELOPED COUNTRYSIDE:** Hempsted has been saturated by housing and other development over the past few years. We must preserve its rural village charm and green spaces.

**SAFEGUARD VIEWS:** Further development in this area would destroy views from the Severn Way National Trail and Chartwell Close, from which the community are currently able to view as far as The Forest of Dean.

Thank you for your consideration,

Yours sincerely,

Caroline Townley  
Planning Department  
City of Gloucester  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2Q

Mrs L M Jordan

Sent via email

Dear Ms Townley

Re: Planning Application No 13/00977/FUL Land South of Rectory Lane

Concerning the further documents added on the 29 January 2014 I would comment as follows:

The proposed Landscaping includes three Silver Birch trees to be planted close to the retaining walls of the Chartwell Close properties, the root system of these trees will destabilise the retaining walls and eventually cause their collapse with resulting landslip of the gardens and eventually may undermine the houses, any planting needs to be away from any drainage; there are drainage pipes in the retaining walls discharging into the field.

Additionally Severn Trent advise there is a public sewer located within the application site and due to the proximity of the pumping station the occupant of the proposed house may experience noise/smell pollution.

The planting does not appear to take into account the fact that the Chartwell Close properties need to retain their maintenance access to the retaining walls and fences from the field side.

The trees would take light from the gardens and windows of the existing houses and shed leaves and twigs in the gardens. They would add to the overshadowing and overbearing effect the proposed 3 bedroomed property would create.

This land is a green field site adjacent to a conservation area, in fact until fairly recently it was within the conservation area. The subject site is currently a green field site and a rich source of biodiversity and being outside the village envelope should be preserved.

Yours sincerely

Linda M Jordan

Mr & Mrs Potente  
6 Chartwell Close  
Hempsted  
Gloucester  
GL2 5XA

Ms Caroline Townley  
Principal Planning Officer  
Development Control  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Dear Ms Townley

**Re: Planning Application 13/00977/FUL**

We wish to make you aware of a number of strong objections that we have with regard to the proposed erection of a 3 bedroom detached dwelling house at a Greenfield site south of Rectory Lane, Hempsted, Gloucester. As owners of a property adjacent to the site of the proposed development, we are of the opinion that the proposed development will have a serious bearing on our standard of living. Our specific objections are as follows:

**1. Loss of privacy and overlooking**

The proposed development by reason of its mass, bulk, height and proximity would have an unacceptably adverse impact on the amenities of the properties to those neighbours immediately adjacent to the site resulting in overlooking, intrusion and loss of privacy also visually by reason of being overbearing

The proposed siting of the dwelling would mean that the majority of our garden would be severely overlooked from the top rooms resulting in a serious invasion of our privacy. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property.

**2. Ground Stability and Drainage**

We have concerns about the impact the proposed works could have on the stability of our retaining walls bordering the proposed development, some of the walls are already bulging and becoming unstable and it stands to reason that any excavation of the site would only make this problem worse. The land also has a bank to the west – adjoining the land of “Foxleigh” there are concerns regarding drainage of surface water as the site is regularly waterlogged after moderate rainfall. There is already an historical problem with drainage in the village which has lead to overflowing drains.

**3. Inadequate Parking, Access and Road Safety**

Plans for the proposed development of a 3 bed detached with two parking spaces brings with it the assumption that there will only be 2 occupants with access to vehicles. There could in fact potentially be

four car owners in the property which could then lead to vehicles overhanging and/or parking in Rectory Lane. This in turn could lead to increased traffic congestion within in this narrow lane. Parking and traffic congestion around this area is particularly bad during school start and finish times, also when there is a wedding, funeral or large gathering at the church/church hall. This leads to cars already parking on double yellow lines on the lane effectively blocking any access and egress for emergency vehicles. In addition this would also greatly reduce the visibility of the exit route for the proposed dwelling and become a danger to pedestrians.

#### **4. Supporting Information Supplied by Applicant**

##### **Planning Policy Statement**

4.2 – Local amenities - Dr or Health Centre within 0.04 miles

There is to my knowledge no GP or Health centre within that distance the nearest being Quedgeley in one direction or Stroud Road in another.

4.2 – Local School – Hempsted C of E Primary School

This school is at present oversubscribed and indeed 2 children from Chartwell Close were unable to gain places and have to go further afield for their schooling. This would have the potential for further traffic congestion at busy times.

5.2 GSHLAA submission site 55 (sub55) is described as “poor access to public transport, services and facilities”. The integral workings of the village have not changed since this report with no additional public transport or facilities.

##### **Ecology Report**

A survey was carried out in November/December 2012 this is a time of year when many species are hibernating and certainly not actively nest building or breeding.

The report states that there is no evidence of habitat to suggest the presence of Great Crested Newts, in fact there are garden ponds within 10 & 50 metres of the sight (7 and 8 Chartwell Close also Church Farm) all of which have had sightings of Great Crested Newts recently. The site itself under some of the brambles is ideal for newts due to the array of rocks, piles of leaves, logs, rubble, grassland & scrub.

There are nesting birds on the site also hedgehogs, rabbits, along with many other species that use this Greenfield site as shelter from the open fields surrounding it. This all adds to the biodiversity of the field, although previously looked after and many dog walkers and ramblers used it as a pathway to the fields until has been allowed to become overgrown in the past couple of years. There has been for a number of years and still is a pathway from the back gates of numbers 6 & 7 Chartwell Close to allow access to fields this has been done with the owners' verbal permission.

#### **5. Other Information**

Before we purchased our property in July 2012 we made a point of phoning the planning department of Gloucester City Council to ensure that the site in question would not be built on, we were told by the planning officer that the site would never be granted planning permission due to its position. On this advice we went ahead with the purchase and have completely renovated it. This investment and of course the property values of the 4 affected adjacent properties would be dramatically reduced should this Greenfield site be afforded planning permission.

The proposed development also falls into area G39 of the Joint Core Strategy Landscape Character, Assessment and Sensitivity Analysis and is designated as a Medium to High Landscape Character Area – “key characteristics of landscape are vulnerable to change and/or have high value as a landscape resource”

We also believe that the proposed site sits outside of the original boundary of the village envelope.

The layout and siting both in itself and relation to other buildings and views is inappropriate and unsympathetic to the appearance and character of the local environment.

Should the proposal be looked upon favourably by the planning committee we would suggest a bungalow with conditions of no further dwellings on the proposed development and no vehicular access past the dwelling, would be better suited to the site as the impact on wildlife and loss of privacy would be somewhat reduced.

Mr & Mrs P Potente



Hello

Comments have been submitted regarding proposal [Erection of a detached 3 bedroom dwelling house. at Land South Of Rectory Lane Gloucester.](#) The following objection was made today by Mr Ray Dyer.

*On Behalf of Hempsted Residents Association and the Hempsted Community Forum:  
Hempsted Residents Association c/o The Secretary 100 Hempsted Lane Hempsted Glos GL2  
5JS Planning Department Gloucester City Council Herbert Warehouse The Docks  
Gloucester GL1 2EQ 5th November 2013 Dear Gloucester City Council Re: Planning  
Application 13/00977/FUL (Rectory Lane) Please find below our objection to the planning  
application for a single dwelling off Rectory Lane, Hempsted. We have consulted with local  
residents, and the overwhelming response is that residents are not in favour of this build. 1.  
Reasons for Objecting to Development of the Green Field site off Rectory Lane (i) The field is  
essential in maintaining the special green, rural village character and identity of the  
Hempsted in both visual and community terms; (ii) The field is critically important to the  
setting of Hempsted Conservation Area and development would link with the Conservation  
Area; (iii) The field forms part of the open countryside; to build would be a loss of  
tranquillity. (iv) To protect an important habitat for wildlife. This site provides a natural  
shelter and safe haven for many species of animals and birds from the otherwise open and  
exposed natural landscape around it; (v) To protect important long distant views from the  
south and west back towards Hempsted, and from the Severn Way National Trail (vi) To  
protect the important long distance views from the rear of the properties in Chartwell Close  
across the escarpment to the West and the Forest of Dean (vii) The need to retain Green  
Infrastructure in the Hempsted Area following the huge amount of housing and other  
development that has taken place in the area; and 2. Joint Core Strategy Landscape  
Character, Assessment and Sensitivity Analysis The land at Rectory lane falls into area G39  
of the above JCS report and is designated as a Medium to High Landscape Character Area,  
meaning that "Key characteristics of landscape are vulnerable to change and/or have high  
value as a landscape resource" The report goes on to state "It is important that the  
incremental process of identification of potential sites be respected, in order that locally  
valuable landscapes of the URBAN FRINGE CAN BE PRESERVED FOR FUTURE  
GENERATIONS" Surely this site is exactly the type of site that this report is designed to  
protect. As stated, the aim of the report at this stage is "to discover which broad areas of the  
urban fringe should be protected from development on account of their high landscape and  
visual sensitivity" Area G39 is described: "This compartment plays a key role in containing  
the urban east from the rural west. It is an elevated, sloping zone consisting of historic field  
pattern (albeit with degraded hedge boundaries in places), a scheduled monument, and is  
associated with the historic church and older part of the village. Housing at Hempsted is  
visible from the floodplain; pylons and landfill can be viewed from the zone; and a belt of  
conifers detract from the rural character. However, public footpaths provide doorstep  
amenity value and link with the Severn Way, and structural diversity is created by boundaries  
of varying height. Reasons Elevated and visually prominent (although there are few visual  
receptors in the west) Historic importance and associations Rural character has largely been  
conserved Visually related to the rural floodplain farmland, not the City Important in visually  
containing the city from the rural west" Surely with the availability of other less sensitive  
sites in and around Gloucester, this site should be protected from development? Just one  
dwelling will not impact on the JCS for Gloucester, yet has the potential to ruin important  
views, and the wellbeing of all those that have adjacent properties that currently enjoy the  
long distance views to the west. 3. Gloucester Council SHLAA Process not In Accordance*

*with Government Guidance Local Communities should take part in the SHLAA process as advised in the Government Guidance contained in the DCLG 'Strategic Housing Land Availability Assessments Practice Guidance July 2007', page 7, paragraph 14, Figure 2 which states: 'The survey and Assessment should involve key stakeholders including house builders, social landlords, local property agents and local communities. Other relevant agencies may include the Housing Corporation and English Partnerships (a requirement in areas where they are particularly active)' Could the Council explain how this is being done and why representatives of the Hempsted local community have not been invited to take part? We are also concerned that the SHLAA 'policy off' approach used by the Council is contrary to the methodology set out in the 2007 SHLAA Guidance as it misses out 'Stage 7a: Assessing suitability for housing', found on Page 16, para. 38. This lists factors which should be considered to assess a site's suitability for housing. The first and third listed are: 'policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy' ..... potential impacts – including effect upon landscape features and conservation;' It also appears contrary to National Planning Policy Framework 2012 (NPPF). Page 39 in the section on 'Plan Making' sub section 'Using a proportionate evidence base' para 159 on 'Housing' states that local planning authorities should: '• prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.' 18. This includes the reference to 'suitability', the very part of the SHLAA methodology which the Council has not followed. The 2012 SHLAA did not include this assessment – there are no published appendices showing the site characteristics. Will the Council be following Government guidelines for the 2013 SHLAA Update? In conclusion, the Gloucester 2012 SHLAA methodology and approach is clearly not in accordance with the DCLG SHLAA Practice Guide and the NPPF. There is no explanation in the SHLAA as to why this is the case. The approach taken is not a 'robust' approach as stated by the Council and, if persisted with, will leave the Council open to challenge at a future date on the basis that its evidence base is unsound.*

*4. Suggested Policies for Long Term Protection of the open land forming the Urban Fringe of Gloucester. The fields should remain open for the many reasons already stated. The Residents of Hempsted, and the Council recognise the value of this field to the environment of the area (as demonstrated by the Joint Core Strategy Landscape Character, Assessment and Sensitivity Analysis ) and the SHLAA, and Local Plan policy or policies should rightfully reflect this. Policies could include: (i) Protection because these fields are essential in maintaining the green, rural village character and identity; (ii) Protection because the fields form part of the open countryside and are an important shelter for wildlife; (iii) Protection because the fields are critically important to the setting of the Conservation Area (already existing policy); (iv) Protection of the important long distance views across the site toward the South, West, and the Forest of Dean. Your policy below (BE.1) clearly states that: "long distance views to key natural landmarks visible from the city, such as May Hill and the Cotswold escarpment, are protected." Properties In Chartwell Close all enjoy such views to the Forest of Dean from the rear of the properties, and many have a clear view of May Hill. These views would be destroyed by the proposed development. An inspector should be sent to ascertain these views. Policy BE.1 Scale, Massing and Height Proposed development should be of materials, scale, massing and height which sits comfortably with the height of existing adjacent buildings and the surrounding built environment. In certain circumstances there may be an opportunity to create a landmark building that is different in scale to its immediate neighbours, and these will be encouraged and permitted where appropriate.*

*4.11 The city has a very distinctive skyline with a clearly defined centre. The Cathedral is the focal point of the skyline and it is imperative that it*

*should remain so. It is therefore important that new developments protect or enhance views of the Cathedral whether viewed as a pedestrian from within the city's streets; from the floodplain and road approaches into the city; or from Robinswood Hill and the hills that surround the city. The development should also ensure that long distance views to key natural landmarks visible from the city, such as May Hill and the Cotswold escarpment, are protected. (Details of views, corridors etc. Will be developed as Supplementary Planning Guidance and will be published in due course.) (v) Allocated as part of a Green Infrastructure system securing long term green areas for the benefit of residents in the whole of the Hempsted area; for wildlife; and for the historic environment. This will help balance the huge amount of development that has taken place in the area and enrich the quality of life for residents in Hempsted and the wider area. 5. Neighbourhood Plan Hempsted has submitted an application to create a Neighbourhood Forum (Hempsted Community Forum), and designate a Neighbourhood Area. The aim of the forum is to safeguard the Social, Economic, and Environmental Wellbeing of Hempsted. To this end the residents are creating a Neighbourhood Plan to find sustainable housing areas within the Hempsted Area Boundaries, to feed into the Gloucester Joint Core Strategy. This process should be allowed to complete before any planning applications be decided so that the community can be properly engaged with and consulted under the NPPF guidelines. As the JCS has only just been released in draft form for consultation, I cannot see how any planning decisions on such a sensitive Greenfield site can be permitted until it is ascertained whether there are more suitable sites for inclusion in the JCS. The Neighbourhood Plan will evidence this and should be allowed to complete its process first. Yours sincerely Ray Dyer Secretary Hempsted Residents Association*

## **LATE MATERIAL (APPLICATIONS FOR DETERMINATION)**

### **PLANNING COMMITTEE : 1<sup>ST</sup> APRIL 2014**

#### **ITEM 5: 13/00977/FUL – LAND SOUTH OF RECTORY LANE**

##### **Additional Representations**

**Contaminated Land Officer** – On the basis that building materials may have been deposited on the site at some date in the past it is recommended that the standard contaminated land condition be applied.

**Neighbours (2)** – Members were forwarded a message sent on behalf of the Chartwell Close Residents Association on 31<sup>st</sup> March which included an aerial photo, cross section and photographs which they suggest demonstrates inaccuracy in measurements and positioning of the proposed house.

Heavy rain during January and February 2014 has confirmed the problems referred to in original letter dated 13<sup>th</sup> November 2013 in both the adequacy of the sewerage and drainage system to cope with increased demand and also the effect run-off onto our land as a result. Photographs were submitted, (to be displayed in the PowerPoint presentation), which reflect the recent run-off from heavy rain. The manhole cover in Rectory Lane again overflowed causing raw sewage and water to flow down Rectory Lane and Severn Trent needed to come out and resolve the problem. Note the submission from Severn Trent and the Environmental Health Officer recommending conditions – it seems to us that on the basis of these further important recommended conditions that a further amended planning application should be requested taking account of these new conditions to give concerned neighbours further opportunity to comment.

**Agent** – The Agent for the planning application has prepared a response to the late representations and a copy of this is attached in full.

##### **New national Planning Practice Guidance**

The Government published new Planning Practice Guidance in March 2014. It does not replace the National Planning Policy Framework which must be taken into account.

This Guidance does not change policy as to preserving the significance of heritage assets, the importance of design or conserving and enhancing the natural environment.

Overall, this new guidance does not alter the conclusions on this proposal.

##### **Revised Recommendations of the Development Control Manager**

That planning permission be granted subject to the conditions set out in the Committee report together with the following additional condition:

### **Condition**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation or site securing must not commence until parts 1 and 2 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 of this condition has been complied with in relation to that contamination. No occupation of each phase of the approved development scheme must take place until part 4 of this condition has been complied with for that phase.

#### **1. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA1990 in relation to the intended use of the land after remediation.

#### **2. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **3. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of this condition, all of which is subject to the approval in writing of the Local Planning Authority.

#### **4. Verification Report**

Following completion of measures identified in the approved remediation scheme including those identified under part 3 of this condition, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.”

Dear Caroline

Please find attached some further documentation and photographs that we would like distributed to council members prior to the planning meeting on Tuesday 1st April at 6.00pm.

The elevation view and aerial photo to demonstrate inaccuracy in measurements and positioning, also photograph to show the narrow width and traffic in Rectory Lane. (the pedestrians have given their consent for us to use this photograph).

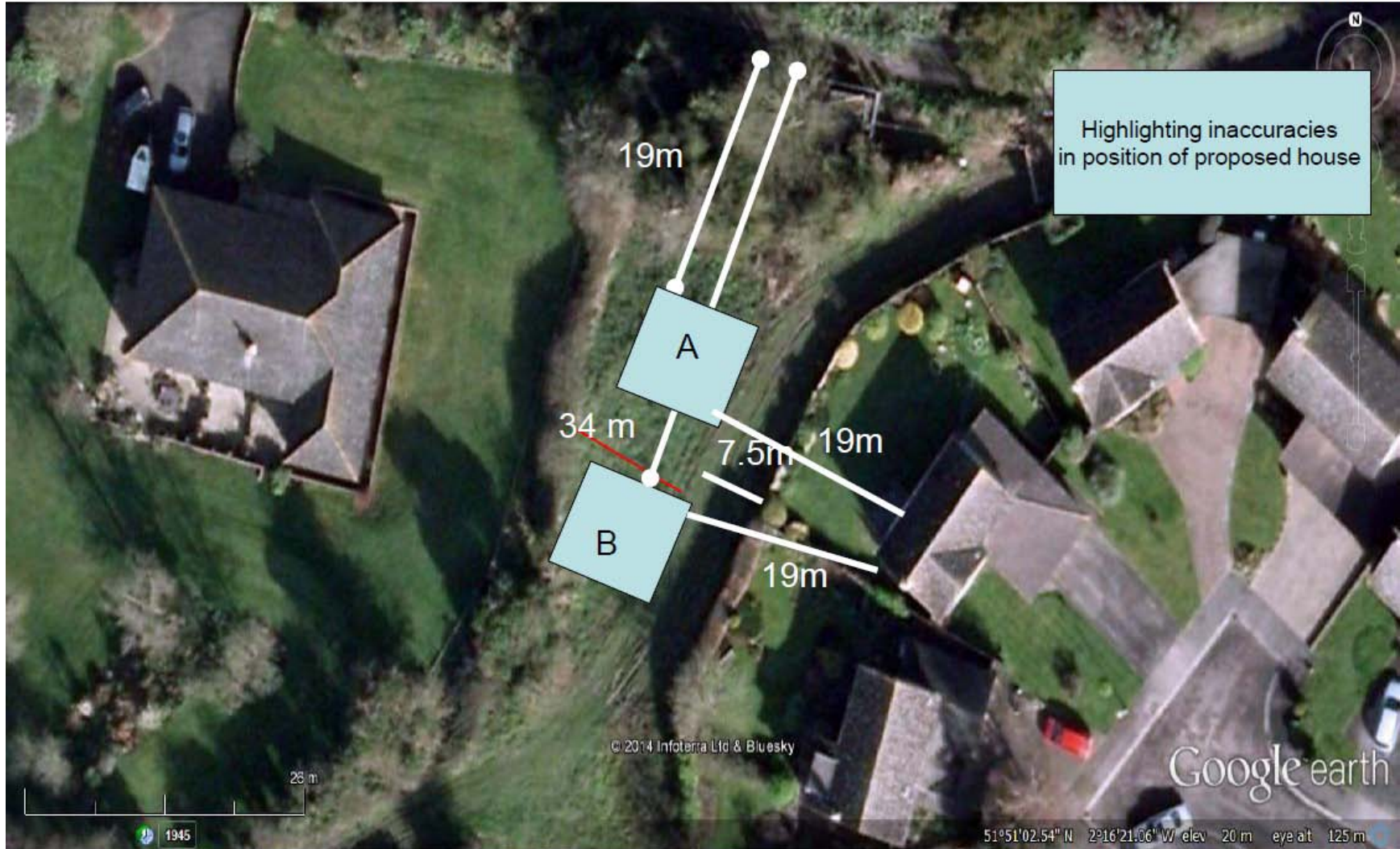
We also request confirmation of receipt at your earliest convenience.

Yours

Chartwell Close Residents Association

# Aerial view of site location A or B?

Chartwell Close  
Residents Association

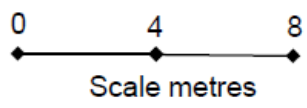
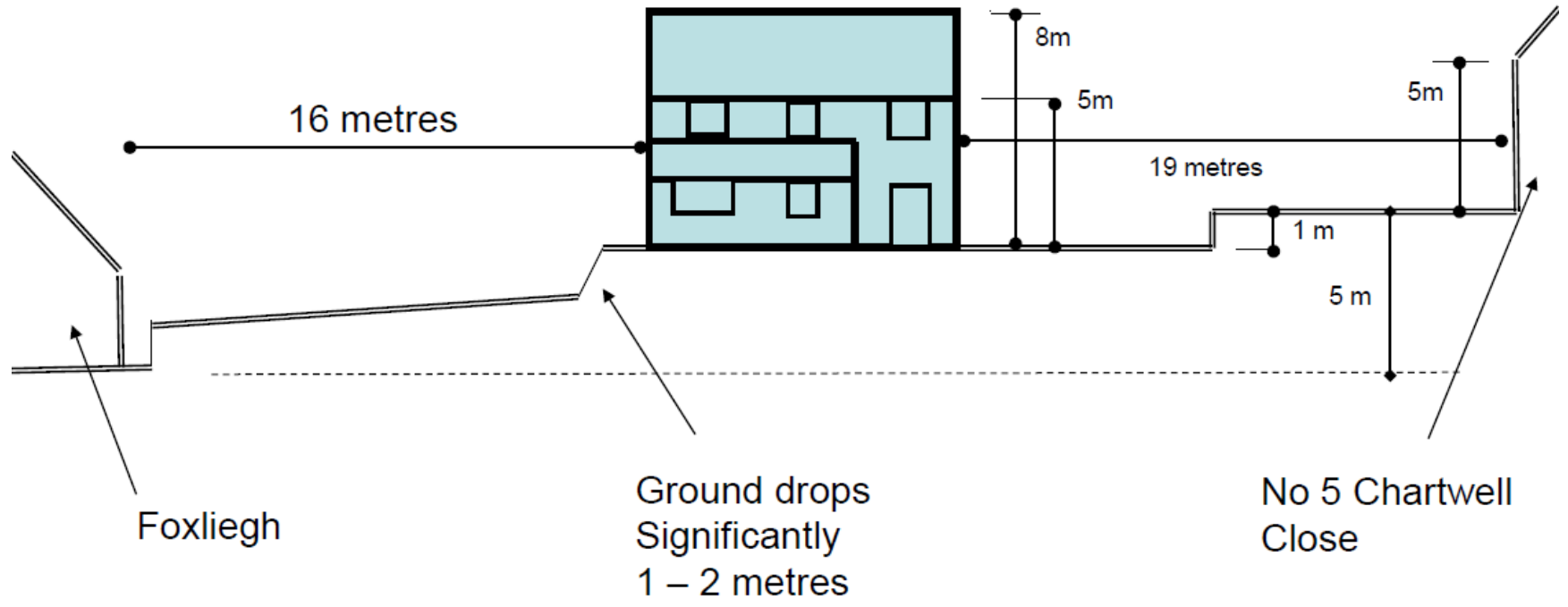




# Elevation View

Highlighting inaccuracies of  
Planning statement 6.4 and 6.8

## Proposed Development







Ms Caroline Townley,  
Planning Department,  
Gloucester City Council.  
21st March, 2014

Dear Ms Townley,

We are writing to make further comments in addition to those which we submitted in document dated 13/11/2013 on Gloucester City Council website.

Heavy rain during January and February 2014 has confirmed the problems related to both the adequacy of the sewerage and drainage system to cope with increased demand on it, and also the effect of run-off onto our land as a result. Please find photographs taken which reflect the effect of recent run-off from heavy rain, on our property.

As alluded to in our letter of objection in November, 2013, the manhole cover in Rectory Lane again overflowed causing raw sewage and water to flow down Rectory Lane and Severn Trent needed to come out as before to resolve the problem.

We note the submission from Severn Trent dated 05/03/2014 on your site relating to conditions which they feel should be imposed, that development 'shall not commence until drainage plans for the disposal of surface water have been submitted....to reduce the risk of creating or exacerbating a flooding problem....'.

We also note the submission from Environmental Health, dated 18/03/2014 on your site that 'construction work shall not commence until a scheme of works for protecting the dwelling unit against ambient noise has been submitted to and approved by the Local Planning Authority'.

It seems to us, that on the basis of these further important recommended conditions to be imposed, that a further amended planning application should be requested taking account of these new conditions, to give concerned neighbours further opportunity to comment.

Yours Sincerely,

Dr W J and Mrs K Noonan











Dear Caroline, I refer to the current application. I note that objectors have submitted further representations.

The residents seem to be under the impression that the more letters they write the greater the likelihood of preventing this sustainable development. It is of course the quality of objection, on planning grounds, that count.

The site remains highly sustainable and the development appropriate and acceptable. Please refer to my earlier email concerning objectors vested interest in this case.

Mrs Jordan's letter of 18 March repeats earlier concerns. The applicant has recognised the presence of a EPS and set out a mitigation strategy. The matter is now appropriately dealt with by condition, as in your recommendation. The access is not materially different from the existing access (it is not a new access).

Whilst sympathising with Mr & Mrs Noonan's drainage issues, as shown in their communication/photographs of 26 March, I could point to many sites in Gloucestershire that have had the same (and indeed significantly greater) drainage experiences. The proposals as planned (and by condition) will not worsen the drainage position.

With respect to the material that I understand has been sent to Members this needs to be seen/considered in proper context.

#### New photographs

The first photograph shows cars that appear to be waiting to pick school children up ? If not why would they be there. I fail to see how the proposals would impact on the practice (or visa-versa) in a manner that would render them unacceptable. The other photograph shows a group of people walking along the carriageway. They clearly consider doing so to be safe. I would not disagree. The proposals will make no material difference. The CHA's consultation reply on highway matters is correct, it's not an issue.

#### The elevation view and Aerial view

I would be grateful if you could make all information submitted to members available to me so that the applicant is not disadvantaged.

I would respectfully request that the objectors are invited to withdraw inaccurate information and evidence that cannot be substantiated.

Although my primary qualification is in planning, I advise that I have an HNC in Cartography and Surveying, and know something of those subjects. I am confident that my proposed block plan (based on the Brandon Surveys limited- topographical survey) is accurate. At the

best the objectors information is inaccurate, unreliable and misleading, at the worst it appears to be mischievous and calculated.

The elevation view (actually a section) is not wholly inaccurate, but it is misleading and should not be relied on. We don't understand references to Planning statement 6.4 & 6.8. Our Planning statement section 6 finishes at 6.2 and our D &A finishes at 6.3?

The plan suggests that the proposed dwelling is 19 metres from No 5 Chartwell close. In fact the proposals show the closest corner at 20 metres and the mean distance between the rear of No 5 and the proposal is some 21.75 metres. This distance is between the rear of the neighbouring dwelling and a well designed traditional (relatively narrow) blank gable. In addition the proposed eaves is lower (2.06 metres lower than the eaves of No5), not 1.3 metres as depicted. The levels indicated do not coincide with the levels of the topographic survey or take any account of the proposed levels provided.

The Arial view is a distortion. Google maps were not intended to be used in this way. We do not understand the "A" or "B" variations, but these would appear to stem from distortion of the image or misrepresentation. Please rely on the application document, or give me good reason for not doing so. I appreciate that Members will have been put under some pressure by constituents. I am also well aware that members are entitled to take a different decision to their officer's. There is however little point in employing professional officers if their views are to be lightly set aside. Any such decision will need to be justified on planning grounds and defensible at appeal. Costs against LPA's (at appeal) can flow from decisions taken against sound advice. Any decision taken having regard to consideration that are misleading or not material consideration may be likely to finish up in another place. I am confident that the LPA will do it's best to avoid an unreasonable decision. Please consult with your legal officers as necessary, on these points.

I also understand that you have been advised the land has been made up and is potentially contaminated. You have no sound evidence before you of any on site contamination. The level information supplied to you within the application dates from Feb 2009 There have been no material level changes since that date. Chartwell close was developed in the 1970s. It is somewhat ironic that the objectors wouldn't be living here if the Snell Family had not sold the land (now Chartwell Close) for development. The farm had been made uneconomic partly as a result of Compulsory Purchase of part to facilitate Gloucester Tip (a considerable distance from this site). The fact of the matter is that the levels of the site are largely unchanged. The rear gardens of Chartwell close were raised to provide a level area (hence the small retaining wall. The buildings demolished were largely located within what is now Chartwell Close (see pre-1970 OS maps) There was a Dutch Barn (steel frame and corrugated tin sheeting) that had a lean-to with a "big 6" fibre cement roof cover. That barn was subject of an arson attack prior to the 1970s development. The lean-to including the cement fibre roof sheets were undamaged. These together with other salvageable material were removed from the site by Mr George Snell and relocated/re-erected to the family farm in Herefordshire. My client's recall that materials not salvaged were used in making up levels within the Chartwell Close development and not relocated to the current site. There would have been no point in doing so. At the northern corner of Chartwell Close there was a brick built barn with a clay plain tile roof. Again it is most likely that material

from that barn remains on the Chartwell Close site or in part of the garden of the former farmhouse. The current site was on the edge of the farm yard, part of a collection yard/cattle race. Whilst happy to accept reasonable conditions, there is no evidence of any contaminating material on the site and we doubt that there are significant levels in the sites environs. We do not consider that the condition recommended by your officers is necessary, proportionate or reasonable in this case. We would however be happy to discuss. The change in level to the west of the site (boundary with Foxleigh) is a natural occurrence and continues to the north and south.

Having noted your officers recommendation for planning permission to be granted I have taken the decision not to speak at the Planning committee, but I will be present at the meeting to listen to the debate. I don't want to waste committee time by stating and elaborating on agreement with your officers balanced views. I would hope that the reporting Officer will be able to correct any misinformation, and reconfirm that there are no planning grounds for withholding permission for this sustainable development .

Please let me know if any further information is drip fed to you.

Sorry this email is rather long but I thought it best to explain our position fully at this stage, and hopefully avoid unnecessary expenditure latter in the planning process.

Regards, Peter

Peter H Tufnell DipTP MRTPI (agent for the Snell family)