

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **04 OCTOBER 2016**

ADDRESS/LOCATION : **LAND ADJACENT NEWARK FARM,
HEMPSTED LANE**

APPLICATION NO. & WARD : **15/01494/FUL
WESTGATE**

EXPIRY DATE : **07 OCTOBER 2016**

APPLICANT : **NEWLAND HOMES**

PROPOSAL : **ERECTION OF 44 DWELLINGS WITH
ROADS, INFRASTRUCTURE AND
LANDSCAPING (PREVIOUSLY 46
DWELLINGS; REVISED SCHEME AS PER
AMENDED PLANS AND SUPPORTING
INFORMATION RECEIVED ON 26.08.16)**

REPORT BY : **ED BAKER**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to land to the west of Hempsted Lane in Westgate Ward. The site comprises a large agricultural field and is approximately 3.3 hectares ("ha") in size.
- 1.2 The site is currently accessed from a private track to the south, which serves Newark Farm and a new adjacent housing development.
- 1.3 There is housing on the east, north and south sides of the site. To the east, there is a row of detached houses fronting the west side of Hempsted Lane that back onto the site. To the north are houses on Honeythorn Close (a residential cul-se-sac) and Newark House, a Grade II Listed Building. Newark House has been converted into six dwellings including The Old Coach House. These are accessed via a private drive which passes alongside the site's north boundary. To the south is Newark Farm (now a private dwelling) and a small development of new houses that are accessed from the private track off Hempsted Lane. This track provides access to the site as an agricultural field. The land to the west is open countryside.

- 1.4 The site generally rises in a westerly direction before plateauing off. The difference in levels between the bottom of the site (east) and top (west) varies, and is broadly between five and six metres.
- 1.5 There are a number of mature trees on the north boundary of the site.
- 1.6 The site is situated adjacent and to the north of the Hempsted Conservation Area. The 2002 Local Plan identifies the site as being part of a Landscape Conservation Area and Area of Principal Archaeological Interest.
- 1.7 Our Lady's Well is located to the west of the site and is a Scheduled Monument and Grade I Listed Building.
- 1.8 The application seeks full planning permission for the erection of 44 homes. Access would be via a newly formed entrance off Honeythorn Close to the north. There would be pedestrian access from the private track to the south.
- 1.9 The proposed house types are broken down as follows:
- 3 x 1 bed flats
 - 7 x 2 bed houses
 - 19 x 3 bed houses
 - 15 x 4 bed houses
- 1.10 The application proposes 27 market units and 17 affordable homes, or 39% of the total number of homes as affordable housing. The breakdown of the affordable housing would be as follows:
- Rented
- 3 x 1 bed flats
 - 5 x 2 bed houses
 - 3 x 3 bed houses
 - 2 x 4 bed houses
- Intermediate (shared equity)
- 2 x 2 bed houses
 - 2 x 3 bed houses
- 1.11 The western part of the site would be retained as green open space.
- 1.12 The planning application follows pre-application discussions with officers. The application was originally submitted in November 2015 and sought permission for the erection of 46 homes. A heavily revised layout for 46 homes was submitted in June 2016 in response to concerns raised by consultees and local people. This was then modified to 44 homes in August 2016.

- 1.13 The application is referred to the planning committee because a Section 106 legal agreement would be required if planning permission is granted; and in view of the feedback from local people.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The application site has no relevant planning history.

3.0 PLANNING POLICIES

- 3.1 This section of the report identifies local and national planning policies that are relevant to the consideration of the application and considers the weight that can be afforded to them.

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who presided over an appeal relating to land at the Peel Centre, St, Ann Way (13/00559/FUL), '*...its sheer age suggests it must be out of date...*' (par. 11 of the Inspector's report).
- 3.5 The 1983 Local Plan is out-of-date and superseded by the National Planning Policy Framework and relevant local planning policy.

National Planning Policy Framework

- 3.6 The National Planning Policy Framework ("NPPF") published in March 2012 is a material consideration of considerable importance. It sets out the Government's planning policies for England and how these should be applied.
- 3.7 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.
- 3.8 Guidance on how to interpret the NPPF is provided by the online National Planning Practice Guidance ("NPPG").
- 3.9 Paragraph 14 of the NPPF says that: '*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.'*

3.10 Section 6 of the NPPF, *Delivering a wide choice of quality homes*, provides national policy on how to deal with proposals for housing. Other sections of the NPPF also apply and are referred to in the report where relevant.

Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

3.11 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan").

3.12 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.

3.13 Paragraph 216 of the NPPF states that weight can be given 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 NPPF.

3.14 The JCS is part way through the Examination process and the Inspector published her Interim Report in May 2016. However, a number of proposed modifications will be made to the policies in the plan. The legal advice that the Council has received is that the JCS can be given limited weight at this time.

Gloucester City Plan

3.15 The City Plan will sit underneath the JCS and provide locally specific site allocations and development management policies, within the strategic context of the JCS. To date, consultation has taken place on Part 1 of the City Plan, which sets out the context, strategy and key principles; and Part 2,

which sets out a draft City Centre Strategy and looks at potential site opportunities. The next stage will be the publication of a Draft City Plan for public consultation. This will include an updated Part 1 and Part 2, along with a range of locally specific Development Management policies. The City Plan can be given no meaningful weight at this time.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.16 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 (“2002 Local Plan”). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.
- 3.17 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the weight that can be given to the Local Plan is, therefore, limited. This view is supported by the Inspector presiding over the appeal at the Peel Centre, who commented that: ‘*The Gloucester Local Plan did not progress beyond the Second Stage Deposit of 2002; while its policies were adopted for development control purposes, they cannot carry any significant weight.*’ (par. 12 of the Inspector’s report) This approach is, however, contradicted by other appeal decisions where Inspectors choose to give policies in the 2002 Local Plan reasonable weight.
- 3.18 The main body of this committee reports refers to policies in the 2002 Local Plan where they broadly accord with policies contained in the NPPF, and are relevant to the proposal.
- 3.19 The 1983 Local Plan, JCS, emerging City Plan and 2002 Local Plan can be viewed at the following website address:-
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website:-
<http://planningguidance.communities.gov.uk/>.

4.0 CONSULTATIONS

- 4.1 This section of the report summarises the feedback received from technical consultees. The comments relate to the current scheme for 44 homes unless otherwise stated.
- 4.2 **Principal Planning Policy Officer**

Comments on the original scheme for 46 homes as follows:

- Tension currently exists with regard to the principle of development at the site between the un-adopted 2002 Local Plan and the emerging JCS. The tension lies in the fact that the 2002 Local Plan identifies the site as a Landscape Conservation Area where large-scale residential development would be considered unacceptable. This is compared to the approach of the JCS which identifies the need to deliver new

housing for the City, combined with a new landscape evidence base to support the JCS process which moves away from Landscape Conservation Area designations

- The NPPF seeks to provide sustainable development via a development plan led system and aims to boost the supply of housing nationally by ensuring that Local Planning Authorities identify an objectively assessed need (“OAN”) for housing whilst providing an annual 5 year plus 5% supply of “deliverable” housing sites on which to deliver both market and affordable housing
- The JCS has reached an advanced stage. The JCS identifies an OAN of 30,500 homes for the period 2011-2031 with a submitted housing requirement for Gloucester of 11,300 homes
- Relevant policies in the JCS that go beyond the NPPF are:
 - SD4 – sustainable design and construction
 - SD5 – design requirements
 - SD7 – landscape
 - SD9 – historic environment
 - SD10 – biodiversity and geodiversity
 - SD11 – residential development
 - SD12 – housing mix and standards
 - SD13 – affordable housing
 - INF1 to INF8 – infrastructure
- The site is not currently allocated for residential purposes in the 2002 Local Plan. The 2002 Local Plan identifies the site as falling within a Landscape Conservation Area and an Area of Principal Archaeological Interest. Policies LCA.1, BE.31 and BE.34 apply
- Ward profiles were produced to support the summer 2013 City Plan sites consultation. A SWOT analysis was undertaken and for Hempsted ward; the issues include:
 - A lack of community facilities and services for those living in new housing to the east of Secunda Way
 - Lack of healthcare facilities in walking distance
 - Local primary school at capacity
 - Parking issues at peak times (school drop off/pick up)
- The Planning Policy team considers that any new housing on the site would provide opportunity to address some of the weaknesses in the ward which were acknowledged by local people
- The site was submitted to the Local Planning Authority for consideration in the SALA in 2013. In autumn 2013, the Local Planning Authority received new landscape evidence from WSP to support preparation of the City Plan. This new evidence informed the 2013 SALA. The 2013 SALA identified the constraints affecting the site but found it deliverable within five years and able to contribute to the Council’s five year land supply with a capacity of 48 dwellings using the

agreed JCS SALA methodology. The site has continued to contribute to the City Plan potential figure

- The City Council no longer has a five year land supply plus 5% buffer and requires contributions from JCS strategic allocations located in Tewkesbury Borough in accordance with the “duty to co-operate”
- It is important, therefore, that all sites, brownfield and greenfield, have the potential to contribute to City Plan capacity to deliver housing in accordance with paragraph 47 of the NPPF
- The historic environment evidence base to support the City Plan is currently in preparation and the document providing in depth overview of the application site has been completed. The findings of this study, including recommendations on the developable and non-developable areas, can be used as evidence in the determination of the application
- The site has, in principle, potential to contribute to the City’s housing need for the plan period 2011 to 2031. It is acknowledged that there are constraints at the site that will need to be addressed through the application process to deliver a truly NPPF compliant sustainable development for the site
- The Planning Policy team is generally supportive of the application site being considered for residential development. The City Council is committed to ensuring that the NPPF requirement to provide a five year plus 5% housing land supply is maintained. In principle, and subject to the aforementioned, bringing forward suitable sustainable development on the site will help to ensure that the City maintains a healthy housing land supply and will help to deliver more affordable housing for the City.

4.3 **Highway Authority (Gloucestershire County Council)**

Comments as follows:

‘Further to our phone call regarding Newark Farm I include below some outline observations and recommendation as the Highway Authority and I intend to provide you a more detailed response prior to the application being presented to Planning Committee.

Overall the type scale and location of the development is acceptable with regard to the guidance set out in the NPPF. I have some remaining concerns with the internal highway layout of the site however subject to the applicant being willing I believe that these can be resolved with relatively minor amendments.

The site is located in a sustainable location to the south west of the city centre with suitable access to the surrounding local highway network. The impact on the highway network from a development of this size in terms of additional vehicle movements is not significant and would not have an adverse effect on the operation of the network.’

4.4 **Conservation Officer**

10th August 2016

Comments on the revised scheme for 46 homes:

- There have been detailed discussions about this site starting in 2014 with a formal pre-application. Throughout these discussions concerns have been raised about the impact of development on the setting of both designated and non-designated heritage assets, as well as impacting on the Conservation Area
- The site is located immediately adjacent to the Hempsted Conservation Area. The key characteristic of the Conservation Area is the distinctive rural character and low density housing; former farmhouse with its boundaries, as well as a number of agricultural fields surrounding the Conservation Area. Although the site is outside the Conservation Area, the site does make a positive contribution to the rural character and setting of the Conservation Area as well as the setting of numerous heritage assets, in particular Newark House and Lady's Well;
- The revised scheme has been developed in conjunction with 3D modelling with key views identified; a detailed heritage assessment and character analysis of the area. Key views include:
 - View from Hempsted Lane across two fields to Newark House
 - View from Newark House across the site to Robinswood Hill
 - View from Honeythorn Close to Newark House
 - View from the public right of way by Our Lady's Well to Newark House and Robinswood Hill
 - Views across the field from Newark Farm and also the Church at Hempsted to both Newark House and Gloucester Cathedral
- It is apparent that the development is located on the lowest aspect of the site, which provides some setting to the ridge and furrow and also preserves views of Robinswood Hill. The view across the site to Cathedral is also preserved. The views also demonstrate that there would be no impact on the significant and setting of Our Lady's Well
- The principle concern relates to the impact of the development on the setting of Newark House, a Grade II Listed Building. This is demonstrated in Photomontages A, B and F. The area proposed for development appears to have belonged to Llanthony Secunda Priory and then to Llanthony Manor, with Newark Farm first identified on the 1839 Hempsted title map. The surrounding land became part of the farm use and contributes to the setting of Newark House and the Conservation Area. To reduce this impact, it is suggested that Plots 32-35 are rotated with their gardens fronting onto Honeythorn Close (similar to Plots 16-18). This would move the built form further away when viewed. Another issue is the large 3 bedroom house (Plot 31),

which provides a large mass onto the smaller terraces of Plots 28-30 and is highly prominent

- The materials palette has been revised following discussions to ensure that it responds to the differing characters of the site. There are two key design styles: one which connects with Newark Farm and is locally distinctive in its rural character; and the second is adjacent to the Old Coach House and Newark House
- Boundary treatments should reflect this character and traditional stock railings and brick walls, together with quality public realm treatments and areas for parking; this should include setts or cobbles to reflect the rural character of the site. Materials overall should be locally distinctive and of high quality. Drainage mitigation should ensure that the present landscaping is preserved without introducing large scale infrastructure, which could further impact on the setting of these heritage assets
- In summary, it is noted that the scheme has been revised to limit the impact on the designated and non-designated assets within the area, but overall the loss of the rural landscape and the associated impact on the setting of Newark House – a Grade II Listed Building and designated asset – would still result in some harm to its significance. Due to the changes, the harm would be considered to be “less than substantial” due to partial development of the site with the proposed preservation of the ridge and furrow and views to the Cathedral and Robinswood Hill.

7th September 2016

Comments on the current scheme for 44 homes:

- Having assessed the further revised plans, whilst there have been further amendments to the scheme which are welcomed this does not mitigate the concerns in relation to the impact on the significance of Newark House. The previous advice still stands
- If permission is granted then a number of conditions will be required. These will relate to material finishes, landscaping and boundary treatment. The removal of permitted development for extensions, satellite dishes and construction of further boundary treatments will also be required to preserve the integrity of the scheme.

4.5 **Urban Design Officer**

29th July 2016

Comments on the revised scheme for 46 homes as follows:

- There have been numerous discussions with the applicant about this proposal and they have submitted a range of supporting material. My overall conclusion is that planning permission should be granted, subject to a number of more detailed amendments

- The density of the development, whilst higher than surrounding areas, offers a comfortable level and provides a good range of house types. A lower density would not be acceptable because of the need to make effective use of land
- The layout is simple and functional and generally set out in a back-to-back arrangement where gardens are protected and the front of houses define the public realm. This approach offers the best passive form of security and allows active surveillance over the public realm
- The applicant has made an effort to take on board both fundamental and detailed design points raised during the application process. I am supportive of the character of the development. The two end sections of the development are designed to reference the Old Coach House form adjacent to Newark House and the newly built northern stables block of the new Newark Farm housing development. This enables the development to reference existing features to either end and create a more contextual strong character
- Fundamentally the design is acceptable. However, the following design issues need to be addressed before I can fully support the proposal.
 - Removal of the hedge on the east boundary, which might overbear the neighbouring residents and result in maintenance problems
 - All garden walls defining the public realm must be constructed in brick to match the adjacent houses. This is preferable to fencing
 - All garages must be a minimum dimension of 3 metres x 6 metres (or 6 metres x 6 metres for double garages) so that they are large enough to park vehicles
 - Careful consideration of public realm materials. An enhanced materials palette should be used given the sensitivity of the site
 - Some form of traffic calming is needed, having regard to the initial comments from the Highway Authority. A 2 metre pavement to the eastern side of the main street is recommended. Periodic narrowing of the highway could be introduced
 - Specific detailed comments on the house types.
- The provision of chimneys throughout much of the development is a very positive feature
- Materials generally seem to be red brick, render, dark painted timber and two colours of roof tiles. This is a simple but effective approach and there is enough variation in house type design to provide interest and variety. I would suggest possibly two brick types, given the number of units overall. Generally the bricks should have some colour variation with a multi finish, without being too exaggerated
- It would seem sensible for the material finishes to broadly follow certain character areas within the site, each relating to their surroundings. This process has already been set out through the building heights plan and is a good start. The following areas could be grouped together:
 - Properties along the eastern side: Plots 1-15
 - End sections on edge of site: Plots 28-38 + 16-18

- Rest of site to western edge and centre: Plots 19-27 + 39-46

13th September 2016

Comments on the current scheme for 44 homes:

- The alteration to the layout, including the removal of plots 1 and 30, will improve the overall design and ease the impact on the heritage assets
- The further alterations to the house types are acceptable
- In terms of the layout, landscaping and built form information, I can support this development and feel it will make a positive contribution to the quality of the area and the quality of the wider housing provision within Gloucester.

4.6 **Historic England**

Comments as follows:

- The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.7 **City Archaeologist**

Comments as follows:

No objection – comments as follows.

- The earthworks to the north-west of the site are a group of unique and important heritage assets in their own right. The earthworks have long been thought to be part of a Roman marching camp or civil war earthwork (and are referred to often as 'Hempsted Camp' or 'Hempsted Earthworks' and many maps). The dating of these remains is uncertain but they may have been built or reused as artificial rabbit warrens in the medieval period, probably owned by Llanthony Priory.
- That said, the layout of the earthworks does not conform to any known artificial earthworks and may represent an older monument which has been reused. Either way, these unusual earthworks are a core part of the heritage of Hempsted and should be considered significant heritage assets of local and regional importance. It is vital that these remains are preserved undisturbed as part of any development.
- The City Archaeologist is content that the applicant has made reasonable efforts to minimise the impact of the development on the setting of these earthworks, and the setting and "legibility" of the monument has largely been protected. Certainly, the key views south from Newark House and north from Newark farm have been protected
- This site has been subject to archaeological evaluation (trial trenching and geophysical survey) which has established that archaeological

remains of Roman and medieval date survive within the site. These remains include finds of prehistoric date and archaeological features of Roman and medieval date. In light of this, a planning condition is recommended should planning permission be granted.

Recommends the following condition:

- A programme of archaeological work in accordance with a written scheme of investigation

4.8 **Neighbourhood Services Manager**

Comments on the original scheme for 46 homes as follows:

Ecology

- The application is accompanied by an ecological report. The site has little intrinsic value although it is used for commuting and foraging bats. There are records of Pipistrelles and Less and Greater Horseshoe Bats. There are no overall constraints, as such, as the proposals affect their foraging area rather than their habitat. However, a good foraging area should be maintained. The proposed landscaping should provide mitigation, although a standard landscaping condition should be required as well as a landscape and ecological management plan. A construction and management plan should also be submitted. This should ensure that lighting is kept to a minimum.

Landscape

- The area is within an old Landscape Conservation Area in the 2002 Local Plan; however, this has almost no weight. The JCS sensitivity analysis identifies the site (part of G41) as being of a medium to low sensitivity. This is described as being resilient to change and/or areas of limited intrinsic value or landscape resource. The character and sensitivity analysis do suggest that one of the important features of the whole site is in providing a rural setting
- The WSP LVA study is more detailed and concludes that development is acceptable east of the fence line that bisects the field
- The application is supported by a landscape assessment and broadly concurs with the above. It suggests, however, a slightly different built form that ensures that views from Hempsted Lane north west towards the Malverns are maintained. I would strongly agree as this is an important connection from the village to its rural hinterland. Maintaining this view would do much to ensure people's perceptions of the village's rural character are largely maintained. Other views into the site from public vantage point are limited to the open space to the north and do little to detract from the overall character. Policy SD4 of the JCS gives support for this

- In landscape terms, if these views from Hempsted Lane are maintained, I would support the application. If not, I would recommend refusal or at least conditioned such that these specific views are taken into consideration when submitting a detailed design.

4.9 **Landscape Architect**

Comments on the revised scheme for 46 homes:

- 100% on-site Public Open Space (“POS”) provision would need to provide 0.53 ha, plus associated facilities;
- 100% off-site provision would require contributions of £175,025 for formal sport, £62,036 for formal play and £23,638 for general POS improvements – a total of £260,709;
- The development is providing some POS on site, so off-site contributions would need to be scaled accordingly. However, we would still need 100% formal sport and formal play contributions, as these facilities are not being provided on site. But we would not require any contributions to general off-site POS.

4.10 **Tree Officer**

No objection – comments as follows.

- All significant trees are retained and are a satisfactory distance away from the proposed new houses. The plans indicate a new orchard which is fully supported as long as local Gloucestershire apple and pear varieties are used
- If minded to grant permission, please condition tree protection and a landscaping plan.

4.11 **Senior Housing Enabling Officer**

7th July 2016

Comments on the original scheme for 46 homes:

- The applicant has agreed to provide 40% affordable housing contribution in line with the Council’s policy to meet local needs
- The proposal will deliver a mix of housing types and tenures, subject to discussions with the Housing Officer

- Identifies the required housing mix for the site as follows:

Number of bedrooms	Mix %	No. of Rented units	No. Of Low Cost Ownership units
1	21	3	0
2	35	5	2
3	29	4	2
4	15	2	0
TOTALS	100	14	4

- Gloucester’s housing need has a strong preference towards rented affordable housing. The table above reflects this need
- No reference is made to Lifetime homes equivalent (Category 2, Part M Building Regulations) or wheelchair provision (Category 3). We would expect 15% of the homes on the scheme delivered at Category 2 and one or two units delivered at Category 3
- It is recommended that the applicant discusses their proposals as early as possible with local housing associations (Registered Providers).

18th July 2016

Comments on the current proposal for 44 homes:

- The proposal reflects the mix we requested earlier in the process. The key issues, therefore, are:
 - That the proposal is taken as it is based on the social rent and intermediate housing mix set out in the application
 - Understanding of the location of the affordable housing
 - Clarity regarding the size of the affordable homes
 - Whether any shall meet Category 2 and Category 3 standard. The design of the flats do not appear to be Category 2/Category 3

14th September 2016

Comments on the current proposals for 44 units:

- We would prefer to see the two bedroom affordable housing units integrated with the larger units to provide more diverse clusters. There is concern that the current affordable housing layout would lead to “high child densities” in concentrated areas. Lower child densities tend to make for better quality development.

4.12 **Lead Local Flood Authority (Gloucestershire County Council)**

No objection – subject to conditions.

The following comments are provided:

- The applicant has identified the existing flood risk to the site and appropriately addressed the risk. The site is at low risk from external sources of surface water
- The latest proposals will not increase the flood risk to the site and greater catchment though the provision of SuDS. The system will cope during the 1 in 100 year critical storm (taking into account climate change); indicating that the development will not increase the site's run-off rate up to this event
- The applicant proposes to discharge drained areas (1.75 ha) for all events up to and including the 1 in 100 year event (with climate change) at the QBar run-off rate (2.33 year event), ensuring the site does not have any increase in run-off volume. The proposal is therefore compliant with the NPPF and non-statutory Technical Standards for Sustainable Drainage
- The site is predominantly clay and infiltrating SUDS will not be practicable. Discharging to the local watercourse will not be possible due to the levels and slope of the site. Severn Trent Water confirms that a connection of 5l/s/ha to their system is allowable if infiltration is not possible. A connection to the combined sewer is acceptable if Severn Trent Water's requirements are met
- The water quality and pollution control strategy satisfy standard practice and should prevent the reduction in water quality from the site. The above ground storage is a welcomed alteration and has been designed to achieve best practice.

The following planning conditions are recommended:

- Provision of a detailed design for the surface water strategy; and
- Provision for the maintenance of all SUDS/attenuation features and associated pipework.

4.13 **Drainage Officer**

No objection – comments as follows:

- The LLFA has provided a detailed consultation response regarding the flood risk and SUDS aspects of this scheme. I am in full agreement with the LLFA's response and do not need to add any further comment
- I am satisfied that the two conditions requested by the LLFA cover the items which I would have sought to condition.

4.14 **Severn Trent Water**

No objection – subject to the following conditions:

- Submission of a drainage scheme for the disposal of foul and surface water flows
- Implementation of the approved drainage scheme
- Advises that the applicant investigates public sewers in the area
- Advice in relation to the submission of a Building Regulations application

(Officer comment – the final two points are not planning conditions but are more appropriately replayed to the applicant/developer as advice notes on the decision notice if planning permission is granted)

4.15 **Environmental Health Officer**

Comments on the original scheme for 46 homes.

No objection – subject to the following conditions:

- Restriction on hours for construction; and
- No burning of materials/substances during construction.

4.16 **Contaminated Land Officer**

Comments as follows:

- No contaminated land concerns have been identified in respect of this application and therefore no adverse comments are made.

4.17 **Local Education Authority (Gloucestershire County Council)**

29th July 2016

Comments as follows on the revised scheme for 46 homes:

- There is insufficient capacity within the primary and secondary sectors to accommodate the expected increase in children requiring school places that would arise from the proposal. A contribution should therefore be required
- The proposal would provide 42 qualifying dwellings (houses of 2 bedrooms or more). The contributions are required to increase capacity at Hempsted Church of England Primary School (0.4 miles from the site) and Beauford Academy Secondary School (3.5 miles away). Hempsted primary school has a capacity of 210 pupils and is forecast

to be at capacity in 2018. Beauford secondary school has a capacity of 1,208 pupils and is over capacity by 2018/19, and subsequent years

- A library contribution towards Gloucester Main Library is also needed. This is the nearest library and the increase in population will create additional pressure on these resources
- The necessary contributions are broken down as follows:
 - Primary school – £148,217;
 - Secondary school - £118,232
 - Libraries - £9,016
- The capital funding would be for Hempsted Church of England Primary School to expand the school to increase capacity. The securing of the contribution via planning obligation will not breach the Community Infrastructure Levy “pooling limits”. Gloucestershire County Council has an on-going development plan to increase Beauford by 2018. The contribution will be put towards this project. There are two pending agreements (Hunts Grove and Grange Road) which will also potentially contribute to this specific scheme. There is no danger of breaching the pooling limits.

16th September 2016

Comments on the current scheme for 44 homes:

- Updated contributions to reflect the reduced number of houses:
 - Primary school – £141,159;
 - Secondary school - £112,602
 - Libraries - £7,840

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been publicised by way of a press notice and the display of site notices. In addition, 38 properties have been directly notified of the application in writing. Public consultation was originally carried out in December 2015 when the application was first received. Further consultation was carried out in June 2016 following significant changes to the layout. Further amendments to the scheme were made in August 2016 including lowering the number of units from 46 to 44. This was followed by a further round of consultation.

5.2 A total of 66 objection letters and two letters of support have been received from local people. Given that the layout was changed significantly in June 2016, with a reduction of the number of units from 46 to 44 homes in August 2016, the consultation responses are summarised in two parts. The first part summarises comments received in connection with the original scheme, received in December 2015. The second part summarises comments made in

connection with the significantly revised scheme received in June 2016 and its subsequent modification to 44 homes in August 2016.

- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01494/FUL>

Comments made in relation to the original scheme

Hempsted Residents Association

- 5.4 Hempsted Residents Association believes that the following issues need to be resolved prior to the application being decided:

- The density of the housing is too high and greater than nearby housing. This would have a detrimental impact on the rural setting of the village
- Future ownership and management of the open space must be clear
- Pupil capacity issues at the local school need to be resolved
- The site is Greenfield. It is between the Conservation Area to the south and Listed Building to the north. There is an historic monument to the west (Our Lady's Well). The field is a Landscape Conservation Area. It contains archaeological remains including from the Roman and Medieval periods. The site should be retained as a Landscape Conservation Area.

Further comments are provided:

- Only 3 of the 9 house types are identified
- Building on ancient earthworks
- The Tree Officer has requested a tree report
- Unsure if sufficient parking is provided
- Who will maintain the hedgerow corridor and open space?
- Detailed comments on layout
- The landscaping plan has insufficient detail
- All landscaping should be implemented by planning condition
- Ancient ground works seem to be compromised
- The levels information lacks explanation
- Plans appear to exclude part of the drive to Newark House
- Four bedroomed houses only have 2 parking spaces. Potential parking on the road
- Inclusion of bungalows is welcomed and meets a local need
- The site is a Landscape Conservation Area. Part of the site encroaches on the Conservation Area. The site was a Roman settlement/camp and artefacts have been discovered in the area. The site should be retained as valuable Landscape Conservation Area.
- There are Medieval pillow bound earthworks on the site
- The countryside is to be viewed and not built on

- The pump station on Rectory Lane is not mentioned
- Density of the housing is too high
- The area of open space is a very welcome feature. Further open space within the development would add amenity for everyone, bring the density down and enhance the setting and feel of the development. It would also be more in keeping with the village.
- Good green infrastructure linking to the wider countryside should be maintained. Maintain a design that is sensitive and better reflects elements of Hempsted Conservation Area
- Environment Agency mapping highlights flood risk areas
- There is opportunity for habitat enhancement
- Drainage information lacks context
- The drainage strategy plan and storm water data lack detail
- The Transport Statement appears to confirm that traffic will double
- Local parking restrictions should be considered
- Impact of traffic on the quality of life of residents

Civic Trust

5.5 Objects to the application on the following grounds:

'Planning permission should be refused. The development encroaches on both the setting of the listed building Newark House and on the house itself perched on the escarpment of the Severn Valley. In that setting, on rising ground, are a number of rare and interesting tree species which are an integral part of the surroundings of the house. Though the planned development encroaches only slightly on known archaeological and historic remains they are very close by. The proposed houses will also encroach on distant views towards both the vale and the Cotswolds. This number of extra houses on this sensitive site, served by restricted access at either end of Hempsted lane is unacceptable on traffic grounds.'

Letters of support

5.6 Two letters of support have been received, summarised below.

- The proposal is thoughtful and responds well to both the landscape and surrounding properties
- The homes and area of open space are much needed and will benefit the wider community
- The native hedgerow landscape corridor should be at least 10 metres wide

Letters of objection

5.7 The objections are summarised below.

Planning policy

- The application is premature in view of consultation on the City Plan
- The application is also premature because a Neighbourhood Plan for the area is being prepared. Initial consultation with residents shows an overwhelming desire to protect green fields in the village
- The site is not allocated in the Development Plan
- The site has not been subject of consultation for the new City Plan
- The council already has a five year land supply of housing
- Brownfield sites should be built on first. There are brownfield sites in the area near to Sainsbury's, the Oil Storage Depot off Hempsted Lane and former gas works off Bristol Road
- There are other sites available to build on in the city
- There are better sites closer to the city centre
- Why are empty homes not brought back into use first?
- It is not right to convert our village into a town – this is the easy option
- There has already been enough development in the area
- The village is already at saturation point
- The developer has not been able to sell the houses they have already built in the village. Why do we need more?

The planning process

- The application is incomplete, would not be safe and would be subject to potential legal proceedings

Community consultation

- There has been a lack of consultation and community involvement
- The pre-application drop-in session organised by the applicant was not well publicised
- Neighbour consultations have not guided these proposals
- The applicant's statement on public consultation is wrong – local residents have not seen the proposed layout until now
- Sceptical of the timing of the application just before Christmas
- Not all neighbours received notification of the application

Infrastructure

- The local primary school is oversubscribed and doesn't have room to cater for more housing. There are not enough places at the school for existing residents let alone new ones
- Community facilities are not fully addressed
- There is no doctors surgery
- No mention of contribution to local amenities such as the primary school – access could be provided via the Newark Farm development
- Play area provision
- Lack of play area provision in the village

- Concerns about the capacity of the local water supply and sewer
- Maintenance of the hedge, planting and open space will fall to the council which is unacceptable
- It's unclear who will manage the open space to the west part of the site

Transport

- The roads are already extremely busy
- The roads cannot cope with the extra traffic
- Concerns about increased traffic
- Hempsted Lane is already congested
- Students park on Hempsted Lane because of lack of parking at the college, obstructing the highway
- The proposal would endanger highway safety
- Safety at the junction
- Limited visibility onto Hempsted Lane
- Danger to local children walking to school
- The proposal will impair access to existing residents' properties
- Impact of construction traffic on Honeythorn Close
- Pollution from extra traffic
- The most recent traffic survey was conducted three years ago and did not take into consideration the junction of Honeythorn Close on Hempsted Lane

Landscape impact

- Loss of green space
- Loss of views
- The site is designated a Landscape Conservation Area. It is vital to maintaining the character of the village
- Damaging to the countryside feel of the area
- The site is Green Belt
- The site is part of an important green ring around the city
- The development will be directly visible from the gardens of the existing houses on Hempsted Lane to the east
- The Tree Survey does not consider the impact on trees on adjacent land (in particular Tree 59, a Turkey Oak)

Design and layout

- Too many houses for the site
- Poor design and layout
- Inappropriate materials for the area
- Exposed rear gardens
- Dwellings too close to the wildlife corridor
- Layout over-dominated by parking
- Units gable end onto the open space
- The scheme fails the "good design" test in the NPPF

- The homes recently built at Newark Farm and Ladywell Close are not in keeping with the village
- Questions the accuracy of the plans
- The elevations for house type J are incorrect

Impact on neighbouring property

- The land rises and the development would be overbearing on the houses on Hempsted Lane to the east side of the site
- Loss of outlook from these houses
- Loss of amenity
- Loss of privacy
- Loss of light
- The proposed east boundary is inadequate in height and separation. It will take years for the new planting to grow
- A greater buffer should be provided to those properties. It should be a band of mixed trees and hedging
- The planting on the east boundary will overshadow neighbours
- The houses are far too close to the east boundary
- The neighbouring properties will be affected by noise and light pollution
- The properties to the east will experience light pollution from cars
- Noise from traffic
- Maintenance of the boundary treatments
- Huge disturbance to local residents during the construction phase

Impact on the historic environment

- Adverse setting on Newark House, a Grade II Listed Building
- Impact on the setting of the Conservation Area
- The applicant's Heritage Statement considers only an earlier iteration of the proposal and not the specific scheme. The Heritage Statement should consider the impact of the specific proposals
- The Landscape Assessment is incorrect in stating that there is limited inter-visibility between Newark House and the Conservation Area
- The Landscape Assessment does not address the issue of impact on the setting of Newark House. Heritage impacts should be considered
- The landscape appraisal fails to take account of Newark House and describes the site as flat which it is not
- Archaeology and impact on the ancient ridge and furrow system
- Potential damage to archaeological artefacts
- The site has Roman remains
- Further assessment of archaeological impacts is required
- The Heritage Statement produced by Jackson Planning Ltd and submitted to the Council in July 2015 should be considered

Drainage

- Surface water run-off
- Excess water currently drains into neighbouring properties
- Drainage will increase
- The local sewers have already been blocked
- Flood risk
- The applicant's flood modelling is desk based and inadequate
- The balancing pond could be a danger to children
- It is unclear how the drainage feature will also be used as a wildlife corridor as they will have to be regularly cleared of vegetation
- Questions the provision of underground storage below the car parking spaces in ground identified as impermeable clay

Ecology

- Ecological impacts
- Impacts on bats and nesting birds
- Local residents have noted a greater variety of species than reported in the applicant's ecological survey
- There are pheasants, owls and foxes in the area
- Many of the species noted in the survey are legally protected
- Additional tree planting and roosting boxes should be provided

Other comments

- The impact of the proposals on neighbours is contrary to the Human Rights Act 1998 and the 'peaceful enjoyment of their properties'.
- Devaluation of local property

Comments made in relation to the revised scheme (June 2016 onwards)

Hempsted Residents Association

5.8 Comments from Hempsted Residents Association are summarised below.

- The revised plans do not satisfy the concerns of the Lead Local Flood Authority. In fact, the plans create more problems which exacerbate the concerns of Environmental Services
- The Civic Trust will not accept the impact that the revised plans will have on the countryside and Grade II Listed Building
- The report from Jackson Planning illustrates more technical and policy shortcomings in the proposal
- The concerns that Hempsted Residents Association initially raised have not been addressed
- The revised plans should be rejected

Civic Trust

5.9 Objects to the application for the following reasons:

'Planning permission should be refused. Despite the developers' genuine efforts to reduce the impact of their scheme, the panel feels it is a step too far into open countryside and the setting of the Grade 2 listed building, Newark House. The nibbling effect of granting permission can only lead to more serious incursions into this green area on the ridge which commands very pleasant views towards the Malverns, the Forest of Dean and the Cotswolds.'

Letters of objection

5.10 The objections are summarised below.

Planning policy

- Hempsted has been subject to over-development
- Development on greenfield land
- There is no shortage of space to build houses on. This Greenfield site should not be built on before other sites. Brownfield sites should be built on first
- The City Council already has a five year land supply. The proposal is therefore unnecessary
- The site is not allocated for residential development
- Latest research indicates that Councils have granted enough planning permissions to meet National Government targets for house building
- The Council should make sure that the proposal meets local housing supply needs [if permission is granted] by imposing a reduced time implementation condition [rather than the standard three years]. This would avoid inappropriate land banking

The planning process

- The revised plans do not fully address previous concerns
- The previous application resulted in less overlooking of the properties on Hempsted Lane
- Hempsted is making good progress with its Neighbourhood Plan. The proposal is premature ahead of the Neighbourhood Plan
- The application is far worse in its amended form
- The Local Planning Authority should have insisted on a new application and not dealt with the amendments as revised plans

Community consultation

- There has been limited consultation between the applicant and residents
- The revised layout was not discussed with the local community

Infrastructure

- Present school amenities will not support additional housing. The local school is already over-subscribed
- Concerns about impact on local infrastructure including the school
- The local bus service is infrequent

Transport

- Concerns about the impact of additional traffic
- Unsuitability of the access and junction
- There is no evidence of how the entrance off Honeythorn Close will look or the impact on local residents
- Honeythorn Close is not wide enough for the extra traffic
- Insufficient parking within the development and parking will spill onto the road
- There is limited access to the development. The access from Honeythorn Close is not large enough to handle the extra traffic
- The eight dwellings at Newark Farm have destroyed the road surface of Ladywell Close. What effect would traffic for 46 homes have?
- Extra traffic will make it more difficult to get onto the bypass from Hempsted Lane

Landscape impact

- Impact on the countryside
- Loss of Greenfield land that is designated a Landscape Conservation Area. Development here should only be allowed in exceptional circumstances. This does not apply here
- The WSP landscape analysis is flawed because it failed to take into account the proximity of Newark House, a Grade II Listed Building
- Loss of trees
- The proposal does not blend in with the rural setting of the site

Design and layout

- The proposed change in style of the housing does not fit in with the village. The mix of affordable housing will not meet local housing needs
- Out of keeping with the area
- Overdevelopment of the site
- Unsuitable urban design
- The proposal is out of keeping with Hempsted village
- The development is too cramped
- The style of properties is out of keeping with the architecture of the village
- There are no bungalows

Impact on neighbouring property

- Negative impact on the houses on Hempsted Lane that back onto the application site
- The proposed tree planting will overshadow neighbouring properties
Concerns about how the landscaping will be managed
- Loss of amenity of the area
- Overlooking of adjacent houses
- Loss of amenity to the adjacent houses on Hempsted Lane that will have an outlook onto the new housing
- The houses on the east side of the site are on higher ground than the properties on Hempsted Lane and will overlook their gardens
- Overbearing of properties on the eastern boundary
- Inadequate boundary treatment on the eastern boundary. Noise and light pollution
- Concerns about impact on amenity during the construction period
- Concerns about maintenance of the boundary treatments
- Increased noise
- Overbearing
- The layout would provide a mass of built form along and close to the east boundary next to the rear of the houses on Hempsted Lane

Impact on the historic environment

- The proposal would not enhance the character and setting of the nearby historic monuments and could damage historical artefacts
- Adverse impact on Newark House, a Grade II Listed Building
- The proposal will not make a positive contribution to Newark House or local character, and is thus contrary to policy
- Views of Newark House from Hempsted Lane will be lost
- The proposal is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it would not preserve the setting of Newark House, a Grade II Listed Building
- Cites the case of East Northamptonshire DC vs Secretary of State (Barnwell Manor Wind Energy) where the Court of Appeal considered the effect of Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, which requires special attention to be paid to the desirability of preserving nearby Listed Buildings and their setting. The Court commented that the '*...intention in enacting s.66(1) was that decision-makers should be give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing act.*' In R (Forge Field) vs Sevenoaks Development Control Lindholm, it was stated that a finding of harm to the setting of a listed building (or a Conservation Area) gives rise to a strong presumption against the grant of planning permission
- The material benefits of the proposal are not significant or considerable
- The permanent and irreversible harm to the setting of the Listed Building cannot be mitigated

- The site is archaeologically important. Potential damage to historic artefacts at the site

Drainage

- The site is prone to flooding. The proposal will make the situation worse. Adjacent houses will be put at risk of flooding
- Concerns about the capacity of the local sewerage system
- The Flood Risk Assessment has inaccuracies
- The LLFA's comments of 18th July 2016 mean that the drainage does not meet current requirements. Any revision to the application should require a further, fresh application
- Drainage is inadequate
- The ground investigation reports are not up-to-date

Ecology

- Concerns about the ecological impacts of the development
- The site supports wildlife, rare bats and endangered birds. Damage to wildlife habitats
- The site supports a greater variety of wildlife than reported in the applicant's ecological survey. Toads, frogs, slow worms and mice are common place. Foxes and hedgehogs have been present. Some of these species are legally protected
- Further mitigation such as extra roosting boxes should be provided
- The proposed balancing pond will be a danger to children

Other comments

- The plans indicate that some of them are not to scale
- The plans are inaccurate in terms of how they show the relationship between existing houses and the site
- Out of date maps are used that do not properly show existing properties
- Breach of Human Rights that entitles a right to respect for private and family life and "peaceful enjoyment of possessions"
- Concerns about play area provision
- Environmental impact
- The large amount of open space proposed by the application is not needed and would be a burden to the tax payer
- How will the green spaces be managed?
- Details of the timing, design and ownership of the boundaries needs to be clarified
- The mix of low cost/shared ownership properties needs to be reconsidered. There is a greater demand for shared ownership properties than social rented
- The removal of most of the bungalows does not cater for local need
- Who will maintain the pockets of open space within the development?
- Light pollution of the sky

- There is currently no access to the site from Honeythorn Close
- The application should be refused for the following reasons:
 - The proposal is not sustainable development as it fails to create a high quality built environment
 - The proposal is contrary to the development plan as the site falls outside the settlement boundary and is located within a Landscape Conservation Area
 - Harm to the historic environment. Substantial harm to the significance and setting of Newark House (Grade II Listed)
 - Direct loss of part of the ridge and furrow field formation, undesignated heritage assets
 - The layout and design fails the test of “good design”
 - The applicants have failed to properly take into account the views of the community
 - The application fails to demonstrate that the severe adverse impacts of the proposal will be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole

6.0 OFFICER OPINION

Legislative background

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
 - b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.
- 6.3 Members are advised that the main issues relevant to consideration of this planning application are as follows:
- Whether this is sustainable location for new housing
 - Housing supply
 - Affordable housing
 - Community planning
 - Economic benefit
 - Access and parking
 - Landscape impact
 - Impact on the historic environment
 - Archaeology
 - Urban design

- Public Open Space
- Impact on neighbouring property
- Infrastructure
- Drainage
- Loss of agricultural land
- Ecology
- Other issues raised during the consultation period
- Planning obligations
- Conditions

Whether this is a sustainable location for new housing

- 6.4 The planning system seeks to promote development in sustainable locations with good access to shops, services, jobs and public transport. The objective is to reduce car usage so as to reduce congestion on roads, lower pollution levels, and to promote more sustainable and healthy modes of transport such as walking and cycling.
- 6.5 The site is located on the western edge of Gloucester in an area known as Hempsted village. Hempsted has a semi-rural feel with a small core of historic buildings but significant levels of 20th century housing. The village is located at the rural edge of the City with the Hempsted flood plain to the west. The main route into and out of the site is via Hempsted Lane to the north.
- 6.6 The site is included in the Council's Strategic Assessment of Land Availability 2016 ("SALA") where its accessibility is reported as being: '*Fair to poor access to public transport, services and facilities*'. Hempsted has limited facilities: there is a primary school, small post office/village shop and a village hall. There is also a limited bus service (Service 14A/113).
- 6.7 However, the site is approximately 2 km (1.25 miles) from the city centre and its amenities. It is around 0.8 km (0.5 miles) from the nearest supermarket, Sainsbury's, on St. Ann Way. The Government's *Manual For Streets* advises that walkable neighbourhoods have a range of facilities within 800 metres but recognise that this is not an upper limit and that walking offers the greatest potential to replace short car trips under 2 km with cycling distances less than 5 km. The site is within 800 metres of a large supermarket providing a good range of everyday items and some comparison goods. It is also within the upper limit of walking to the city centre. These and other facilities are well within reasonable cycling distances.
- 6.8 There will be more sustainable sites than the application site. The village has only limited facilities and there is likely to be reasonable reliance on the private car to access shops, amenities and jobs. Nevertheless, the site is within range of services and facilities by walking and cycling, having regard to *Manual for Streets*. The Highway Authority confirms that it has no objection on sustainability grounds. Members are advised that it would be difficult, by itself, to justify refusal of the application on grounds of transport unsustainability. Moreover, the acceptability of the proposal must be considered in the round in combination with other planning impacts, both positive and negative.

Housing supply

- 6.9 The NPPF states that: '*Housing applications should be considered in the context of the presumption in favour of sustainable development.*' (par. 49).
- 6.10 The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer (par. 47). For Gloucester, the buffer is 5% because of its past record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer).
- 6.11 The Planning Policy team advises that the City Council cannot demonstrate a five year supply of housing plus 5% buffer. Contributing factors include the fact that the housing need for the JCS is still subject to debate with the Inspector's Interim Report recommending that the objectively assessed housing need for the JCS is uplifted by 5% from 33,500 new homes to 35,175 homes. Moreover, the delivery of housing through the JCS is predicated on strategic housing sites coming forward in Greenbelt land. The JCS is still several months away from adoption and this approach has not been ratified at this time. The City Council's Development Plan dates back to 1983 and it does not have an up-to-date Local Plan that commits new housing sites coming forward.
- 6.12 Policy 49 of the NPPF states that: '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*'
- 6.13 Members are advised that the policies contained in the statutory 1983 Local Plan are out-of-date. Policies contained in the 2002 Local Plan, which the Council adopted for development control purposes, can only be given limited weight for the reasons explained at paragraph 3.17 of this report. Irrespective, its housing supply policies are out-of-date because the Council cannot demonstrate a five year supply of housing land.
- 6.14 Paragraph 14 of the NPPF clearly states that:
- 'Where the development plan is absent, silent or relevant policies are out-of-date [officer's emphasis], local planning authorities should grant permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits [officer's emphasis], when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.'*
- 6.15 In the absence of up-to-date housing policies, the Council is unable to apply a "brownfield first" approach to housing sites as otherwise argued by some local residents who believe that other sites should be built on first before the application site is considered. The fact is that the Local Planning Authority

cannot currently meet its housing targets and cannot therefore be as selective as it might otherwise be about which sites should be built on for housing.

- 6.16 That the Council cannot demonstrate a five year supply of housing land should be given significant weight when the application is considered in the round. It is noteworthy that the site already contributes to the Council's housing supply figures, but even then the Council is unable to demonstrate five years of deliverable housing land plus 5% buffer. These points are acknowledged by the Planning Policy team which is supportive of the principle of the site coming forward for housing. The applicant is committed to the delivery of the site and would accept a shorter time period of 18 months for implementation (the normal requirement is three years). This would ensure that the development would contribute to meeting the Council's unmet housing need as soon as reasonably practicable.
- 6.17 It is considered that there are no specific policies in the NPPF that indicate that development should be restricted. Therefore, in accordance with paragraph 14 of the NPPF, Members are advised that planning permission should **only be refused** where any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Members are advised to have this at the forefront of their minds when they determine the application.

Affordable housing

- 6.18 The application seeks planning permission for 44 homes. Policy SD13 of the JCS Submission in November 2014 sets a requirement for larger housing sites to deliver 40% affordable housing. For the proposed development, this would equate to 17.6 of the 44 homes. Since this is not a round number, the applicant is offering to provide 17 of the homes at the site as affordable housing with the remaining 0.6 units to be provided for by way of a commuted sum towards off-site provision. This approach is considered practical and reasonable.
- 6.19 The 17 affordable homes would be provided in two clusters: one cluster of seven units (Plots 7 to 13) at the south eastern part of the site; and the second cluster of 10 units (Plots 26 to 35) at the northern end. The size and mix of affordable housing has been discussed with the Housing Officer and are set out below.

3 x 1 bedroom flats
7 x 2 bedroom house
5 x 3 bedroom house
2 x 4 bedroom house

Total – 17 affordable homes

- 6.20 The Housing Officer notes that there is a concentration of one and two bedroom smaller affordable units at the northern end of the site and would have preferred a greater mix of house types within the clusters. However, the reason for smaller units at the northern end is to reduce the size and height of

these buildings so as to lessen the impact of this part of the development on the setting of Newark House (a Grade II Listed Building). The distribution of the house type mix is considered acceptable in these circumstances.

- 6.21 The applicant confirms that at least 15% of the affordable homes would be designed to lifetime homes standard and that a single unit will be designed for wheelchair provision (this is likely to be provided in a 4 bedroom unit to meet minimum floor requirements). Four of the units are expected to provide low cost, shared equity housing with the remaining 13 units providing social rented accommodation. This reflects the needs profile of the area. If planning permission is granted, the amount, type, size, tenure and location of affordable housing, along with the commuted sum for off-site provision, will need to be secured by means of a Section 106 legal agreement in consultation with the Council's Housing Officer.
- 6.22 The delivery of 17 affordable homes plus a commuted sum towards affordable housing elsewhere will make a significant contribution to the delivery of affordable housing in Gloucester, for which there is an unmet requirement. Housing is a basic human need and the provision of this level of affordable housing would be a significant community benefit. Members are advised that this is an important consideration and should be weighed positively when they consider the other impacts of the development. The proposal is considered acceptable having regard to Policy SD13 of the JCS Submission.

Community planning

- 6.23 It is understood that the local community is at an early stage in preparing a Neighbourhood Plan for the area. Neighbourhood Plans may be drawn up by communities to provide specific proposals for their local areas. They must generally conform with the Development Plan. Communities are unable to propose less development than proposed by the Development Plan.
- 6.24 Paragraph 216 of the NPPF says that weight should be afforded to emerging plans according to the stage of its preparation; the extent to which there are unresolved objections contained in the plan; and the degree of consistency of policies contained in the plan with the NPPF.
- 6.25 Given the early stage of preparation of the community's Neighbourhood Plan, no significant weight can be given to it.
- 6.26 Paragraph 66 of the NPPF encourages community involvement in the design process. It states that '*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.*'
- 6.27 The application is supported by a Statement of Community Involvement. The applicant confirms that they have engaged with the community during the application process as follows:

- August to October 2014 – pre-application discussions with the Council
- May 2015 – informal discussions with Hempsted Residents Association
- June 2015 – public consultation event in the village hall
- July 2015 – discussions with Hempsted Residents Association
- July 2016 – meeting with Councillor Melvin who conveyed the comments and concerns of local residents
- September 2016 – meeting with residents

6.28 The public consultation event in June 2015 related to the broad concept of development of the site for housing. The applicant reports the results of the consultation as follows:

'Views regarding the principle of development on the site were mixed, many residents living immediately adjacent the site provided feedback on the proposals. People living within Hempsted but who are not immediately affected by the development confirmed [a] low density approach was suitable. People living much closer to the site offered detailed feedback regarding proximity of new homes and their heights which we have been able to respond to fully in amended designs supporting the application. Impact studies of local sewer infrastructure were commissioned following consultation feedback, this has informed proposals.'

6.29 Some residents are critical that the level of public consultation undertaken by the applicant has been insufficient. It is understood that consultation prior to the application being lodged related more to broad development principles and that the community did not comment on the detailed layout of the scheme before the application was lodged in November 2015. It would have been preferable for local people to have had opportunity to comment on the detailed proposals. Nevertheless, there is no mandatory requirement for this and the public have been given good opportunity to comment on the application following its submission, including several revisions. Officers have also met with a small number of residents (who were said to represent others) during the application process to hear and understand their concerns.

Economic benefit

6.30 The NPPF states that '*...significant weight should be placed on the need to support economic growth through the planning system.*' [par. 19]

6.31 The proposed development would have some economic benefit, particularly in supporting the construction industry during the build. The provision of housing also has an economic benefit in terms of supplying housing for the workforce. However, the residential use of the proposal is such that there would be no significant on-going economic benefits. The economic benefits of the development should therefore be given limited weight in the round.

Access and parking

6.32 The applicant has been in discussion with the Highway Authority during the application process. The Highway Authority has sought revisions to the

scheme, including adjustments to the junction of Honeythorn Close and the access to the site; and changes to the main spine road through the site so as to reduce traffic speeds. The applicant has revised the plans and these are currently being considered by the Highway Authority.

- 6.33 The Highway Authority has provided an interim comment on the application and raises no significant concerns about the principle of development. The Highway Authority advises that the amount of traffic that would be generated by the proposal would not be significant. Some further adjustments are required to the internal layout of the development and these are being discussed with the applicant. It is expected that an update on highway matters will be provided by officers at the committee meeting. However, there is no in principle objection to the proposal.

Landscape impact

- 6.34 The site is located at the rural edge of Hempsted and comprises agricultural fields that extend to the west into open countryside.

- 6.35 Policy LCA.1 of the 2002 Local Plan identifies the site as forming part of a Landscape Conservation Area. Policy LCA.1 states:

'Development will not be permitted that would detract from the particular landscape qualities and character of the Landscape Conservation Area 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.'

- 6.36 As mentioned previously, the 2002 Local Plan may only be given limited weight for the reasons set out at paragraph 3.17. Moreover, the approach to landscape protection is changing as a result of the new Development Plan. It is considered that Policy LCA.1 cannot be given significant weight.

- 6.37 Preparation of the JCS has been informed by a raft of documentation and evidence. This includes the *Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis*, which provides landscape character and sensitivity analysis around the urban centres of Gloucester, Cheltenham and Tewkesbury. The Landscape Characterisation Assessment ("LCA") has informed the JCS's approach to strategic housing allocations on the edge of Gloucester, Cheltenham and Tewkesbury as well as environmental protection of the land surrounding these urban areas.

- 6.38 The LCA identifies the site as forming part of character area G41 ("Hempsted Village") and has "Medium to low" landscape sensitivity. The study says:

'The remaining fields that form this compartment play a vital role in retaining a rural character within an otherwise highly developed village. This is reiterated by the status of Landscape Conservation Area. There are several grassed corridors in the village, which also help retain a rural village character.'

Although the remaining fields can be identified on the 1884 OS map, very little rural land remains and boundaries are much degraded, furthermore many properties about the site and few public footpaths pass through the area. Historic earth works/buildings provide time depth. Views across the built form of Gloucester, Robinswood Hill, and beyond to the Cotswold AONB Escarpment are achievable. Remnant orchards and some new planting provides added interest. Pasture dominates

Reasons:

Some landscape features have endured (hedgerows, mature trees, period farm properties remnant orchard) but tend to be in poor condition

Important in retaining a rural village character, helping to separate modern housing developments and allowing older properties to remain visible

Elevated position

Pasture/ grassland predominate'

- 6.39 In 2013, the City Council commissioned WSP to undertake specific landscape appraisals of seven potential housing sites including land at Newark Farm. Whilst the LCA provides a more strategic assessment of landscape sensitivity, the WSP study is much more site specific. The WSP study concluded that the application site has development potential: *'Development on this site may be possible in the eastern part of the site. Development here would be away from the archaeological works and from the edge of the escarpment to the west. The view to and from the Malvern Hills would also be protected.'*
- 6.40 The applicant has deliberately kept built development to the eastern part of the site where it is on lower ground and to retain views across the land from Hempsted Lane to the south east. The retention of these views, including views of the Malvern Hills in the far distance, is considered important and is identified by the Neighbourhood Services Manager as a key requirement. The applicant has provided a number of existing and proposed montages from key viewpoints. These include Photomontage E, which is the view from Hempsted Lane to the south east. This shows that the development would result in the loss of some views of the wider countryside, but that longer distance views of the countryside would still be retained between the proposed development and new housing at Newark Farm. The impacts of the development on other views, including views of Robinswood Hill from the north, are moderate and considered acceptable.
- 6.41 The trees to the north part of the site are to be retained. A small orchard is proposed to be planted to the south west part of the site, which is welcomed by the Tree Officer. Conditions are recommended to require a soft landscaping scheme, including the planting of new trees and hedgerows.
- 6.42 It is considered that the proposed development would not have a significant or demonstrable landscape impact. In this regard, the proposal is acceptable.

Impact on the historic environment

- 6.43 There are a number of important Heritage Assets in the area. Hempsted Conservation Area is located to the south. Newark House, a Grade II Listed Building, is situated to the north. Our Lady's Well is a Scheduled Monument located on land further to the west. The site itself is of some archaeological importance and contains historic earthworks. The impact of the proposed development on each of these Heritage Assets will be considered in turn (with the archaeological impacts discussed in the next section).

Site Historic Environment Assessment for Strategic Land Availability

- 6.44 The site is included in the Council's Strategic Assessment of Land Availability ("SALA") 2016 and contributes to the Council's five year supply of housing. The site is a candidate for allocation for housing in the new City Plan. As part of the work on the new Development Plan, the Council has commissioned a series of heritage appraisals of land that might come forward for housing in the City Plan. The *Site Historic Environment Assessment for Strategic Land Availability 'Sub 57 Land at Newark Farm'* ("SHEA") provides a heritage appraisal of the application site. It was published in January 2016.
- 6.45 The study area of the SHEA covers approximately 2 ha and comprises the eastern two thirds of the application site. To the west of the study area (which includes the part of the proposal allocated for Public Open Space), there are a series of earthworks. These are believed to be from the Roman period, although their origin is not entirely clear, and have important archaeological value. The SHEA identifies designated and non-designated Heritage Assets in and around the study area including the Hempsted Conservation Area to the south; Our Lady's Well (Scheduled Monument) to the west; Newark House (Grade II Listed) to the north west; and archaeological features.
- 6.46 Consistent with the WSP landscape study, the SHEA advises that the eastern part of the site has potential for development with mitigation, but that the western part of the site should be prohibited from development. The more detailed recommendations of the study are set out below:

'The western boundary of the site should be avoided by all development. An area of 20m width has been set aside in order to maintain an exclusion zone along the edge the edge of the adjoining earthworks. This has been marked red on Figure 5. This could be achieved by leaving this corner of site as open space within a development.

In order to maintain the setting of the listed Newark House, in area in the north west of the SUB57 site should be left intact also. An area with a radius of 75m has been marked red on Figure 5. This could be achieved by leaving this corner of the site as open space within a development.

The rest of the SUB57 site would need a staged sequence of mitigation, as detailed below. This would be required in order to identify and record the

archaeological remains within this area of the site. This has been marked orange on Figure 5.

*Taking into account the above recommendations, of the 1.965 hectares of the site, a total area of 0.896 hectares would be unavailable leaving an area of **1.069 hectares available for development**. This figure is indicative only – the final extent of mitigation will need to be agreed in consultation with the City Archaeologist and Principal Conservation Officer.'*

Hempsted Conservation Area

6.47 The Hempsted Conservation Area is located to the south. Whilst the site is not within the Conservation Area, the effect of development on the setting of a Conservation Area is a material consideration.

6.48 The Hempstead Conservation Area Appraisal and Management Proposals document refers to the site specifically. It describes the land surrounding the Conservation Area as follows:

*'Hempsted is surrounded by open fields to the south, west and **north east** [emphasis added], and has several other fields on the eastern side. These fields form a protective green belt around the village and are designated as a Landscape Conservation Area.'* (paragraph 3.3)

6.49 The SHEA considers the potential effect of development on the Conservation Area: *'Any development within the SUB57 site would have an impact on the open landscape between the historic core of Hempsted and the built up area of Newark House and the housing estate to the north and east of it. The current open views into and out of the Hemspted Conservation Area would be compromised. This would cause **Minor Harm** to the Conservation Area.'*

6.50 The applicant's Heritage Assessment specifically considers the effect of the development on the setting of the Hempsted Conservation Area. It notes that due to the inter-relationship of the site and Conservation Area, the development would not affect the majority of the Hempsted Conservation Area (par. 4.26). The Heritage Assessment provides the following appraisal of the impact of the development on the Conservation Area:

'While there will be a change to the setting of a small northern part of the Hempsted Conservation Area (Newark Farm), the proposed development will result in no loss of intelligibility of this part of the Conservation Area. The north-easterly view across the Site towards Gloucester has been recognised as an important view and will be retained under the current design proposals. It is considered that the evidential, historic, aesthetic and communal values of Hempsted Conservation Area, the significance of all of the designated heritage assets within its boundary (including any contribution made by their individual settings), the village's historic core, and the numerous important views identified in the Conservation Area Appraisal will be preserved. No harm to the significance of Hempsted Conservation Area has been identified.' (paragraph 4.29)

- 6.51 The Conservation Officer offers no objection to the proposed development in terms of its impact on the significance of the Conservation Area. It is accepted that the proposal would result in a change to the setting of the Hempsted Conservation Area on its north side. However, even if it was accepted that such change was harmful, it would be less than substantial and not of a degree that would justify refusal of the planning application, bearing in mind the benefits of the development in providing housing, affordable housing, public open space and providing public access to the earthworks.

Newark House, Grade II Listed Building

- 6.52 Newark House is located to the north of the site. A house was first built in the location of Newark House in the mid-17th Century. The building was rebuilt a number of times through its history, the last time being in 1830. Newark House was converted into six dwellings in the late 1980s. The building is Grade II Listed. The new Pevsner describes it as '*...formerly a residence of the priors of Llanthony, was rebuilt on a new site by John, Viscount Scudamore in 1694-6. Enlarged and entirely remodelled for John Higford c.1830; plain ashlar north elevation of two storeys and ten bays, roughcast rear wings.*' (Verey and Brooks 2002, p535¹)
- 6.53 The applicant's Heritage Assessment suggests that the Listing description indicates that the heritage significance of the Newark House is derived from its evidential and historical values. The applicant considers the aesthetic value of Newark House to be limited, since modern alterations and conversion have removed or degraded the building's post-medieval character and appearances.
- 6.54 Paragraph 2.1.6 of the SHEA specifically comments on the setting of Newark House: '*Newark House has, since the 18th century at least, been set within a rural landscape with its surrounding land forming the park. There have been unrestricted views to and from the house across farmland to the south and the west. Until the mid 20th century, the views were also unrestricted to the east but housing has now been constructed along Hempsted Lane. This has been slightly alleviated by the inclusion of a 'green' as part of the housing estate to the immediate east of Newark House.*'
- 6.55 The Heritage Assessment considers the impact of the proposed development on the setting of Newark House:

'The key view across the green at Honeythorn Close towards Newark House (Photo 3) will be preserved. However, the construction of the new dwellings will introduce additional built form to the land to the south of the bottom of the entrance drive, thus changing the rural aspect of this field and a small element of the historic landscape (see Appendix B, Photomontage A). On the driveway approach, two buildings on the northern edge of the development will be

¹ Verey, D and Brooks, A, 2002 *The Buildings of England, Gloucestershire 2: The Vale and The Forest of Dean*, Yale University Press

visible from the location of Photo 4; but these would not form a notable distraction, as the eye is led towards Newark House. Views would be funnelled between the new houses and those on Honeythorn Close, before opening out, midway along the drive, to reveal the earthwork field to the south and Newark House to the north. This would preserve the important views shown in Photos 5 and 6 (see Appendix B, Photomontage B).' (paragraph 4.16 of the Heritage Assessment)

6.56 The Heritage Assessment goes on to conclude:

'A very small level of impact upon the significance of Grade II Listed Newark House has been identified on the basis of anticipated changes to its setting; the key contributors to the significance of Newark House will, however, be preserved. The level of identified harm in respect of this asset is at the lower end of the spectrum of 'less than substantial harm', under the terms of NPPF (2012). In accordance with paragraph 135 of the NPPF (2012), and Section 66 of the Planning Act (1990), the decision-maker needs to weigh this small level of harm against the public benefits of the proposal.' (paragraph 5.4)

6.57 It should be noted that the application as originally submitted proposed development much closer to Newark House. This is one of the principal reasons for the significant changes to the layout of the scheme in June 2016, so as to provide far greater separation between the new houses at Newark House. The SHEA recommends an exclusion zone around that part of the site closest to the Newark House of 75 metres. The proposed layout shows buildings much closer to Newark House, but substantially further away than the original scheme. The applicant has provided a series of photomontages to demonstrate views from and of Newark House in relation to the development.

6.58 The applicant has sought to further reduce the impact on the setting of Newark House by omitting Plot 31 from the June 2016 scheme, which has increased the distance from the development to the corner of Newark House by another 3 metres, and shifted the most northerly units (Plots 29 to 32) further south also by around 3 metres. This has had some further benefit. However, Members will note that the Conservation Officer advises that the proposal would still result in 'less than substantial harm' to the setting of the Listed Building, a view shared by the applicant's Heritage Statement.

6.59 Paragraph 134 of the NPPF states that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

6.60 In this case, it has been established that the impact of the proposed development on the significance of Newark House as a Listed Building is less than substantial. Newark House is significant more because of its evidential and historical value rather than its aesthetic value. It is considered that the significant benefits of the scheme, including the delivery of housing for which there is an under supply; the provision of affordable housing for which there is an unmet need; the inclusion of a generous level of Public Open Space; and

public access to the earthworks, outweigh the less than substantial harm that the development would cause to the setting of the Listed Building.

Our Lady's Well, Scheduled Monument

- 6.61 Our Lady's Well is a former well house located on the land further to the west of the site. It was constructed in the 14th Century and is a Scheduled Monument and Grade I Listed. It is positioned well below the ridge of the land to the west of the site, next to a public footpath. Our Lady's Well cannot be seen from the site nor can the site be seen from it. The proposed development would have no harmful impact on the setting of the Scheduled Monument/Listed Building, which would be preserved. Historic England has been consulted and offers no objection to the application. It is satisfied that the heritage impacts can be advised by the Conservation Officer.

Legislative requirements

- 6.62 The proposed development has been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 and the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and preserving the setting of Listed Buildings.
- 6.63 It is considered that the proposal is acceptable, having regard to Policies BE.23 and BE.35 of the 2002 Local Plan.

Archaeology

- 6.64 The site has been subject to archaeological evaluation (trial trenching and geophysical survey) which has established that archaeological remains of Roman and medieval date survive within the site. These remains include finds of prehistoric date and archaeological features of Roman and medieval date.
- 6.65 The earthworks to the north-west of the site are a group of unique and important heritage assets in their own right. The earthworks have long been thought to be part of a Roman marching camp or civil war earthwork (and are referred to often as 'Hempsted Camp' or 'Hempsted Earthworks' and many maps). The dating of these remains is uncertain but they may have been built or reused as artificial rabbit warrens in the medieval period, probably owned by Llanthony Priory. That said, the layout of the earthworks does not conform to any known artificial earthworks and may represent an older monument which has been reused. Either way, these unusual earthworks are a core part of the heritage of Hempsted and should be considered significant heritage assets of local and regional importance. It is vital that these remains are preserved undisturbed as part of any development.
- 6.66 The revised scheme makes reasonable efforts to minimise the impact of the development on the setting of these earthworks, and the setting and "legibility" of the monument has largely been protected. The key views south from Newark House and north from Newark farm have been protected. The

earthworks will be contained in the area of proposed public open space to the west part of the site and it will be very important that the land is properly managed from an archaeological point of view. A management company would be setup to look after the public open space and as part of its terms of reference, it should provide for the archaeological management of the land. This should be secured by means of a Section 106 legal agreement to be drawn up in consultation with the City Archaeologist.

- 6.67 A programme of archaeological work in accordance with a written scheme of investigation should be secured by means of a condition. Subject to this, and appropriate management of the public open space, the impacts on archaeology are considered acceptable. The proposal is considered acceptable having regard to Policies BE.31, BE.32, BE.33, BE.34 and BE.36 of the 2002 Local Plan.

Urban design

- 6.68 Paragraph 56 of the NPPF says: '*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' Good design is also promoted by Policy BE.7 of the 2002 Local Plan.
- 6.69 The layout of the scheme has been significantly re-worked since the application was originally submitted. The original layout had a number of flaws: not all buildings properly addressed the street; parking areas were exposed; and the building line was too close to the north boundary of the site and Newark House. There has been extensive input into the scheme from both the Conservation Officer and Urban Design Officer, which resulted in the heavily revised layout in June 2016. This is largely the same scheme presented before Members, save for some further modifications in August 2016, including a reduction of the number of units from 46 to 44 homes.
- 6.70 The scheme has been designed to have a semi-rural feel with regard to its location at the rural edge of the City. There is a certain informality to the design with development on the west side of the site directly overlooking the public open space to the west, with little in the way of physical segregation between the two, ensuring that there is a sense of openness, which is an important characteristic of the land in this area. The houses on the west side of the site will be accessed via private drives which will be surfaced in more sympathetic materials, perhaps cobbles as suggested by the Conservation Officer, which will be much less engineered.
- 6.71 There is a good mix of house types within the development, including one, two, three and four bed properties; flats; terrace houses and detached properties. The materials palette also contains a good mix with use of brick, render and timber cladding facing materials; clay and natural slate roofs; steel painted doors and dark grey UPVC windows. The residential units at the southern and northern ends of the site have an agricultural form that reflects the pseudo barn conversions of the recent development at Newark Farm and the Old Coach House at Newark House. Further into the development, the

houses either have a rural cottage appearance with low roof heights and windows at eaves level; or an agricultural influence through the use of timber cladding materials or the form of farm buildings.

- 6.72 The design approach is considered to be particularly effective and has been refined following detailed input from the Urban Design Officer who is now supportive of the scheme. The development will be both distinctive and respectful to its semi-rural setting. Detailed design elements will be crucial and planning conditions are recommended in relation to the external materials of buildings; boundary treatment including fencing and walls; and the treatment of hard surfaces.
- 6.73 It is considered that the proposal demonstrates good design quality, having regard to the NPPF and Policy BE.7 of the 2002 Local Plan.

Public Open Space

- 6.74 Policies OS.2 and OS.3 of the 2002 Local Plan require new housing developments to provide equipped public open space. Policy OS.5 requires payments to the Council to cover the cost of maintenance of the open spaces.
- 6.75 The Council's Landscape Architect has commented on the revised scheme for 46 homes. They advise that if all the Public Open Space ("POS") necessary to serve the development is provided on the site (calculated having regard to the size and type of the dwellings), it would equate to 0.53 ha. If none of the POS is provided, then the Landscape Architect advises the amount of off-site financial contributions in lieu of on-site provision at £260,709.
- 6.76 The application proposes a significant level of POS on the western part of the application site; this would equate to 1.76 ha which is well in excess of the 0.53 ha that is required. However, due to the earthworks on the land and its archaeological sensitivity, this space would be unsuitable for either formal play or formal sport, but only appropriate as general POS. Formal play and formal sport POS would have to be provided off-site, supported by contributions from the developer of £175,025 and £62,036 respectively. These figures relate to the previous proposal for 46 homes and would need to be re-worked to reflect the current scheme for 44 homes and their house types.
- 6.77 The applicant has stated a preference to set up a private management company to manage the POS, SUDS and common parts of the site, rather than the Council managing them. The City Council has a good track record of managing such features, supported by funding from developers through Section 106 legal agreements. Members are advised that an appropriate management mechanism would need to be secured by a Section 106 legal agreement. Particular attention would need to be paid in the agreement to the requirement to safeguard the archaeological features at the site.
- 6.78 Subject to a Section 106 legal agreement to secure appropriate on-site POS; financial contributions to off-site provision; and suitable provision for

management, it is considered that the proposal is acceptable having regard to Policies OS.2, OS.3 and OS.5 of the 2002 Local Plan.

Impact on neighbouring property

- 6.79 There is existing housing to the north, east and south of the site. The impact of the proposed development on the living conditions of these properties is considered in turn.

Property to the north

- 6.80 To the north of the site are the houses on Honeythorn Close and at Newark House. The development would be set back from these properties behind a green buffer including the area of the balancing pond and part of the public open space. The closest house on Honeythorn Close would be more than sixty metres from the nearest of the new houses, which is a significant distance. The nearest new plot to Newark House would be over fifty metres, which again is a significant distance. There would be no harmful impacts from the new houses on the living conditions of these properties.
- 6.81 There would be some disturbance to residents from passing traffic to and from the site but traffic levels would not be significant and certainly not grounds to refuse permission.
- 6.82 The proposed development would not have a significant or demonstrable adverse impact on the living conditions of neighbouring property to the north.

Property on Hemspted Lane to the east

- 6.83 The greater impact is likely to be experienced by residents on the west side of Hempsted Lane whose rear gardens back onto the site. The layout and design of the development has had specific regard to the impacts on these properties. The new houses on the east part of the site generally have generous rear gardens with the distance from the rear of these properties (at first floor level) and the rear boundary shared with existing neighbours ranging between 12 and 17 metres. Moreover, the rear gardens of the eight neighbouring properties on Hempsted Lane that face towards these gardens have particularly long rear gardens themselves of between 19 and 23 metres. This means that the elevation to elevation distances between the existing and new houses range between 32 and 42 metres; well in excess of the 22 metre standard. Even though the proposed houses would be positioned on higher ground than the properties on Hempsted Lane, the distances between the buildings are such that the relationship would be acceptable.
- 6.84 Furthermore, the height of the new two storey houses on the nearside east part of the site have been kept relatively low at 7.9 metres to ridge by designing the first floor windows at eaves level. Moreover, Plot 5 is a single storey bungalow. The proposed garages are single storey with a flat roof (similar to the design of garages found at Newark Farm) to minimise their visual impact on the neighbouring houses.

- 6.85 The applicant has agreed to provide a bund along the east boundary of the site instead of a new planted hedge; according to the applicant this has been at the request of residents. The bund is shown on the latest plans and would provide further screening of the development from the properties on Hempsted Lane.
- 6.86 The design and layout of the scheme is such that the development would not give rise to significant or demonstrable adverse impacts on the living conditions of those properties on Hempsted Lane, by way of overlooking, loss of light, overbearing or other loss of amenity. Those existing properties currently enjoy attractive views of the site and wider countryside; however, it is an established planning principle that no one is entitled to a view. There is a distinction between impacts on important public views and vistas (which have been dealt with previously in this report) and the views from private property. The proposal would result in a loss of outlook from the rear of the houses on Hempsted Lane, but given the long length of their rear gardens and further separation to the new houses on the far side of the common rear boundaries, such impact would be neither significant nor demonstrable.

Property to the south

- 6.87 The closest of the proposed houses to the new houses at Newark Farm on the private lane to the south are one and a half storey with rooms in the roof. This is to complement the design of the units at Newark Farm, which have the appearance of a pseudo barn conversion. It would also ensure that the impact of the new development on property to the south is minimal. Elevation to elevation distances would be over 40 metres, and elevation to garden boundary distances over 30 metres, which are both extremely generous.

Impacts during construction

- 6.88 Planning conditions are recommended to limit the hours for construction and deliveries during construction; and to require an Environmental Construction Management Plan to provide further mitigation. This would help to safeguard the amenity of residents during the construction phase.
- 6.89 In conclusion, the proposed development would not give rise to significant or demonstrable adverse impacts on the living conditions of existing property surrounding the site to the north, east and south. The proposal is considered acceptable, having regard to Policy BE.21 of the Local Plan.

Infrastructure

- 6.90 A number of local residents are concerned that there is not enough infrastructure in place in Hempsted village to serve the proposed housing. Issues around transport sustainability have already been dealt with in this report. However, there is specific concern amongst the public that the existing primary school in the village does not have enough capacity.

6.91 The Local Education Authority (“LEA”) has been consulted on the proposal. It has identified the need to create additional capacity at Hempsted Church of England Primary School (0.4 miles from the site) and Beauford Co-operative Academy (3.5 miles away) if the development goes ahead. Hempsted primary school has a capacity of 210 pupils and is forecast to be at capacity in 2018. Beauford secondary school has a capacity of 1,208 pupils and is over capacity by 2018/19, and subsequent years. A library contribution towards Gloucester Main Library is also needed.

6.92 The necessary contributions are broken down as follows:

- Primary school – £141,159;
- Secondary school - £112,602
- Libraries - £7,840
- **Total – £261,601**

6.93 These sums are based on an estimated number of children that will live on the development and cost per child. The figure is based on an amount per qualifying dwelling, and excludes flats and one bedroom properties. The applicant has indicated their willingness to pay the commuted sums, which should be secured by way of a Section 106 legal agreement.

6.94 Insofar as the availability of local doctors’ surgeries and dentists, this should be a matter for healthcare providers. Policy ST.14 of the 2002 Local Plan, which requires developer contributions towards the provision of infrastructure and community services carries limited weight. This policy was never tested at Examination and was never formally adopted. Policies INF5 and INF7 of the emerging JCS, which relate to the delivery of social and community infrastructure, can only be given limited weight at this time for the reasons set out in paragraph 3.14 of this report. Looking further forward, infrastructure requirements resulting from new developments will largely be dealt with in the future by the Community Infrastructure Levy, which the City Council expects to introduce next year.

6.95 Members are advised that concerns about a lack of community infrastructure to serve the development would not be a sound planning reason for refusal.

Drainage

6.96 Local residents have expressed concerns about existing surface water problems at the site with surface water collecting at the lower part of the land next to the boundary with the houses on Hemspted Lane; and sometimes entering neighbouring property during bad rainfall events. The impact of development on surface water drainage is a material planning consideration.

6.97 Housing developments of 10 units or more are required to provide a drainage strategy that incorporates Sustainable Urban Drainage Systems (“SUDS”) that seek to replicate natural flows of surface water run-off. The applicant has been in detailed discussion with the LLFA and Council’s Drainage Officer

about designing a suitable scheme. Revised drainage plans, which include a larger balancing pond at the northern end of the site, have been submitted and satisfy the LLFA's requirements. Members will note that the LLFA and Drainage Officer offer no objection to the proposed development, subject to conditions to require the detailed design of the scheme and appropriate management of the drainage.

- 6.98 In view of the technical advice from the LLFA and Drainage Officer, the proposed drainage arrangements are considered acceptable and the development would not put the site or adjacent properties at undue risk of flooding. The proposal is considered acceptable, having regard to Policy FRP.6 of the 2002 Local Plan.

Loss of agricultural land

- 6.99 The agricultural land in the area is zoned as Grade 3, 'Good to Moderate' according to Natural England maps. The proposal would not result in the loss of the best and most versatile graded agricultural land. The benefits of the proposed development outweigh any adverse impacts resulting from the loss of agricultural land. The proposal is considered acceptable having regard to paragraph 112 of the NPPF.

Ecology

- 6.100 The application is supported by an ecological survey. The site is reported to comprise largely of agriculturally improved grassland with a low diversity of plants but with some value to wildlife. The development would result in the loss of approximately half of the grassland, but this would be compensated for by the retention of around half of the grassland creating a wildflower meadow.
- 6.101 The site was found to be used by a number of different bat species for commuting and foraging, including Great Horseshoe and Lesser Horseshoe Bats, which are endangered and afforded a high level of legal protection. The existing trees and hedgerows at the site provide a valuable habitat for commuting and foraging bats and these will be retained. A condition is recommended to ensure the protection of these features during construction.
- 6.102 The Council's Neighbourhood Services Manager has commented on the application. They advise that the site has little intrinsic value although it is used for commuting and foraging bats. There are no overall constraints, as such, as the proposals affect their foraging area rather than their habitat. The proposed landscaping should provide mitigation. In line with the Neighbourhood Service Manager's advice, conditions are recommended to secure landscaping; a landscape and ecological management plan; construction and management plan and proposals for lighting.
- 6.103 Subject to these conditions, it is considered that the proposal is acceptable having regard to Policies B.7 and B.8 of the 2002 Local Plan.

Other issues raised during the consultation process

- 6.104 This section of the report responds to other issues that have been raised during the consultation period but have not been covered elsewhere.
- 6.105 The application is not premature ahead of the City Plan. The application should be considered in the context of the existing planning policy framework and relevant material considerations, including the fact that the Council cannot currently demonstrate a five year supply of housing land.
- 6.106 Sufficient information is deemed to have been provided for the Local Planning Authority to properly determine the application.
- 6.107 The Local Planning Authority has carried out public consultation in accordance with statutory requirements.
- 6.108 Construction traffic will be managed through the requirement for a Highways Construction Method Statement.
- 6.109 There is no evidence that the proposal would result in an unacceptable increase in traffic pollution.
- 6.110 The site does not form part of Green Belt.
- 6.111 The Tree Officer is satisfied with the arboricultural report provided with the application and offers no objection to the proposed development.
- 6.112 Officers are satisfied with the accuracy of the submitted plans.
- 6.113 The application no longer proposes a substantial hedge on the east boundary of the site. This has been replaced by a bund.
- 6.114 The balancing pond will be designed to take account of child safety. The gradient of the pond has already been lessened to assist this issue as well as to make the appearance of the pond more natural. Balancing ponds exist in other new housing developments in Gloucester including Kingsway.
- 6.115 The recommendation of this report gives full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the applications no particular matters, other than those referred to in the report, warrant any different action to that recommended.

- 6.116 The devaluation of property is not a material planning consideration.
- 6.117 The applicant was advised that it would be preferable to submit the significant revisions to the scheme in June 2016 as a new planning application (and to withdraw the current application). However, the Local Planning Authority is unable to decline amended plans if they are submitted. The revised plans have been subject to two rounds of consultation and no one has been unduly prejudiced by the submission of revised plans rather than a new application.
- 6.118 There is no evidence that the proposal would result in an unacceptable impact on light pollution; the development is residential in character and relatively modest in terms of the potential to affect this issue.

Planning obligations

6.119 A Section 106 legal agreement will be required to secure the following:

- On-site provision of affordable housing; and affordable housing contribution towards off-site provision
- Education contributions
- On-site provision of Public Open Space; public open space contributions towards off-site provision
- Arrangements for the management of the Public Open Space; SUDS features and common parts of the site.

Conditions

6.120 Delegated authority is sought for officers to finalise the conditions. In accordance with best practice, this should be done in discussion with the applicant (paragraph 018 of the NPPG).

7.0 CONCLUSION

- 7.1 The statutory Development Plan for Gloucester remains the 1983 Local Plan, however, it is out-of-date. The Council has adopted the 2002 Local Plan development control purposes; however, it was never subject to formal Examination and was never formally adopted as a Development Plan. The 2002 Local Plan can therefore only be given limited weight.
- 7.2 The Council is unable to demonstrate a five year supply of housing land, which means that local housing policies are out of date. Paragraph 14 of the NPPF is activated, which requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF taken as a whole.
- 7.3 The principal benefits of the proposal are the delivery of market housing for which there is both a need and under supply; the provision of affordable

housing, for which there is also a need and under supply; and public access to the archaeologically important earthworks. Other benefits include the provision of a generous amount of Public Open Space which will be useable by both occupiers of the development and existing residents.

- 7.4 The site is considered a sustainable location for new housing with reasonable access to local services and amenities, some of which are within walking and cycling distance of the site. If the development goes ahead it would be necessary to increase the capacity of the local primary and secondary school and the applicant has agreed to pay a commuted sum towards this.
- 7.5 The development would not create a significant amount of traffic and the impact of the development on the road network would not be severe. The means of access to the site would be safe and the proposal would not have a significant or demonstrable impact on highway safety.
- 7.6 The site is located within landscape of medium to low sensitivity and would not result in significant or demonstrable harm to the landscape. The proposal would not result in the loss of the best and most versatile agricultural land.
- 7.7 The proposal would not have a significant or demonstrable impact on the setting of Hempsted Conservation Area to the south. The setting of Our Lady's Well to the west would be preserved. However, the development would encroach upon the setting of Newark House, a Grade II Listed Building. This encroachment would be harmful to the setting of Newark House, although the level of harm would be less than substantial.
- 7.8 The design of the development is well conceived, includes a suitable mix and variety of dwellings, and would provide a distinctive character and sense of place. The scheme demonstrates good design that would be appropriate for its semi-rural context at the edge of the City next to countryside.
- 7.9 The proposal would provide a generous amount of general Public Open Space within the development and would make suitable off-site provision for formal play and formal sport by securing appropriate financial contributions.
- 7.10 The proposal would not significantly or demonstrably harm the living conditions of nearby residents.
- 7.11 The application demonstrates that a suitable drainage system, including SUDS, can be incorporated into the development to satisfy national and local planning policy requirements.
- 7.12 Subject to measures to be secured by conditions, the proposal would not demonstrably and significantly harm wildlife and ecology.
- 7.13 It is considered that the adverse impacts of the development, namely the impact on the setting of Newark Farm, which would be less than substantial, do not significantly and demonstrably outweigh the benefits of the development. In accordance with paragraph 14 of the National Planning

Policy Framework, and having regard to policies in the 2002 Local Plan, JCS and other material considerations, the proposal is acceptable and planning permission should be granted.

- 7.14 The proposal has also been considered with regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, which require special attention to be paid to the desirability of preserving nearby Listed Buildings and their setting, as well as preserving or enhancing the character or appearance of the Conservation Area.

8.0 **RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

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

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

1. On-site provision of affordable housing
2. Financial contribution to off-site affordable housing
3. On-site provision and management of public open space
4. Financial contribution towards off-site public open space
5. Management of the SUDS; trees; structural planting; and common parts of the site
6. Financial contribution towards education and library provision

PLANNING CONDITIONS

- 8.3 It is expected that the conditions will include (but not necessarily be limited to) the following:

Standard conditions

1. Commencement of development within 18 months.
2. Identification of the approved plans and drawings.

Environmental protection conditions

3. Environmental Construction Management Plan.
4. Limit on hours for construction and deliveries.

Highway conditions

5. Construction of access, prior to other development.
6. Visibility splays at the main access to the site off Honeythorn Close.
7. Visibility splays within the development.
8. Adoptable standard roads.
9. Arrangements for the future management of the roads.
10. Provide the parking and turning shown on the approved plans.
11. Provision of fire hydrants.
12. Requirement for a Highways Construction Method Statement.

Drainage conditions

13. Requirement for details of the surface water drainage scheme that has been approved in principle (incorporating SUDS principles); and subsequent implementation.
14. Provisions for the maintenance of the drainage scheme.
15. Requirement for a detailed foul drainage scheme.

Heritage conditions

16. Provision of heritage interpretation boards within the site.

Archaeological conditions

17. Programme of archaeological work in accordance with a written scheme of investigation.

Design conditions

18. Detailed materials schedule.
19. Sample of facing, roofing and other relevant materials.
20. Details of boundary treatment.
21. Details of hard surfaces.

Landscaping conditions

22. Hard and soft landscaping scheme.

23. Protection of trees and hedgerows during construction.

Ecological conditions

24. Protection of trees and hedgerows during construction.

25. Provision of a landscape and ecological management plan.

26. Provision of a construction management plan.

27. Lighting proposals.

28. Provision of a strategy for installing roosting boxes.

Restriction on permitted development rights

29. No walls, fences, structures or buildings forward of the front of Plots 1, 29-32, and 18-28.

30. No satellite dishes on the front of houses.

NOTES

Note 1

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

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to the transport impacts of the proposal; affordable housing; drainage requirements; urban design; archaeology and the impact of the development on the landscape and Heritage Assets.

Decision:

Notes:

Person to contact: Ed Baker, (Tel: 396835)

15/01494/FUL

**Land Adj Newark Farm
Hempsted Lane
Gloucester
GL2 5JS**

Planning Committee 04.10.2016

