

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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| Committee: | Planning |
| Date: | 5 th July 2022 |
| Address/Location: | Land at Hill Farm, Hempsted |
| Application No: | 20/00315/OUT |
| Ward: | Westgate |
| Expiry Date: | Agreed extension of time January 2022 |
| Applicant: | Gladman Developments |
| Proposal: | Outline application for the erection of up to 245 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane. All matters reserved except for means of vehicular access |
| Report by: | Joann Meneaud |
| Appendices: | 1. Site Plan 2. Development Framework Plan 3. Proposed Site Access Arrangements |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site comprises 12.2 hectares of agricultural land to the south of Hempsted Lane. The eastern boundary of the land adjoins Secunda Way, the western boundary adjoins Rea Lane and runs adjacent to the rear garden boundaries of Oak Cottage and the 2 bungalows Lowlands and Coppins. The northern boundary runs along Hempsted Lane and behind the residential properties on the southern side of Hempsted Lane. The land is sloping from north to the south and has an existing gated access onto Hempsted Lane close to its junction with Secunda Way and a further gated access onto Rea Lane. A public footpath lies within the site close to the eastern boundary which runs almost parallel to Secunda Way. A bridlepath runs outside the site but adjacent to the northern boundary and to the rear of the dwellings in High View and then leading onto Rea Lane.
- 1.2 The application is submitted in outline and proposes a residential development with all matters reserved, except for access. Whilst originally proposed for up to 245 dwellings, appeal documentation states that the applicant is suggesting that the Inspector consider applying a condition of reduced numbers of up to 215 dwellings and the updated documents refer to this lesser number.
- 1.3 The application is now the subject of a non determination appeal and therefore the application is presented to Planning Committee for assessment of the proposals and for resolution upon those matters that will form the Councils case in this appeal.

2.0 RELEVANT PLANNING HISTORY

There is no relevant planning history.

3.0 RELEVANT PLANNING POLICIES

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

application:

3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 **Development Plan**

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

Relevant policies from the JCS include:

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

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

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

3.5 **Emerging Development Plan**

Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required

The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

- A1 – Effective and efficient use of land and buildings
- A5 – Specialist Housing
- A6 – Accessible and adaptable homes
- A7 – Self Build and custom build homes
- B1 – Employment and Skills Plan
- C1 – Active design and accessibility
- C2 – Allotments
- C3 - Public open space, playing fields and sports facilities
- C5 - Air Quality
- C6 – Cordon Sanitaire
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- E1 - Landscape character and sensitivity
- E2 – Biodiversity and geodiversity
- E4 - Trees, woodlands and hedgerows
- E5 - Green/Blue Infrastructure: Building with Nature
- E6 - Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G3 - Cycling
- G4 - Walking
- G5 - Broadband Connectivity
- G6 - Telecommunications infrastructure

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

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

- OS.2 – Public Open Space Standard for New Residential Development
- OS.3 – New housing and open space
- OS4 – Design of Public Open Space – point 2 only
- OS.7 – New areas of Public open space
- A.1 – New housing and allotments
- FRP12 – Cordon Sanitaire
- FRP19 - Pipeline

3.7 **Supplementary Planning Guidance/Documents**

- New Housing and Public Open Space
- Open Space Strategy
- Gloucester Playing Pitch Strategy

3.8 All policies can be viewed at the relevant website address:- national policies:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
 Gloucester City policies:

4.0 **CONSULTATIONS**

- 4.1 **Highway Authority** – No objection following the receipt of additional and updated information subject to conditions and planning obligations.
- 4.2 **Conservation Officer** – There will be harm to the setting of Hempsted Conservation Area and this is considered to be less than substantial.
- 4.3 **Landscape Adviser** – In landscape impact terms the harm is considered to be minor when considered with the proposed level of mitigation. Overall it is considered that a scheme can come forward at the reserved matters stage which would be acceptable in terms of landscape impact subject to an appropriate level of mitigation
- 4.4 **Waste and Minerals Authority** – No objection subject to conditions
- 4.5 **Contaminated Land Adviser** – Response awaited
- 4.6 **Local Lead Flood Authority** – No objection the drainage strategy is acceptable in principle and further detail would be required by condition.
- 4.7 **Noise Adviser** No objection subject to further conditions and assessment at the reserved matters stage to ensure that dwellings and gardens have acceptable amenity
- 4.8 **Housing Strategy and Enabling Officer** – Welcomes the provision of 20% affordable housing but requires further detail to ensure the detail of the scheme is acceptable and meets local need
- 4.9 **Highways England** – No objections
- 4.10 **Severn Trent Water (Asset Protection)** No objection subject to a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage.
- 4.11 **Drainage Adviser** – Considers that further information is required to ensure that the proposed drainage scheme would be acceptable.
- 4.12 **Public Rights of Way Officer** – No response
- 4.13 **Fisher German on behalf of the Exolum Pipeline System** – Object to the proposals stating that consent would not be granted as the proposed development would restrict access to the pipeline
- 4.14 **Ecology Adviser** – Considers that acceptable mitigation is proposed in relation to the Habitat Regulations Assessment but requires further information to be able to fully assess the impacts and proposed mitigation upon species and habitats.
- 4.15 **Open Space and Playing Pitch Adviser** – Objection the scheme provides a large extent of open space however the play provision is poor and there is no provision for sport..
- 4.16 **Environment Agency** – No response

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified, and press and site notices were published when the application was originally submitted. A considerable number of comments were submitted however due to the cyber incident we are not able to access them. The appellant has provided some of those comments within their appeal documents.

5.2 As part of the appeal process letters were sent to 271 householders within the vicinity of the site to advise that the appeal had been submitted and included details of how to provide comments upon the proposals. As is the normal procedure with an appeal, all comments on the appeal are required to be sent directly to PINS. A summary of the objections are detailed below:

5.3 Principle

- The site is not suitable for development or residential development
- There has already been too much new development in Hempsted and more planned
- 245 houses is too many for the area to cope with
- The site has previously been assessed by the Council as not suitable for development
- Site lies outside the built up area
- Conflict with the JCS spatial strategy
- Harmful impact upon the Conservation Area
- Priority should be given to brownfield sites being developed before greenfield sites
- Would result in the loss of agricultural land
- Would impact upon archaeology on the site

Community

- The school is at capacity, existing children in the village are unable to get a place
- There is limited scope for expansion of the school
- There is no doctors or dentist surgery to take all the new residents

. Highways

- Would cause more congestion
- Traffic already use the village when the bypass is congested
- Previous problems with emergency vehicles being able to get access through the local roads
- The new access so close to Hempsted Lane junction would cause even more traffic to back up
- Access would be better from Secunda Way Increased parking upon local roads

Landscape

- The site is very visible and provides a buffer between the rural and urban area
- This land forms a pleasant approach to Hempsted
- Previous assessments raise concern with developing the land due to landscape impact
- Development would have a negative landscape impact and encroach upon the rural setting of Hempsted

Amenity

- The site is a cordon sanitaire intended to prevent development due to the smell for the

treatment works

- New residents would experience unpleasant smells
- Overlooking and loss of privacy for existing residents
- The area is very noisy from traffic along second Way
- Would cause light pollution to existing residents

Drainage and flooding

- Part of the site is a flood plain
- Will add to flooding problems in the local area and particularly Rea Lane
- Need to look at foul sewerage which is a problem in the village

Wildlife

- Harmful impact upon wildlife
- Great crested newts have been found in the pond
- Bats, badgers, hawks, kestrels, barn owls, garden birds and deer can be seen on the site

5.5 The comments submitted by interested third parties will be available to view at the following link:

[20/00315/OUT Land at Hill Farm, Hempsted - Gloucester City Council](#)

6.0 OFFICER OPINION

6.1 *Legislative background*

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

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

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

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

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

- Principle
- Loss of agricultural land
- Design and layout
- Housing Mix and Standards
- Affordable Housing
- Heritage
- Landscape
- Traffic and transport

- Residential amenity – for new and existing residents
- Drainage and flood risk
- Open Space, Recreation, Education and Community Facilities
- Waste and minerals
- Economic considerations
- Planning obligations

6.5 Principle

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review)

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. 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.

The NPPF clarifies that: ‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

6.6 At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 6 the ‘tilted balance’ is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

6.7 Policy SP1 of the JCS sets out the overall strategy concerning the amount of development required, and Policy SP2 sets out the distribution of new development. These two policies, combined with Policy SD1 on the economy, provide the spatial strategy for the plan. This strategy, together with its aims, is expressed in relevant policies throughout the plan and will be supported by forthcoming district plans and neighbourhood plans

Specifically relating to residential development Policy SD10 of the JCS states that housing in the City area will be allowed

- At sites allocated within the development plan and district plan
- On unallocated sites on previously developed land in the existing built up areas of Gloucester City.
- It is infilling within the existing built up areas of the City of Gloucester
- It is for affordable housing on a rural exception site
- It is brought forward through community right to build orders
- There are other specific exceptional/circumstances defined in a district plan.

- 6.8 The site is not allocated for development in the JCS nor the emerging Gloucester City Plan. Whilst the built up area of the City is not defined in text or on a map, the site clearly lies outside existing built development and comprises agricultural land at the edge of the built up area. The application therefore conflicts with JCS policies SP2 and SD10 in that it would not comprise sustainable development as it is unplanned, outside the built up area and not an acceptable location for residential development
- 6.9 **Loss of Agricultural Land**
The NPPF advises that planning policies and decisions should recognise the economic and other benefits of the best and most versatile agricultural land. JCS policy SD14 states that proposed development must take into account the quality and versatility of any agricultural land affected by the proposals, recognising that the best agricultural land is a finite resource.
- 6.10 The site comprises undeveloped farmland and has land classification 3b. The best and most versatile agricultural land is that classified between 1 and 3a. The land does not fall within the higher classification of better agricultural land and therefore its development and subsequent loss would be acceptable in terms of part v1 of JCS policy SD14 and section 174 of the NPPF
- 6.11 ***Design and Layout and***
The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.
- 6.12 Policy A1 of the emerging Gloucester City Plan requires development to make effective and efficient use of land and buildings and should result in the overall improvement of the built and natural environment and be of a suitable scale for the site. Policy D1 of the emerging Gloucester City Plan requires development proposals to conserve the character, appearance and significance of designated and non-designated heritage assets and their settings. Policy D3 states that where development reveals, alters or damages a heritage asset, the City Council will require developers to record and advance the understanding of the significance of that asset prior to and/ or during development.. Policy E5 states that development must contribute towards the provision, protection and enhancement of Gloucester's Green Infrastructure Network. Policy F1 states the development proposals should achieve high quality architectural detailing, external materials and finishes that are locally distinctive. Developments should make a positive contribution to the character and appearance of the locality and respect the wider landscape. Policy F3 refers to landscape and planting and states that major development proposals must be accompanied by a landscape scheme, incorporating hard landscape and planting details.
- 6.13 The application is submitted in outline with all matters other than means of access reserved for future consideration. However, the applicant has submitted a development framework plan which sets out how the development could be laid out across the site and this is included as an appendix to the report .The revised appeal documentation has included a number of amended documents included revised design and access statement and accompanying master plan and this relates to up to 215 dwellings, rather than the "up to 245 dwellings originally proposed". The applicant states that they will be inviting the Inspector to consider restricting the number of dwellings to 215.

6.14 The site would be served by one vehicular access to be located onto Hempsted Lane approximately mid way between its junction with Secunda Way and 180 Hempsted Lane. The existing public footpath that runs parallel with Secunda Way would be retained. There would be a new pedestrian link to the bridleway that is located to the rear of properties in High View and a pedestrian access onto Rea Lane close to the dwellings Coppice and Lowlands. There is concern that the proposals do not currently show a cycle and pedestrian link to Secunda Way to allow for easier travel in a southerly direction, however this could be the subject of a condition required by the Highway Authority.

6.15 The framework plan shows the layout of the site with the lower part of the site and the edges to Secunda Way and Rea Lane as open space area and green infrastructure which also incorporate a LEAP and NEAP, new drainage basin, informal parkland and the retention of the existing drainage basin on site. Areas for housing are proposed on the area immediately adjacent to Hempsted Lane and the higher parts of the site. The framework plan details 5.71 hectares for development and 6.51 hectares as green infrastructure.

6.16 The submitted documents set out the basic design principles for the site detailing a high proportion of green infrastructure, that would be well connected to the new residential areas together with new landscaping to create a sensitive and appropriately designed development, setting out how the new framework plan has been amended to respond to concerns previously raised in relation to design, layout and visual impact.

6.17 In looking at the built form of the local surroundings the area is varied. The properties to the north of Hempsted Lane are generally sat in large plots, they are at a higher level to the road and there is little rhythm in terms of their relationship with the street. They comprise mainly two storey but also some single storey of varying house design and materials are mainly brick and render.

The properties on the southern side of Hempsted Lane and immediately adjacent to the site are two storey houses with generally open frontages, set at similar distances to the road and with brick, concrete tiles and tile hanging being a common element. They have large rear gardens enclosed by fencing and planting.

Adjacent to the north western corner of the site but separated by the bridlepath are the houses in High View, whose rear elevations look towards the site. The properties are two storey, detached, and of similar design, size and materials. To the western side of High view and Rea Lane a new development of 33 houses is currently under construction on land formerly known as the Strawberry Fields.

Three properties adjoin the site along the western boundary, the detached property Oak Cottage and a pair of detached bungalows on Rea Lane close to the gated access. These are similarly designed properties constructed of brick and concrete tiles, set back from Rea Lane and with fairly open frontages.

6.18 In conclusion the design character of the local area is mixed with a variety of house designs, but comprises predominantly detached, two storey family sized housing set within good sized gardens, with individual driveways and off road parking, with brick being the dominant building material together with elements of fender and the use of vertical tile hanging.

6.19 As the application is outline there is limited detail relating to the design and built form of the proposed housing. Subsequent reserved matters applications would need to carefully consider the design requirements set out in the policies of the JCS and emerging City Plan, particularly given the sloping nature of the site. With the mixed character and design of the surrounding residential developments, overall it is considered that there are no significant

site constraints that would mean that a successful design approach could not be achieved for the reduced number of dwellings proposed.

6.20

Housing Mix and Standards

JCS policy SD11 seeks to ensure that new housing development provides a mix of house types, sizes and tenures in order to contribute to mixed and balanced communities and meeting the current and changing needs of families and to ensure compliance with the Strategic Housing Market Assessment (SHMA). Additionally, policy SD10 requires that housing meets national design standards and the emerging City plan seeks to ensure the provision of accessible and adaptable housing.

6.21

The application does not include any reference to the detailed mix of housing types and sizes nor provide detail relating to housing design standard or the provision of accessible housing. Such details are important considerations to ensure that the new dwellings comprise an appropriate mix of sizes and types and are well designed and good quality housing. However these details can be set out by condition and require subsequent reserved matters application to comply with the requirements of those policies.

6.22

Affordable Housing

The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided

6.23

Policy A2 of the emerging City Plan requires the provision of 25% affordable housing on residential sites proposing 10 or more dwellings. However this policy is now proposed to be deleted under the main modifications to the City Plan.

6.24

The applicants supporting information clearly sets out the need for affordable housing across the City and the public benefits this would provide. The applicant is proposing 20% affordable housing as required by JCS policy SD12. At 245 dwellings this would be 49 units and with a condition restricting number to 215, this would be 43 units. However, at this stage the applicant has provided no further details of the scheme.

6.25

To ensure that the affordable housing scheme meets the local housing needs of the City and provides for a mixed and balanced community as required by JCS policies SD11 and SD12, further detail is required based on the following requirements:

- Affordable housing provided in small clusters
- Mix of dwelling sizes between 1 and 4+ bedrooms
- Tenures based on 41% Social Rent, 24% Affordable Rent and 35% Affordable Home ownership (Shared Ownership)
- Rents in accordance with the Local Housing Allowance
- Dwellings to meet National Design Standards and to provide accessible and adaptable homes

6.26

The provision of 20% affordable housing meets the basic policy requirements. In the absence of no additional detail at this stage, Officers are unable to assess whether the affordable housing provision would meet the requirements of the policy context to ensure that the scheme provides quality accommodation and meets local housing need. Discussions with the applicant on this matter are continuing and it may be that an acceptable

scheme is forthcoming, however at this stage the lack of a detailed scheme and mechanism to ensure the provision, is a reason to refuse the application.

6.27 ***Heritage Assets***

The National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'

6.28 Sections 16 and 72 Listed Buildings and Conservation Area Act require special consideration to be given to the protection of heritage assets and their settings. The NNPF 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 where appropriate securing it optimum viable use. The impact resulting in less than substantial harm must be given considerable weight in the assessment of the application and planning permission should not be granted unless there are public benefits of doing so. Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990 state where development which affects a listed building, or its setting, the Local Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possess".

6.29 JCS Policy SD8 and City Plan policy D1 sets out the important consideration for heritage assets in in assessing development proposals

6.30 The site lies to the south of Hempsted Conservation area and the Conservation Area Appraisal and Management Recommendations for Hempsted were adopted in September 2007. This sets out that the Conservation area is centred around the core of the historic village and that the open fields form a protective green area around the village and contribute to the rural setting of the village.

6.31 The Conservation Officer has concerns that the development of the site would further compromise the remaining rural settlement of Hempsted, resulting in the loss of green fields which contribute to the character of the conservation area, being a key characteristic within the conservation area appraisal . This would result in harm to the setting of the Hempstead conservation area by virtue of the loss of the rural and village characteristics which are integral to the character and appearance of the conservation area and help to preserve the sense of separation from Gloucester.. This harm has been identified as being of less-than substantia and would need to be weighed against any resultant public benefits.

6.32 **Archaeology**

This site has recently been subject to archaeological evaluation comprising trial trenching and a localised borehole survey. At the time of writing, the full results of these investigations are not available. That said, it can be stated that archaeological remains are present within the site (pottery of Roman and medieval date has certainly been identified), and that those remains are not of high significance.

6.33 In light of that archaeological background the City Archaeologist raises no objections to the proposed development, but to ensure that groundworks associated with the proposed development do not damage or destroy heritage assets with archaeological interest, conditions would be required to ensure further investigation, assessment and recording is undertaken. on the basis that an appropriate programme of work to excavate and record any significant archaeological is undertaken prior to the commencement of the development in order to mitigate the ground impacts of this scheme

- 6.34 **Conclusion on Heritage Matters**
In conclusion on heritage matters, the archaeology issues can be appropriately dealt with by conditions. There is some limited harm to the setting of Hempsted Conservation Area which is considered to be less than substantial. Such harm to heritage assets must be given weight in the assessment of the application and must be weighed against the public benefits of the scheme. In this respect, it is considered that the benefits arising from the proposal notably the provision of housing and affordable housing, are capable of outweighing the limited harm to the setting of the Conservation Area.
- 6.35 **Traffic and transport**
The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.36 Details of the existing access, public footpath and proposed access are set out at section 6.14. The means of access is not a reserved matter and needs consideration at the outline stage.
- 6.37 **Local Highway Network**
The original highway consultation response upon the scheme was for refusal on the basis that
The proposal places additional demands onto the Highway network which has not been mitigated. The TA does not correctly appraise the impact and cannot be relied on. The Highway Authority considers that the lack of mitigation will result in a severe impact on highway capacity when considered cumulative with the planned growth. The proposal also fails to address the needs of pedestrians, cyclists and to a lesser extent public transport users through the absence of suitable appraisal and integration into existing infrastructure. The travel plan is not ambitious and fails to maximise the sustainable transport offer. The application conflicts with policies SD4, INF1, and INF6 of the Joint Core Strategy 2015-2031, PD4 of the Local Transport Plan and paragraphs 91, 102, 103, 108, 109, and 110 of the National Planning Policy Framework, it is therefore recommended that this application is refused.
- 6.38 In recent weeks the applicant has provided additional information and technical notes to address the matters that were unresolved and outstanding. This has been considered in detail by the Highway Authority and they now consider that the application is acceptable subject to conditions and securing planning obligations. This is set out in more detail below
- 6.39 **Vehicle Impact**
Trip Rates
The Highway Authority recognises that there remains uncertainty as a result of the covid pandemic on likely travel patterns and as such the validation by a donor site would not necessarily provide a robust approach. The appellant has reviewed the trip rates against other developments and finds the to remain suitable, the Highway Authority considers them to be low without the active travel interventions listed above, however subject to their delivery the trip rates are considered to be acceptable.
- 6.40 **Distribution**
The applicant has used the 2019 data set in their appraisal and the Highway Authority has undertaken a further review of historic vehicle patterns to validate the position. Having concluded this exercise the Highway Authority considers that the assessment represents a likely vehicle assignment.

- 6.41 **Cumulative Impact**
The appellant has undertaken a further assessment of the impact in 2031 which has used TEMPRO growth factors and matches the local plan period. This is considered to be a reasonable approach recognising the site is not allocated in the current plan and given the background traffic flows. The assessment methodology is suitable and has applied the correct growth factors. It is therefore considered to have address the cumulative impact of other development.
- 6.42 **Junction Modelling**
Two errors had previously been identified in the model coding. The applicant has corrected the most sensitive of these junctions A430/Hempsted Lane and the reported outcomes are agreed. With regards to the A430/The Gallops/Soren Larsen Way junction the coding hasn't been corrected however having considered the level of capacity shown and the likely impact of recoding the model it is concluded that it would have little impact and not change the overall conclusions. As such the modelling work is now accepted and demonstrates that the impact of the development would not be severe.
- 6.43 **Site Access**
Speed data has been provided to evidence the suitability of the visibility splays. The data collected indicates a small increase in splay line is needed beyond that proposed, it is clear that this is achievable without detriment and as such it is recommended that this matter can be addressed through a suitably worded planning condition.
- 6.44 **Permeability**
Whilst the layout suggests several pedestrian access points to the site, the concerns primarily related to the A430 which is a key route. The mentioned agreement to provide a dedicated active travel access addresses this topic.
- 6.45 **Master Plan**
The concerns relating to the master plan were for noting as layout is not a matter to be determined at this stage. The issue of design will have an impact on the choice of transport mode in terms of enabling active travel and perception of safety. It will be essential that any future site developer engages early with the Highway Authority to ensure that the principle of a low car ownership and low traffic neighbourhood is presented in the design
- 6.46 **Sustainable Travel**
Active Travel
The applicant has confirmed that they are willing to provide pedestrian and bicycle access onto the A430, there is also the opportunity to provide better pedestrian access from the Hempsted Lane access point. Whilst a condition is recommended it needs to be reviewed alongside the emerging layout which would form part of a future reserved matters plan, as such it is not appropriate to fix the location or form of the access point(s) at this time.
The appellant has also reviewed the quality of the walking and cycling route to reach existing infrastructure and services, and in particular the walking route to Hempsted Primary School. The assessment identifies that the route is generally suitable, however improvements are needed to 2 pedestrian crossing points, it is recommended that a contribution be made to allow the Highway Authority the ability to make the necessary changes. Access to the canal towpath is considered to be suitable in its current form.
- 6.47 **Public Transport**
The applicant has provided detail to indicate the extent of development that would fall within the notional 400m walking distance to a bus stop. This doesn't account for a new pedestrian access onto the A430 or how residents might access the off peak 11 service in Hempsted Lane. The drawing suggests about 1/3 of the likely residential development falls within the

400m distance. The Highway Authority estimates that the majority of the site falls within 800m of the stops on the A430. It is clear that there is a deficiency based on distance alone, it therefore needs to be considered if there are any mitigating factors that would offset this. The site is relatively flat, linear in nature and is not bound by a master plan, as such it is considered that it is within the appellants gift to deliver a direct and high quality pedestrian environment which would still encourage access to bus services. Furthermore, the off peak services offered in Hempstead Lane would provide a reasonable and relatively close alternative for residents wishing to travel off peak ie a non commuter service. Accounting for the frequency of services, the potential walking environment, and off peak alternatives the ability to access bus services is considered to be acceptable.

6.48 Travel Plan

The applicant recognises that the travel plan can be improved and suggests this is best addressed at a later stage via a planning condition. The Highway Authority considers that the site is in reasonable access of services and as such it is realistic to achieve a high level of mode shift away from single occupancy vehicle trips. The appellant is not a house builder, so it is likely that if permitted a housebuilder will need to pursue a reserved matters application and then construct the development. This all results in several years passing, and as such it is more appropriate to prepare a travel plan prior to the point of occupation based on the transport environment at the time. The County Councils climate change strategy seeks for a 30% mode shift and as such the reserved matters design and future travel plan should be developed to achieve this. The Highway Authority therefore agrees that a condition is a suitable way to address this item, but it remains necessary to secure a travel plan bond and monitoring contribution at this stage through a bilateral planning obligation. A condition is recommended to address this matter.

6.49 Required conditions relating to:

- Visibility splays to the access road
- Site access in place before any dwellings are occupied
- Provision of a cycle and pedestrian access from the site into Hempsted Lane and Secunda Way
- Each dwelling to be provided with an electric vehicle charging point
- Each dwelling to be provided with sheltered, secure and accessible cycle parking
- Submission and approval of a travel plan
- The submission of a construction management plan.

6.50 Required planning obligations

Specific Purpose – Travel Plan Bond

Contribution - £45,425.00

Trigger – Prior to the First Occupation of any Dwelling

Retention Period – 5 Years from the occupation of the first dwelling

Specific Purpose – Travel Plan Monitoring

Contribution - £5,000.00

Trigger – Prior to the First Occupation of any Dwelling

Retention Period – 5 Years from the occupation of the first dwelling

Specific Purpose - Improvements to uncontrolled crossing points at Hempsted Lane / Court Gardens and Hempsted Lane / Hinton Close.

Contribution - £3,000.00

Trigger – Prior to the Commencement of Development

Retention Period – 5 years from Receipt

6.51 Strategic Highway Network

The Highways Agency have stated that in their previous response when the application was

originally submitted, that they requested that a condition be applied to any consent preventing occupation of the site until the improvement scheme identified for the M5 Southbound off-slip was in place. As the improvement scheme has now been completed they now raise no objection to the proposal.

6.52 Highway Conclusion

Overall, it can be seen that the appellant has provided additional information and has accepted that certain works will be needed to make this development acceptable. It is possible to include conditions and planning obligations to address the outstanding shortcomings. Therefore, the previous recommendation of refusal can no longer be sustained given the additional evidence and agreement on key issues.

6.53 The Highway Authority has reviewed the detailed proposals and based on the analysis of the information submitted, it is concluded that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained

6.54 However whilst the Highway Authority raise no objection subject to the application of conditions and planning obligations, there is no mechanism in place to secure the required obligations. Therefore at this stage this forms a reason for refusal.

6.55 **Residential amenity**

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD4 and SD14 of the JCS and emerging City Plan policy A1 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.56 It is inevitable that the development of the site will have some impact upon the existing residents and particularly their outlook and the day to day experiences of the site being developed for residential use compared to its current use as farmland.

6.57 A limited number of residential properties immediately adjoin the site, notably the three properties on Rea Lane and the houses at 164 -180, on the southern side of Hempsted Lane. To Rea Lane, the properties would be separated from built form by open space as shown on the development framework plan. However for numbers 164-180 Hempsted Lane their rear and side gardens are immediately adjacent to the area of the site proposed for housing.

6.58 As this is an outline application there are limited details relating to design and layout. At the reserved matters stage, careful consideration would need to be given to separation and back to back distances, positioning of windows, the heights of the proposed dwellings and the impact of the level changes across the site to ensure that the built form meets the requirements of the policies and does not unduly impact upon the residential amenity and living conditions of existing occupiers.

6.59 Local residents will also be aware of the additional traffic associated with a development of this size and nature, and the properties located closest to the new access point at the road junction will also experience some affects from vehicles entering and leaving the development.

6.60 A condition would be applied to restrict deliveries and working hours during the construction period of the development and a construction management plan would be required by condition to ensure that construction activity does not unduly impact upon residential amenity

6.61 Overall is it considered that there are no significant site constraints that would mean that a

successful design approach could not be achieved for the reduced number of dwellings proposed, with careful consideration given to the matters raised above, to ensure that amenity of existing residents is not duly impacted by the development of the site.

6.62 Noise Issues

The NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 180 provides that new development should be appropriate for its location taking into account likely effects of pollution on, inter alia, health and living conditions, and in particular to avoid noise giving rise to significant adverse impacts on health and the quality of life.

6.63 Policy SD14 of the JCS requires that new developments are of an acceptable environmental quality, including levels of noise. Similarly, policy SD4 of the JCS requires the design of new development to avoid or mitigate against potential disturbances including noise.

6.64 A noise assessment has been submitted to determine noise levels and measures for mitigation. On site monitoring was undertaken over a weekend and weekday including when the market and car boot was operational. The report identifies that noise from traffic does impact upon the site and that some of proposed dwellings would require noise mitigation measures to ensure satisfactory noise levels inside the dwellings and within the gardens. Accordingly, layout and distance to Secunda Way would determine the extent of properties needing noise mitigation. The mitigation could comprise a number of methods including building and construction measures, higher specification glazing, ventilation, fencing and careful siting of gardens. It suggests that those properties located closest to Secunda Way would be sited such that they face Secunda Way and the building acts as a screen to the rear garden. It also notes that such sited properties with their windows open, would experience levels of noise above recommended levels both during the day and night time and therefore, enhanced glazing with an alternative method of ventilation would be required for sensitive rooms in those dwellings closest to and facing the A430.

6.65 WRS as the Councils noise advisers agree with the findings of the report and are satisfied that the proposed mitigation methods should in principle, be acceptable to achieve satisfactory noise levels. However they also note that the fronts of the houses facing Secunda Way would experience very high levels of noise with façade levels at 65dba – a level which may interfere with speech intelligibility. They therefore suggest that there needs to be sufficient distance between new dwellings and Secunda Way and consideration given to a noise barrier for external amenity areas. The provision of a noise barrier is not included within the appellants proposals. Such a barrier needs very careful consideration on this site. We have various examples of noise barriers across the City, some more successful than others in terms of their visual appearance. High solid brick walls, as seen further north along Secunda Way have a very negative appearance, green walls and bunds generally have a softer appearance but to be successful, must be properly landscaped and well maintained. In addition to the concerns in relation to the visual amenity of a physical barrier, there is concern in the physical ability to provide a barrier on the site close to the eastern boundary, given the route of the oil pipeline, public footpath and a surface water sewer in this location.

6.66 WRS recommend conditions to require further assessment and detailed mitigation proposals to be submitted at the reserved ed matters stage, informed by the proposed housing layout to ensure acceptable levels of noise within properties and within the external amenity areas

6.67 It is therefore considered that mitigation measures could achieve acceptable noise levels for new residents and therefore the development could provide for a suitable and appropriate level of residential amenity for new occupiers and therefore the proposal complies with JCS polices SD4 and SD14 in terms of the noise issues

6.68 **Odour**

The site lies within the Cordon Sanitaire as defined in the Second Stage Deposit City of Gloucester Local Plan (2002) and policy FRP12 refers

Development likely to be adversely affected by smell from Netheridge and Longford works within the constraint areas defined on the proposals map will not be permitted.

6.69 The commentary text to the policy states:

Severn Trent Water Limited is responsible for sewerage and sewage disposal. They operate Netheridge sewage disposal works south of Hempsted and Longford works to the north of the City. The fields adjoining Netheridge are used for sludge disposal that, in addition to the works itself, create unavoidable smell problems. In order to reasonably prevent development that would be adversely affected by smell, two cordon sanitaires are shown on the proposals map within which development will not generally be permitted. The cordons do not represent the absolute limit of the area where smells can be detected, but are drawn so as not unreasonably to constrain development in the existing built-up area.

6.70 As the Second Stage Deposit Plan is not an adopted plan, the policies contained within it could not be superseded by the adoption of the Joint Core Strategy however the policy is a material consideration and has significant weight in the decision making process.

6.71 The emerging Gloucester City Plan also identifies a cordon sanitaire within policy CS6. The area identified is different to the cordon sanitaire defined within the Second Stage Deposit Plan. Within the City Plan, the north east and north west corners of the site are not within the defined area.

6.72 The matter of the cordon sanitaire was discussed at length during the Examination in Public hearing sessions for the City Plan. Following the hearing sessions, the Inspector wrote to the Council presenting her post hearing findings. This concluded that the Gloucester City Plan (GCP) met the Duty to Co-operate and is legally compliant. The GCP was considered unsound but could be made sound with some changes known as Main Modifications (MMs). The MMs have been finalised and have been presented to Overview and Scrutiny Committee and approved by the Cabinet for public consultation. The public consultation is underway and will end on 4th July 2022. After this point the Inspector will consider any responses made and produce her final report

6.73 The changes proposed to Policy C6: Cordon Sanitaire will ensure that the policy will meet the tests of soundness. That is to say that the policy is positively prepared, justified, and effective. The Council cannot adopt an unsound policy. The aim of the original policy text, to prevent development that would be adversely affected by odour, remains unchanged and has been made more effective by the proposed modifications

6.74 The Inspector has set out that the cordon sanitaire policy should be treated as a trigger for assessment. This is a sound and sensible approach that allows each case to be determined on its own merits and factors in that the circumstances at the sewage works may change over time. Different types of development will be impacted by odour nuisance with varying degrees of severity. The impacts and suitability of a telecommunications mast, agricultural

building, fence, sport changing rooms, or an extension to an existing employment use will be different to an application for new homes or a day nursery for example

6.75 To be positively prepared the policy needs to set out when development will be considered acceptable. The modification to the policy therefore sets out that development can take place if a robust odour assessment demonstrates that the development will not impact the operation of the sewage work and people will not be adversely affected by the odour nuisance. The supporting text has been expanded to detail the standard of assessment required and the Council will appoint independent experts to scrutinise any assessments submitted. The supporting text also states that development within the Cordon Sanitaire will not be permitted unless it can be shown that odour nuisance risk is negligible to future occupiers of that development

6.76 Additionally an important role of the Cordon Sanitaire policy is to protect the operation of the sewage works. It is important that the city can continue to effectively treat its sewage. Additional text has been proposed for the policy and supporting text to make this role clearer and to reference the Gloucestershire Waste Core Strategy 2012. Development that adversely affects the continued operation of the sewage works will not be permitted.

6.77 A paragraph was also added to the supporting text to explain that circumstances may alter over the plan period, through the intensification of waste facilities at the site, or a reduction in odour nuisance, through the introduction of new technologies. This modification helps to make the policy sound and more effective as it future proofs the policy against unknown future scenarios (positive and negative) that are outside of the control of the council.

6.78 The original text of the policy CS6 stated:

Development likely to be adversely affected by smell from Netheridge Sewage Works, within the Cordon Sanitaire defined on the policies map, will not be permitted.

The proposed modification to the policy now states:

Planning permission will be granted for development within the Cordon Sanitaire, as shown on the policies map, where it can be clearly demonstrated through a robust odour assessment that:

- 1. The users/occupants of the proposed development will not be adversely affected by odour nuisance; and*
- 2. The introduction of the proposed use will not adversely affect the continued operation of the Netheridge Sewage Treatment Works.*

6.79 It is the Council's view that the proposed modifications make the policy sound. The modification explains what will be considered acceptable (development with negligible odour nuisance risk) and what assessments are required in order to be able to determine what the impacts of individual applications will be on future users/occupants and on the operation of the sewage works

- 6.80 The applicant has submitted a number of documents for assessment and responded to comments from our advisers, Phlorum, who have also advised the Council upon odour issues and presented information to the Inspector during the Examination of the City Plan.
- 6.81 Phlorum have assessed the various documents submitted by the applicant and it is their view that the applicant has failed to robustly demonstrate that the proposed development would not have an unreasonable impact on new sensitive receptors (i.e. proposed housing) and that it would not pose an unreasonable constraint on Netheridge Sewage Treatment Works (NSTW's) operations. In particular they raise concerns with assumed emission rates used in the appellants assessment, that information provided in relation to discussions with STW seems to be at odds with STW responses to the Council, (particularly in relation to upgrade works) and the applicants emphasis upon on the fact that most odour complaints have been received to the south of NSTW rather than to the north ie within the direction of the site
- 6.82 Therefore in relation to odour issues, the application fails to comply with the requirement of JCS Policy SD4 and 14 and emerging Gloucester City Plan policy CS6 and Revised Deposit City of Gloucester Local Plan (2002) policy FRP12
- 6.83 The applicant has advised that further testing will be undertaken within the next few weeks and further assessment reports submitted to the Council, however we can only assess the application upon the information that we currently have
- 6.84 The proposal has also been assessed by Gloucestershire County Council as the Waste Authority who state that the proposed housing development should not unduly prejudice the ability of safeguarded waste infrastructure (namely Netheridge Sewage Treatment Works) from carrying out its permitted activities. In addition, consideration should also be given to the reasonable prospect of future sustainable waste development (e.g. reconfiguration, expansion etc.) being able to come forward to meet future waste demands that are reasonably foreseeable and which are aligned with industry standards, regulations and other relevant policy. They advise that the decision maker is strongly encouraged to give significant weight to the realistic prospect (or otherwise) that the proposed housing development will be able to come forward without the risk of generating unacceptable amenity impacts for future residents. In arriving at a decision, the theoretical ability (or otherwise) of the existing waste infrastructure operator to de-risk amenity impacts for future residents by way of introducing new / upgrading operating controls should not be taken into account unless this can be made a deliverable pre-condition
- 6.85 Furthermore they advise that waste management infrastructure safeguarding is a local policy matter that requires consideration with this application as there is a risk of incompatible and conflicting land uses. The waste management land use is safeguarded under the local development plan policy WCS 11 which states:

*Core Policy WCS11 – Safeguarding Sites for Waste Management
Existing and allocated sites for waste management use* will normally be safeguarded by local planning authorities who must consult the Waste Planning Authority where there is likely to be incompatibility between land uses.
Proposals that would adversely affect, or be adversely affected by, waste management uses will not be permitted unless it can be satisfactorily demonstrated by the applicant that there would be no conflict.
The Waste Planning Authority (WPA) will oppose proposals for development that would prejudice the use of the site for waste management.*

- 6.86 Officers have consulted STW (as the operators of the treatment works), upon these proposals however at the time of writing the report, their response had not been received.
- 6.87 The Council's advisers' view is that the applicant has not robustly demonstrated that new residents would not be subject to unacceptable levels of odour that would impact upon their living conditions and level of amenity. Therefore the provision of new residential development would result in an incompatibility of uses and conflict with the existing sewage treatment works and therefore the proposals are considered to be contrary to the Gloucestershire Waste Core Strategy 2012 core Policy WCS11 in addition to JCS Policy SD4 and 14 and emerging Gloucester City Plan policy CS6 and Revised Deposit City of Gloucester Local Plan (2002) policy FRP12
- 6.88 ***Drainage and flood risk***
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.89 The application is supported by a Flood Risk Assessment, Drainage Strategy and Foul Drainage Analysis report and there has been discussion between the applicant and the City's Drainage Adviser
- 6.90 The site lies within flood zones 1,2 and 3 with the lower part of the site at the highest risk of flooding. No built development is proposed in the flood zone 2 and 3 areas – this area is proposed for open space and landscaping, with the housing proposed within the flood zone 1 area.
- 6.91 The submitted information identifies an existing pond within the south eastern part of the site which is a STW offline balancing pond, the Hempsted Brook (Black Ditch) which runs along the southern part of the site with a culvert at both ends from Secunda Way and Rea Lane. There are 2 existing drains along the field boundaries running down the slope. There is also a public surface water sewer that runs from close to the junction of Hempsted Lane and Secunda Way across the eastern side of the site that then discharges onto the Hempsted brook.
- 6.92 The scheme proposes a drainage strategy based on the following principles:
- Surface water runoff from the proposed development would be attenuated on-site up to and including the 1 in 100-year event, plus 40% climate change
 - Surface water runoff from the site will be restricted to greenfield rate (QBAR), at 10.3 l/s, which offers a betterment to existing conditions whereby there is uncontrolled runoff across all return periods.
- 6.93 The proposals include the provision of a new detention basin within the central southern part of the site in an area at lower risk of flooding. Surface water would be conveyed to the basin via a network of pipes and swales. The swales follow the lines of existing ditch / pipe runs. The basin will then discharge to the Hempsted Brook (Black Ditch).
- 6.94 The LLFA have commented that the general principles of the proposals are acceptable, and that strategy demonstrates that there is sufficient space to accommodate the housing and surface water attenuation. They consider that the level of information provided is sufficient for the outline stage and that a detailed design would be required by condition

- 6.95 The City's Drainage Adviser raises some concern with the calculations and level of detail included within the proposals particularly in relation to the following:
- The scheme may require more water storage than currently showing, which could impact upon the size of the basin or require alternative storage areas such as permeable paving.
 - Limited information has been provided relating to the design, size, profile and depth of the detention basin to ensure that is satisfactory in terms of its drainage function and is safe, but also that it appears a natural feature
 - The strategy is unclear regarding the proposed means of directing water flows from the housing which is to be located on the lower part of the area allocated for housing, that would sit to the east and west of the basin; these areas are located at a significantly lower elevation than the drainage runs shown and so it is hard to see how the proposed gravity system could function.
- 6.96 The City's Drainage Adviser considers that these outstanding issues are fundamental as to whether the scheme proposes a satisfactory drainage proposal and without this information he can not be fully satisfied that the submitted strategy is acceptable or that the scheme complies with national and local policy in relation to drainage. It is therefore considered that the applicant has failed to demonstrate that the proposal would not increase the risk of flooding within the site or elsewhere, in conflict with the NPPF and policy INF2 of the JCS and policy E6 of the emerging City Plan and this is a reason to refuse the application. .
- 6.97 **Foul Drainage**
Submitted information states that Severn Trent Water have confirmed that foul water from the proposed development can discharge to the public sewer network. It is expected that this would be at the manhole along Hempsted Lane close to the point of the new vehicular access into the site.
- 6.98 As current ground levels on the site are below the invert level at the connection manhole, pumping of foul water would be required through the provision of a new sewage pumping station that could be constructed in the south part of the site. There are no details of the size, siting or design of the pumping station and it is assumed that it would need to be located within flood zone 1. The full details would need careful consideration, and good levels of screening would be expected to ensure a satisfactory appearance, but this could be dealt with by condition
- 6.99 Correspondence has been provided between the applicant and Severn Trent Water dating from August 2019 with Severn Trent Water stating that the nearest foul sewer is located in Hempsted Lane and that a connection would be permitted at any convenient point. However given the size of the proposed development there "could be an adverse impact upon the local network and downstream assets" and it will therefore be necessary for Severn Trent Water undertake an hydraulic assessment of the site.
- 6.100 Officers have consulted Severn Trent Water upon the foul drainage proposals and they have responded that they have no objections to subject to further detail being required by condition.
- 6.101 **Landscape Impact**
Policy SD6 of the JCS sets out the requirements for considering the landscape impact of new development and stresses the importance of reference to the Landscape Character assessments which are a key factor in design of developments and assessing their impacts. The policy seeks to protect the landscape of highest quality and those most sensitive to new

development. Additionally, policy E1 of the emerging City Plan requires new proposals to respond sensitively to the landscape character of the area.

- 6.102 The site was previously included within a wider Landscape Conservation Area designation within the Revised Deposit Local Plan 2002. The accompanying policy sought to prevent development that would detract from the particular landscape qualities and character of the designated areas. However this designation and policy is now superseded.
- 6.103 The applicant has provided a detailed Landscape and Visual Impact Assessment. This has been updated and informs/reflects the changes made to the revised framework plan and including the reduced number of dwellings of “up to 215”.
- 6.104 The landscape character and sensitivity of the site has previously been considered during the formulation and preparation of the JCS including the JCS Landscape Characterisation Assessment and Sensitivity Analysis (2012) and The Gloucester Landscape Analysis of Potential Development Sites (Gloucester City Council, 2013)
- 6.105 The Landscape Characterisation Assessment and Sensitivity Analysis (2013) assessed the wider area defined as G37
This concluded that the wider site was medium to low sensitivity noting particularly “ the fields directly south of Hempsted occupy an elevated position and are subsequently highly visible and offer extensive views” and concluding that
- The wider site is visually related to the city and not the rural hinterland
 - Some rural features are retained including hedges, ditches and mature trees
 - Rural character is degraded by intensive agricultural use, Hempsted market, elevated infrastructure and proximity to industrial units.
- 6.106 In the Landscape Analysis of Potential Development Sites dated November 2013 and is identified as Site 4 – Land to the south of Hempsted, and states:

Any development on this site contained to the eastern side would not be detrimental in regard to landscape effect. This part of the site is in close proximity to other residential properties, the A430 trunk road and industrial units. Development here would be in keeping with the surrounding character.

The different rural character in the western part of the site, its view from the flood plain and the rising topography means this area would be unsuitable for development. This area of the site would be highly visible, therefore creating a negative effect on the visual amenity and landscape character. It would encroach on the rural aspect of the villages’ surroundings.

It recommends:

Distinct separation should be made between the proposed development and the retained open land, possibly by siting open space on the western side of any development.

Positioning of the development and any associated landscaping and open space would help to limit the impact of the development on the immediate landscape character

The housing should be in keeping with the immediate surrounding properties and others in the village of Hempsted and be of a lower density and height due to the rising topography of the site

- 6.107 The Councils Landscape adviser identifies that the site is not a nationally or locally designated landscape, does not form the setting to any designated landscape, does not fall with the NPPF definition of a valued landscape and has no particular features or characteristics that are striking or unusual. He considers that the key elements of the landscape of the site are
- A definitive slope free from development that is prominent positioned for viewing from

Secunda Way upon the approach into the City

- *A transition between the densely settled upper flood reef land and the sparsely settled lower area.*
- *Part of the broader setting to the Hempsted Conservation Area but in visual and experiential terms it is separated and has a peripheral role*

6.108 In looking at the surroundings and wider area:

- There are no national or local landscape designations that would be affected by development at the site.
- To the south and west the character is rural, albeit not of high landscape quality given the amount of pylons and power lines, use of land for the large Sewage Treatment Works. Although rural in nature the area is not particularly tranquil with the noise of the A430 generally pervasive.
- To the north lies the existing suburban area of Hempsted that exerts an edge of settlement feel to the area, this is primarily due to the prominent position of the houses along the ridge line; and
- To the east lies the arterial road corridor of the A430 and beyond that the low level industrial and commercial area which is relatively well screened by highway and internal planting.

In summary the wider landscape context is a mix of different character types and land uses that identify it as the edge of settlement

6.109 The main visual effect would be from Secunda Way as the site faces that stretch of road and its ridge and sloping nature presents more visual interest to take the eye from the road. From Hempsted Lane there would be limited visual effects given the presence of existing houses and high hedge limiting views from the lane across the Site – it is now noted that the existing hedgerow along the eastern end of Hempsted Lane would need to be removed to facilitate the access road and visibility splays.

Rea Lane users have few viewing opportunities to the site given existing planting and roadside hedge growth, with the proposed western green buffer viewing opportunities will reduce further. Long distance path users such as Severn Way and Glevum Way have a high sensitivity to visual change but there are already pockets of views to the houses along the southern edge of Hempsted. There are no extensive, open views to the Site from these paths and the southern and western mitigation planting will limit views further. The overall visual effect will be similar to the current ability to see housing in pockets.

The greatest appreciation of the development would be from the south and eastern positioned Footpath FP71 as the users have longer to appreciate the scale and positioning of the development as they walk this route.

Considered together the visual effects have been assessed as Moderate, Adverse and Temporary in the first instance until the mitigation planting establishes when it will decrease to Minor, Adverse and Permanent

6.110 In summary the mitigation proposed and the space given over to the southern POS will serve to limit the visual impact of the development. The level of mitigation proposed will ensure that the visual impact of the proposed development will be limited in the long-term. The adviser does suggest that further factors need to be carefully considered at the detailed design stage including additional planting and the use of higher standards would assist in the earlier softening of the development, woodland style planting to increase screening from Secunda Way, the effects of the potential terracing and level changes and the need for a sensitive development design that ensures lower density development to allow for adequate gardens, planting and street trees within the areas proposed for housing. These detailed

matters would be considered at the reserved matters stage.

In conclusion the development of this land would alter the character and visual appearance of the site and result in the development of a distinctive, open, sloping site on the edge of the built development of Hempsted that is particularly visible from Secunda Way.

However the site, nor its immediate surroundings, have any national designation and the wider landscape context comprises a mix of different character types and land uses that are seen in views of the site and that mark it as an edge of settlement area. In landscape impact terms the harm which would arise from the development of the application site is considered to be minor when considered with the proposed level of mitigation. Overall it is considered that a scheme can come forward at the reserved matters stage which would be acceptable in terms of landscape impact subject to an appropriate level of mitigation in accordance with policies SD4 and SD7 of the JCS and policy E1 of the emerging City Plan and the NPPF

6.111 **Contaminated land**

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

6.112 The application included details of an initial site investigation for the land which is currently being considered by the Council's advisers and an update will be provided to members within the late material.

6.113 **Ecology**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan policy E2 requires the conservation of biodiversity and providing net gains, and restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation when the effects cannot be mitigated.

6.114 The site has been the subject of desk and field based ecological surveys and amended and updated information has been submitted relating to the updated development framework plan and reference to 215 dwellings. The report identifies the potential for impacts upon protected species and existing ecological features and sets out potential mitigation including the creation of a new pond, wildlife friendly areas, bird and bat boxes, hibernaculum for common reptiles and amphibians, allowing for gaps in fences, replacement hedgerow planting and a sensitive lighting scheme.

6.115 The City Ecology Adviser notes the potential impacts of the development, the positive biodiversity net gain assessment (although there appears to be an anomaly in the figures) and generally supports the provision of planting, habitat creation and mitigation measures that are proposed together with measures to protect habitats and the stream from potential pollution during the construction period. However she does identify that some further investigative work is required and it is noted that the applicant also states that further bat surveys are required to fully assess the implication of the proposals upon the bats. It is understood that these surveys are currently being undertaken. There also appears some uncertainty regarding the badger sett and the presence of great crested newts. Therefore further information relating to ecology issues is therefore necessary and it is not possible to fully conclude upon this matter at this time.

6.116 The Ecology Adviser also requires that all the ecological enhancements are expanded upon and set out within a fully detailed landscape ecological management plan with management and monitoring details, over a ten year period, to be included for assessment at this stage.

- 6.117 Thorough assessment of the potential impacts and proposed mitigation must be undertaken prior to the determination of the application particularly in relation to the protected species . In light of this Officers can only conclude that there is insufficient information to fully assess the impact of the proposals upon biodiversity, including species afforded special protection, and this is a reason to refuse the application as being in conflict with policy SD9 of the JCS and policy E2 of the emerging City Plan.
- 6.118 **Habitats Regulation Assessment**
European designated sites, such as Special Areas of Conservations (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning Authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA). This is also a requirement of JCS policy SD9 and the emerging City Plan policy E8
- 6.119 The Cotswold Beechwoods SAC, the Severn Estuary SPA and Ramsar site, Netheridge Reserve, and Alney Island are sites identified with the potential to be affected by visitor pressure arising from the development of new residential sites within their vicinity.
- 6.120 An Appropriate Assessment was undertaken and the Councils Ecology Adviser has concluded that the development could lead to an increase in recreational pressures on the aforementioned sites. Therefore mitigation is required and this would comprise the provision of public open space and green spaces within the site area, which can be used by new residents on a day to day basis. Additionally homeowner information packs that would need to be provided to every new home, detailing the location and sensitivities of the identified sites, plus guidelines and recommendations of how to avoid impacts, how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendation to keep cats in at night to reduce hunting pressure on wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. Following the implementation of these mitigation measures, it is anticipated that there will be no adverse effects on the integrity of the European sites from an increase in recreational pressure as a result of the proposed development.
- 6.121 Therefore in conclusion, on the basis of the open spaces to be provided on site and providing a homeowner information pack to each new household, to mitigate for the small potential rise in recreational pressures, it is considered that the proposed development would be unlikely to give rise to any significant effects to the identified sites when considered separately or in combination with other allocated plans or projects. This requirement would be dealt with by condition and would comply with the requirements under JCS policy SD9 and emerging City Plan policy E8
- 6.122 Natural England have been provided with these details and their comments are awaited. Their previous consultation stated that they had no objection to the proposals subject to appropriate mitigation being secured as follows;

- (i) Provision of a suitable Homeowner Information Pack – we provide advice on format below.*
(ii) A suitable Constriction and Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP) so as to ensure high quality green infrastructure is secured as part of the informal recreation and biodiversity mitigation measures.

These safeguards would be secured through conditions and therefore it is expected that Natural England would have no further comment to make.

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

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS and policy C3 of the emerging City Plan require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. The retained elements of Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space together with the Councils Open Space Strategy 2021 – 2026 , Gloucester Playing Pitch Strategy 2015 -2025 and Supplementary Planning Guidance New Housing and Open Space

6.124 The Open Space Strategy for Gloucester (2021-2026) was approved in February 2021. The document sets out information on the city's parks and open spaces and includes an action plan identifying priorities for shaping and managing the spaces in the future. The Open Space Strategy identifies most of the open spaces in Hempsted as being of medium quality (which is defined as the site is in fair to good condition but may benefit from further improvement) and of medium to high value to the local community. As a play area Hempsted Recreation Ground achieves a score of 66% for value and 60% for location and therefore sits mid table in the comparison with all other play areas in the City

6.125 The Playing Pitch Strategy 2015 – 2025 sets out a strategic framework for the maintenance, improvement of and development of existing outdoor sports pitches. Additionally it seeks to provide guidance to assess planning proposals affecting playing fields and directing the appropriate provision of open space contributions to provide “accessible, high quality and sustainable network of outdoor sports facilities, which provide opportunities for all residents to access good sport, physical activity and recreation facilities”.

6.126 *Regulation 122 of the CIL Regulations sets out that infrastructure contributions can only be made under Section 106 agreements where they are*
a) necessary to make the development acceptable,
b) directly related to the development and
c) fairly and reasonably related in scale and kind to the development.

On-site requirements (whether they are delivered on or off site), and specific infrastructure requirements that can be robustly justified as necessary to make the development acceptable in planning terms (and otherwise the application would be refused without that infrastructure) will still be delivered through S106 obligations.

6.127 The proposals detail a comprehensive scheme of open space and green infrastructure, however the it is noted that lower parts of the site are at the higher risk of flooding. A LEAP and NEAP are proposed to the western side of the site and within the new parkland area proposed within the southern area of the site. These proposed locations are considered acceptable in principle however we have limited details of these facilities, particularly it is not clear if the NEAP includes a hard surfaced area that is a normal requirement as set out in the Fields in Trust guidance. It will also be important for future reserved matters applications to demonstrate that these play facilities have good levels of natural surveillance whilst still maintaining important buffers to adjoining residential area and that footpath links provide good connections.

6.128 In addition to play provision, a development of this size would be expected to provide for sports provision however nothing is currently proposed within the current details. On site provision is normally preferred however where this is not suitable or achievable the Council

does accept financial contributions to off site sports contributions. Other such contributions have been used to provide or improve existing sporting facilities within the local area, to contribute to the development of the Blackbridge Sports Hub, which has a city wide catchment area and is identified as key priority for sports provision within both the Playing Pitch Strategy and the Council Plan, and/or to the Pitch Improvement Grant which can be used City wide and in accordance with the Councils Playing Pitch Strategy

6.129 The Public Open Space Adviser requests that in addition to an off site sports contribution, that as a minimum, an informal kick about area should be provided on site and possible consideration also given to a good quality active fitness space with good quality multi purpose equipment to provide for some sporting activity for the new residents of the proposed 215 dwellings.

6.130 The Public Open Space Adviser suggests that the following sports facilities located within 2km of the site and a 15-20 minute walk could benefit from investment to secure improved and additional facilities, through an off site financial contribution:

- Hempsted Recreation Ground – football pitch (and space for outdoor fitness provision if not offered on site at Hill Farm)
- Tuffley Park – football and cricket pitches with changing rooms
- Tuffley Lane/Cole Ave – football pitch with changing rooms
- The Oval – tennis courts and MUGA provision
- Randwick Park – football pitch, tennis court, MUGA
- Baker’s Field – skate park, tennis courts (currently requiring improvement before they can be used)
- Gloucester Park – football and cricket pitch with pavilion, bowling greens
- Parry Field – football pitch and pavilion
- The Lannett – football pitches with changing rooms
- Holmleigh Park – football pitch
- Bristol Rd Recreation Ground – football pitch
- Gloucester Athletics Club – track and field athletics provision

6.131 Overall the scheme proposes a generous amount of open space, however it fails to provide for adequate facilities to meet the play and sports needs arising from a residential development of this size, resulting in a poor quality scheme, that fails to contribute positively to green infrastructure and fails to promote social well being and creating healthy, inclusive communities. This would conflict with JCS policies SD4, SD14, INF3, INF4, INF 6 and 7, policies C1 and C3 of the emerging City Plan, policies OS2 and OS3 of the Revised Deposit Local Plan, Gloucester Playing Pitch Strategy, the Open Space Strategy and Supplementary Planning Guidance New Housing and Open Space

6.132 County Council Requirements for education

The County Council can request contributions for education in three parts, primary, secondary and age 16-18 provision where this is justified. For this proposal they have concluded that a financial contribution towards primary and 16-18 provision is not required and not justified, but that a full contribution towards secondary places is justified. For a development of 215 dwellings this amounts to £705,853, although the actual figure may change depending on the total number of houses and their size,

The education contribution required for this proposed development is based on up to date pupil yield data and the County Councils Interim Position Statement on Pupil Product Ratios. The required contribution is necessary to fund the provision of the additional 36.55 Secondary age 11-16 places that are expected to be generated by this development. Gloucestershire County Council is seeking a contribution of £705,853.60 towards these places arising from this development. This contribution would be allocated and spent within

Gloucester secondary planning area.

The secondary age 11-16 contribution that would be required for this proposed development is directly related to the proposed development in that the contribution has been calculated based on specific formulas relative to the numbers of children generated by this development.

This developer contribution is fairly and reasonably related in scale and kind to the development. The contribution requirement has been calculated using an up to date formula related to pupil yields data and the scale of growth and based only on the numbers of additional pupils arising from the proposed qualified dwellings.

The applicant has agreed to pay the required contributions for education, however at this stage there is no planning obligation in place to secure this and therefore this is a reason for refusal.

6.134 Gloucestershire County Council Requirement for Libraries

The nearest library to the application site, and the library most likely to be used by residents of the new development, is Gloucester Library .The County Council conclude that a new development of the size would generate a need for additional resources at this library, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £42,140 is therefore required to make this application acceptable in planning terms.

The financial contribution will be put towards improving customer access to services through refurbishment, reconfiguration and upgrades, improvements to stock, IT and digital technology, and increased services. The applicant has agreed to pay the required contributions for education, however at this stage there is no planning obligation in place to secure this and therefore this is a reason for refusal.

6.135 Waste minimisation

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

6.136 The application has demonstrated waste minimisation matters have been considered at the outline stage however, and no objection is raised subject to the inclusion of conditions requiring a detailed waste management plan at the reserved matters stage.

6.137 Mineral Resources

The site lies within a Minerals safeguarding/consultation zone and requires assessment under policy MS01 of the Gloucestershire Minerals Local Plan 2020 which states:

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

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

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

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

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

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

6.138 The application is supported by a mineral resource assessment that has been assessed by the County Waste and Minerals section. They advise that the report demonstrates that needless mineral sterilisation would not occur with the proposed development and therefore

meets the requirements of Policy MS01.

6.139 Pipeline

A pipeline runs across the eastern corner of the site and therefore the Council are required to consult with the pipeline's advisers. Their response identifies that the proposed development is to be constructed within close proximity to the pipeline and that consent would be required for such works but that in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation. They therefore object to the planning application. They refer to the protection of the pipeline under the Energy Act 2013 and the Pipeline and Safety Regulations 1996 and they set out details of required easements and the process the applicant would need to undertake to apply for a Works Consent for such works.

6.140 Economic considerations

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

6.141 Employment and Skills Plan

In accordance with the requirements of the emerging City Plan policy B1, the applicant agrees to the principle of a skills and employment plan to bring opportunities for the training and employment of local people through period of construction, which could be dealt with by condition.

6.142 CONCLUSIONS - THE PLANNING BALANCE

The application has been evaluated against the JCS, emerging Gloucester City Plan, revised Deposit Local Plan, supplementary documents and the against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

6.143

It is accepted that the proposed development would make a contribution to the housing land supply, including affordable housing (Subject to the completion of a S106 agreement) which is a significant benefit to be attributed positive weight in the planning balance,

There would also be economic benefits in terms of the construction of the development itself and those associated with the resultant increase in population on the site to which limited positive weight should be attached

6.144

The proposal would not constitute sustainable development and there is harm arising from the conflict with the JCS spatial strategy for the Gloucester area with the development of an unallocated site that lies outside the built up area of Gloucester contrary to policies S1, SP2 and SD10 of the JCS and the advice in the NPPF. This issue is afforded negative weight in the planning balance.

There is harm from the provision of new housing that would create or exacerbate conditions that could impact upon human health, environmental quality and amenity for proposed new residents, resulting in poor living conditions due to the odour conditions/levels at the site and the incompatibility of land uses with the Netheridge Sewage Treatment works. contrary to policies JCS Policy SD4 and 14 and emerging Gloucester City Plan policy CS6, Revised Deposit City of Gloucester Local Plan (2002) policy FRP12 and Gloucestershire Waste Core Strategy 2012 Core Policy WCS11 and NPPF advice. This issue is afforded significant negative weight in the planning balance.

There is harm from the lack of a detailed drainage strategy to demonstrate that the development would not give rise to flooding at the site or elsewhere, particularly given the sloping nature of the land and that part of the site lies within the higher risk flood zones, contrary to policies INF2 of the JCS, policy E6 of the emerging City Plan and NPPF advice. This issue is afforded significant negative weight in the planning balance.

There is harm to biodiversity as the proposal fails to provide sufficient information to fully assess the proposals upon habitats and protected species, contrary to policies SD9 of the JCS and policy E2 of the emerging City Plan and NPPF advice. This issue is afforded significant negative weight in the planning balance.

The site proposes a high level of open space however there is insufficient provision for play and recreation resulting in a poor quality environment, lack of opportunities for new residents and fails to promote social well being and provide healthy communities, contrary to policies SD4, SD14, INF3, INF4, INF 6 and INF 7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), policies C1 and C3 of the emerging City Plan, policies OS2 and OS3 of the Revised Deposit Local Plan, Gloucester Playing Pitch Strategy, the Open Space Strategy, Supplementary Planning Guidance New Housing and Open Space and NPPF advice .

- 6.145 Compliance with some of the other principles of the NPPF have been demonstrated in terms of impacts on heritage, archaeology, amenity, loss of agricultural land, mineral resources, waste minimisation and landscape impact. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally
- 6.146 As such, weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the JCS, the emerging Gloucester City Pan, Revised Deposit Local Plan and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts would significantly and demonstrably outweigh the housing and economic benefits of the proposal.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

- 7.1 Had a non determination appeal not been submitted, the application would have been recommended for refusal on the following grounds:

Reason 1

The proposed development would not constitute sustainable development as required by national and local planning guidance, in that it relates to land which is not allocated within the development plan, is land outside the built up area of Gloucester and does not meet the strategy of the JCS for the distribution of new development within the City and conflicts with policies SP1, SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017)

Reason 2

In the absence of a detailed scheme and an appropriate planning obligation, the proposals do not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with policies SD11 and SD12 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and policy A6 of the emerging Gloucester City Local Plan and the National Planning Policy Framework.

Reason 3

The proposal has failed to demonstrate that the proposed residential use of the site would be acceptable and that new occupants would not be subject to unacceptable levels of odour, resulting in a poor standard of amenity and environmental quality and that this would not result in an incompatibility of uses with the Netheridge Sewage Treatment Works. Accordingly the proposal would be contrary to policies SD4, SD10 and SD14 of the Gloucestershire, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), policy FRP12 of the Revised Deposit Local Plan 2002, policy CS6 of the emerging Gloucester City Plan and policy WCS11 of the Gloucestershire Waste Core Strategy 2012 and the National Planning Policy Framework.

Reason 4

The proposed development fails to provide adequate facilities to meet the play and sports needs arising from a residential development of this size, resulting in a poor quality scheme, that fails to contribute positively to green infrastructure, fails to promote social well being and contrary to the principle of creating healthy, inclusive communities. This would conflict with policies SD4, SD14, INF3, INF4, INF 6 and INF 7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), policies C1 and C3 of the emerging City Plan, policies OS2 and OS3 of the Revised Deposit Local Plan, Gloucester Playing Pitch Strategy, the Open Space Strategy, Supplementary Planning Guidance New Housing and Open Space and the National Planning Policy Framework

Reason 5

The proposal has failed to demonstrate that the development of the site would not increase the risk of flooding within the site or elsewhere, contrary to policy INF 2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017), policy E6 of the emerging City Plan and the National Planning Policy Framework.

Reason 6

The proposal fails to demonstrate the full impacts of the development upon ecology and biodiversity, including protected species, and is therefore contrary to policy SD9 and INF 3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and policy E2 of the emerging City Plan and the National Planning Policy Framework.

Reason 7

In the absence of a planning obligation the proposed development does not mitigate the highway impacts of the development and is therefore contrary to policy INF1, SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and policy G1 of the emerging Gloucester City Plan and the National Planning Policy Framework.

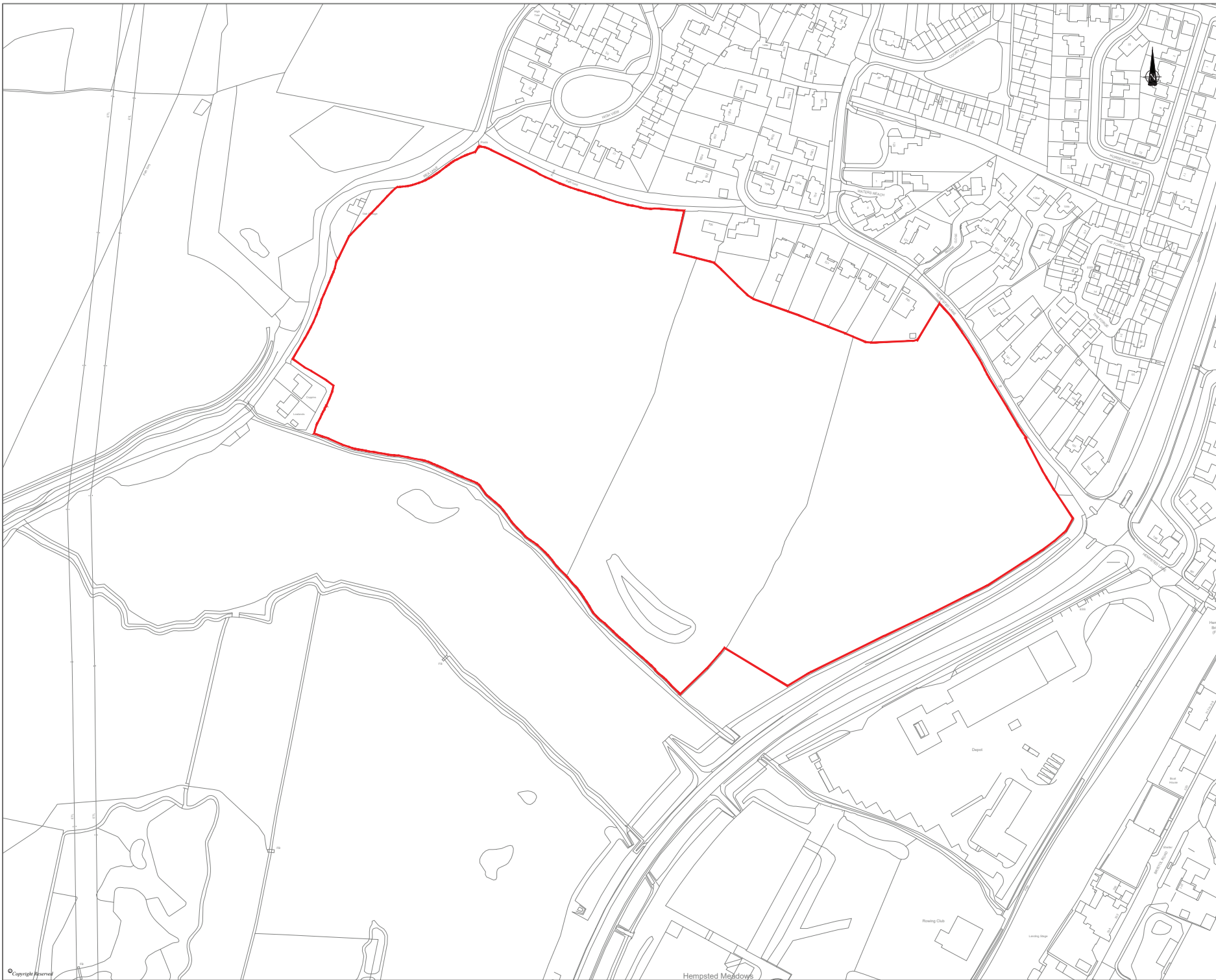
Reason 8

In the absence of a planning obligation the proposed development does not adequately provide for community and education facilities contrary to policies INF4, INF6 and INF7 of

the JCS of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

Person to Contact: Joann Meneaud (01452 396787)

CD1.2

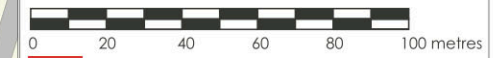


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|---------------|---------------------------|-------------|--------|
| CLIENT | GLADMAN DEVELOPMENTS | | |
| PROJECT | HEMPSTED LANE, GLOUCESTER | | |
| DRAWING TITLE | LOCATION PLAN | | |
| DWG No. | GM10710-020 | REV | - |
| DWG SIZE | A1 | SCALE | 1:1250 |
| DRAWN BY | YK | CHECKED BY | KMS |
| | | APPROVED BY | KMS |


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CD2.5



- Site Boundary: **12.22ha**
- Residential development: **5ha**
(190 dwellings @ 38 dph)
- Low density residential development: **0.71ha**
(23 dwellings @ 32 dph)
- Green Infrastructure: **6.51ha**
- Existing trees and hedgerows retained
- Proposed thicket/woodland planting
- Street trees
- Native tree planting
- Wildflower/long grass
- Existing drainage basin
- Existing watercourses
- Proposed swales
- Proposed drainage basin
- Bridleway
- Public footpath
- Cycle way
- Spine street
- Secondary streets
- Private drives
- Recreational footways
- Play areas
(LEAP: Locally Equipped Area of Play
NEAP: Neighbourhood Equipped Area of Play)
- Contours

| A | 04.04.22 | JC | Minor updates |
|-----|----------|----|---------------|
| Rev | Date | By | Description |

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| | | | |
|-------------|------------------------------------|---------|----|
| Project | Land off Hempsted Lane, Gloucester | | |
| Title | Development Framework Plan 2022 | | |
| Client | Gladman Developments Ltd | | |
| Scale | 1:2000 @ A3 | Drawn | SG |
| Date | April 2022 | Checked | RR |
| Drawing No. | CSA/6036/103 | Rev | A |

This drawing is to be read in conjunction with Stirling Maynard report "Land off Hempsted Lane, Gloucester, Gloucestershire - Desktop Access Feasibility Study"

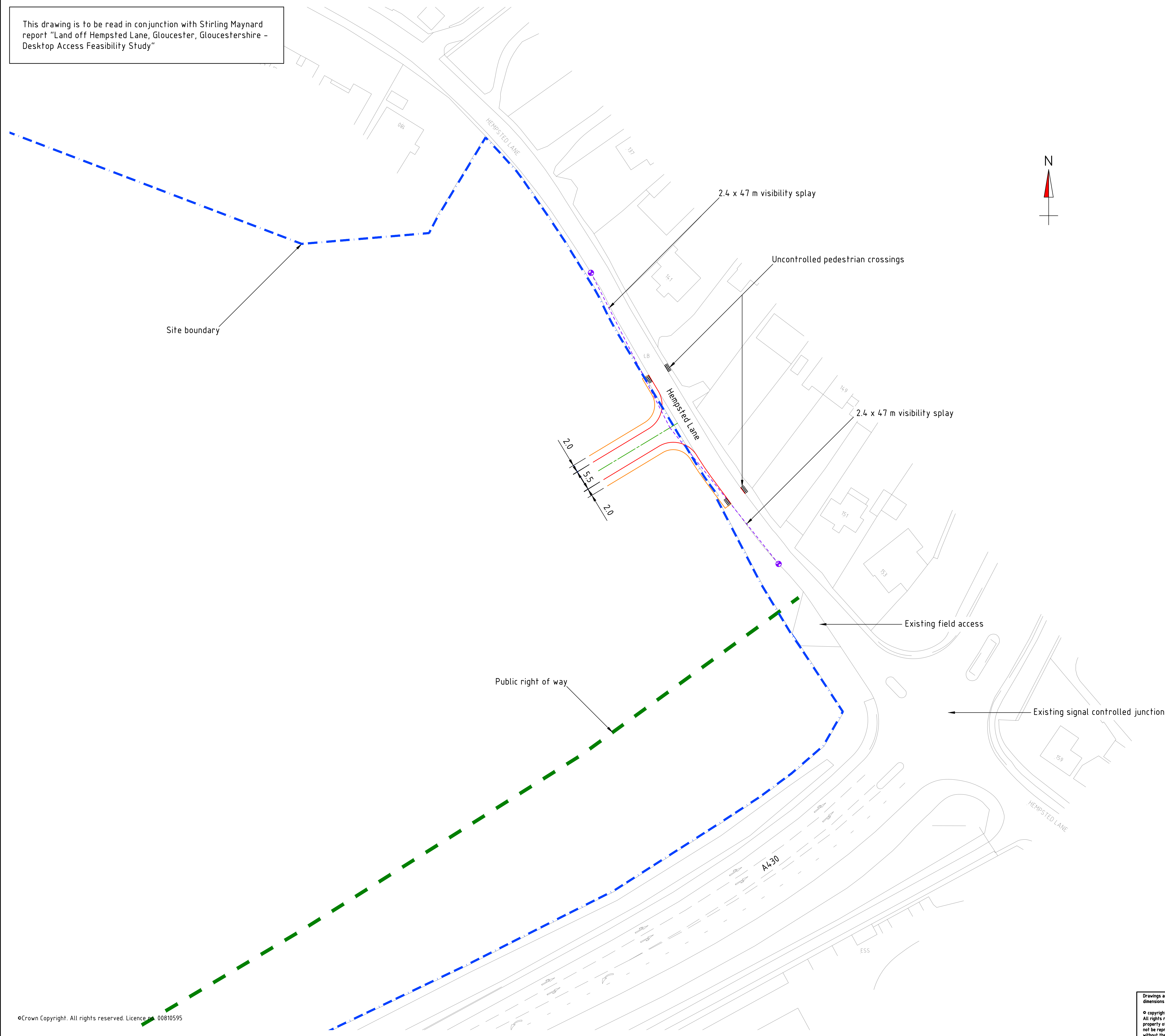
Drawing No. P19105-00-03A

CD6.9

NOTES

- All dimensions are in metres unless stated otherwise.

| DESIGN INFORMATION | |
|---------------------------------------|------------------------------------|
| Design stage | Feasibility |
| Description of Highway Infrastructure | Simple priority T junction |
| Checking Authority | County Council / Unitary Authority |
| Design codes | MFS |
| Description of Ground Conditions | Not known at this stage |



| Ref. | Amendment | Chkd | Date |
|------|---|------|----------|
| A | Visibility splays revised to 2.4 x 4.7m | PSS | 09/05/22 |

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Client
GLADMAN DEVELOPMENTS LTD

Scheme Title
**LAND OFF HEMPSTED LANE
GLOUCESTER
GLOUCESTERSHIRE**

Drawing Title
**PROPOSED ACCESS OFF
HEMPSTED LANE**

| | | | |
|-----------------|-------------|----------------|---------------|
| Project Manager | P S SWALLOW | Drawing Status | FEASIBILITY |
| Drawn | PSS | Scale | 1:500 |
| Checked | DCA | | @ A1 |
| Date | Nov 2019 | Drawing No. | P19105-00-03A |