

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 <sup>th</sup> June 2024
Address/Location:	Hill Farm, Hempsted
Application No:	23/00993/REM
Ward:	Westgate
Expiry Date:	6 <sup>th</sup> March 2024
Applicant:	Bellway Homes
Proposal:	Reserved matters application for the delivery of 185 dwellings, public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane pursuant to outline planning permission ref. 20/00315/OUT / appeal ref. APP/U1620/W/22/3296510 (reserved matters of scale, layout, appearance and landscaping applied for)
Report by:	Adam Smith
Appendices:	Site location plan (below)   Proposed layout plan (at end of report)

## Site location plan:



## 1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site comprises of an open grassed field at the southern edge of Hempsted. The site slopes down from north to south, with a fall of over 17m between the north boundary and the south west corner. Broadly, the site can be seen as three component fields, as the remnants of two north-south running hedges divide the site into three parts. At the south of the site there is an existing attenuation pond. Beyond the bypass to the south west is a commercial depot. Hempsted Lane is adjacent to the site along its north east edge, with residential properties beyond. Adjacent to the northern edge of the site are the rear gardens of residential properties, while along the western part of the northern boundary there is a bridleway running east-west between the site and residential properties beyond to north (this bridleway links Rea Lane to Hempsted Lane). Rea Lane is adjacent to the west. Mid way down the west edge is the remains of a burned-down residential property. At the south west corner of the site, situated on the eastern/site side of Rea Lane, are two further residential properties. Beyond the site to the south is an east-west running stream and another grass field.
- 1.2 Outline planning permission was granted at appeal in 2022 for the development of the site for up to 185 residential properties, subject to conditions and a legal agreement. This outline permission included the means of access, which is fixed, but reserved consideration of scale, appearance, layout and landscaping. Those reserved matters of scale, appearance, layout and landscaping are now applied for in the current application.
- 1.3 The outline permission includes a range of conditions, several of which serve to largely dictate the position of residential units on the site, most notably the flood and odour zones. The proposed layout therefore resembles quite closely the indicative layout provided with the outline application in its latter stages (following the reduction in the number of units applied for in the outline application from 245 to 185). The proposed layout therefore sites the houses in the northern part of the site, with an arc of public open space around the development to the south. The means of access is fixed from the outline stage in the position off Hempsted Lane at the eastern edge of the site.
- 1.4 The proposed layout is of 185 units, comprised of 170 houses, plus 15 flats split across two blocks of flats. The houses are mainly detached and semi-detached, with a few rows of three and four-adjointing, and are either two storeys or two and a half with accommodation in the roof space and dormer windows. The proposals include the provision of 37 affordable units (across tenures – set out later in the report) as required by the outline permission s106 legal agreement.
- 1.5 In addition to the vehicular access off Hempsted Lane, the proposed layout includes pedestrian links out of the site at the south east towards Secunda Way (as required by the outline permission), and at the north west close to the junction of Rea Lane and the bridleway. Extensive pathways are proposed around the site including through the open space and link to the existing gates to the south west at Rea Lane and the eastern corner at Hempsted Lane.
- 1.6 The layout includes play and recreational facilities as required by the outline stage legal agreement. These comprise of a locally equipped area of play (LEAP) at the east side of the site by the vehicular access, and a neighbourhood equipped area of play (NEAP) at the south west part alongside a 'kickabout' space. There are also gym equipment pieces arranged around the pathways at the south west part, and there is a defined jogging route that loops through the open space up into the residential area. The southern open space

would also be subject to extensive planting. The layout also includes two drainage balancing ponds at the south within the open space (additional to the existing one, which would be retained).

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
02/00904/FUL	Provision of off-site surface water sewer and creation of a balancing pond	Granted subject to conditions	16.07.2003
44/34094/HIST	21777/01:- CHANGE OF USE FROM AGRICULTURAL LAND TO RESIDENTIAL GARDENS.	Approved subject to conditions	16.06.1992
20/00315/OUT	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.	Not determined – granted outline permission on appeal subject to conditions and legal agreement	29.09.2022
23/00646/CONDIT	Discharge of Condition 12 requiring the submission of archaeological written scheme of investigation, in relation to Outline Planning Permission for residential development reference 20/00315/OUT.	Discharged	17.08.2023
23/00787/CONDIT	Discharge of Condition 6 (Design Principles Document) of permission ref. 20/00315/OUT (appeal decision ref. APP/U1620/W/22/3296510)	Discharged	31.10.2023

## 3.0 RELEVANT PLANNING POLICY

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

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

### 3.3 Development Plan

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

Relevant policies from the JCS include:

SD3 – Sustainable design and construction

SD4 – Design requirements

SD8 – Historic Environment

SD9 – Biodiversity and geodiversity

SD10 – Residential development, part 6

SD11 – Housing mix and standards

SD12 – Affordable housing, parts 3 and 5

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

## INF3 – Green Infrastructure

### 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 219 of the NPPF states that ‘...*due weight should be given to (existing policies) 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 **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) was adopted January 2023 and provides policies addressing local issues and opportunities in the City. Relevant policies include:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- C5 – Air quality
- D1 – Historic environment
- E1 – Biodiversity and geodiversity
- E3 – Green/blue infrastructure
- E4 – Flooding, sustainable drainage, and wastewater
- E7 – Trees, woodlands and hedgerows
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F6 – Nationally described space standards
- G1 – Sustainable transport and parking
- G2 – Cycling
- G3 – Walking

### 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. Policy OS.4 point 2 remains relevant in terms of size and useability of public open space.

### 3.7 **Supplementary Planning Guidance/Documents**

Sustainable drainage – A design and adoption guide - 2013

Designing safer places Interim adoption supplementary planning document 2008.

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

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

Gloucester City policies:

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

## 4.0 **CONSULTATIONS**

- 4.1 The **Highway Authority** raises no objection subject to conditions to secure; specifications for access roads; specifications for footpaths linking to existing highways; visibility splay details for accesses onto carriageways within the site; visibility splay details for accesses onto footpaths within the site; details of locations of electric vehicle charging points, and the apartment block parking being unallocated.
- 4.2 The **Housing Strategy team** recommends approval subject to private outdoor amenity space being included for all the affordable apartments as a minimum but preferably all the apartments in the development. The Team notes that the affordable housing plan is acceptable, the scheme is compliant with Policy A6 Accessible and adaptable homes, NDSS and with Policy SD11, and with the legal agreement. However they consider the proposal has not adequately addressed the issue of private amenity space on the apartment blocks.
- 4.3 The **Environmental health consultant** initially raised queries around the habitable loft spaces, proposed glazing and alternative ventilation and boundary treatments which have been satisfied and no objection is raised. Specifically, they are happy for the submissions under outline condition 32 (mitigation measures to buildings to achieve noise levels) to be approved.
- 4.4 The **Drainage Officer** raises no objection and is satisfied that the layout can accommodate a suitable drainage network. The Officer has also set out specific issues needing to be addressed at condition discharge stage for the applicant's benefit.
- 4.5 The **Lead Local Flood Authority** raises no objection.
- 4.6 The **Ecology consultant** raises no objection overall. During consultations, the Ecologist queried if the minor changes to the landscaping altered the biodiversity net gain calculation (\*officer note – this has been confirmed and the changes slightly improve the habitat units 56 to 59%), and also the age of the ecological survey and desk study (\*officer note – the applicant confirmed that a more recent site walkover was undertaken in July 2023. This is commented on further below).
- 4.7 The **Public Open Space consultant** raises no objection overall but had several queries on the finer details, relating to;  
Precise specification of the hoggin paths, steps and ramp noting these could be secured by condition.  
Precise specification of the play facilities, benches and picnic benches and surfacing which could be dealt with under condition or the legal agreement requirements.  
Addition of further knee rails between roads and POS which could be dealt with under condition.  
The MUGA, LEAP and NEAP proposals are acceptable in general.
- 4.8 The **Tree Officer** raises no objection, noting that the landscape plan would significantly add to the canopy cover in this area.
- 4.9 The **Waste team** initially raised queries about collections off private drives and it has since been confirmed that the waste collection company will accept the developer offer of an indemnity to cover this. Ultimately the waste collection supervisor will carry out a Health and Safety site assessment, if the scheme is built, before making comments to the developer. As normal, they refer to the Council's Developer Guidance, which contains all of the dimensions and details needed in relation to the collection vehicles.

4.10 The **Civic Trust** raised several comments of support and raising concerns, which are summarised as follows:  
Impact of development, how it looks and sits in relation to the elevated position, and provision for green infrastructure, is important.  
Welcome provision of cycle path through the site.  
No plan for a public transport hub which would encourage use of motor vehicles and favour retail parks over the City Centre, not helping sustainability goals.  
Some of green features added to low lying land are welcome.  
Design of houses a missed opportunity. No iconic buildings – rather sequences of small boxes.  
Orientation to receive sun from southerly direction is positive.  
Risk that houses will be built wrong way around as they are annotated back and front not north and south.  
Lack of symmetry for apartment blocks, which lack the appeal of Royal Crescent in Bath.  
Symmetrical window openings in properties are welcome but additional glazing bars creates a mock cottage appearance. Preference for powder coated aluminium.  
Decorative tiling to front face of some buildings over fussy for buildings of this scale and not appropriate.  
Roof pitches are on the high side; should be brought down.  
Houses not sufficiently closely spaced to give impression of a village and smaller houses very cramped. Preference for larger rooms in terraced housing. Overall style is of suburban sprawl.

In addition in response to the subsequent reconsultation:

Revised submission seems to have removed the cycle path adjacent to the road, given the hazard it represented this is welcome.

Path surrounding the site is so narrow and disjointed that it will be difficult to navigate with a push chair let alone a bicycle. Path cannot be regarded as a useful right of way.

Site as a whole at odds with moving to a carbon neutral and sustainable city.

Plans should be changed to include provision for cycling. Perimeter path needs to be widened and corners straightened so cyclist can pass pedestrian.

Building generally nondescript suburban sprawl and a poor use of land.

Apartments particularly objectionable – no coherence of design or consistency. They should be signature buildings.

In addition in response to the subsequent reconsultation:

Consideration of cycling virtually non existent.

Appears cyclists will be expected to use footpaths and there are paths at south, they are dangerous as designed. E.g. sharp turn before a berm, encountering steps.

Some of the detail of houses has improved since first submission but more thought is needed, in particular some garages are positioned such that they would significantly shade the south facing windows.

Overall submission needs more work before it can be acceptable.

4.11 The **Conservation Officer** has not commented.

4.12 The surveyor agent for the **pipeline operator** initially objected but subsequently undertook trial pit inspections with the applicant who plotted the confirmed route on plan in the resubmission, and the operator has now withdrawn their objection. They confirm that the pipeline would not be affected by the proposals.

4.13 The **Canal and River Trust** has confirmed it has no comments on the application.

- 4.14 **Active Travel England** did not offer bespoke comments on the proposals and referred to their standing advice.
- 4.15 The County Council **Minerals and Waste Authority** strongly recommended a waste minimisation statement be obtained prior to determination. They also noted the proximity to the sewage treatment works and the need to be satisfied no potential issues such as odour, and furthermore the use of alternative secondary and/or recycled aggregate use. They confirmed no further comments on the amended submission.
- 4.16 **Severn Trent Water** has confirmed it has no comments to make but stated that they do not want any surface water into their network (\*Officer note – the proposed system would discharge to the watercourse; this is commented on further below).
- 4.17 The **Hempsted Residents Association** were notified and a representative has submitted comments directly as a representation noting that they may be subject to update by the committee, although nothing subsequent has been received. The issues raised are therefore summarised in the representations below.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 35 neighbouring properties were notified in addition to the residents association, and press and site notices were published. A second round of notification was undertaken on the amended scheme in February 2024. A third round of notification was undertaken on the further-amended scheme in April 2024. Later consultations included those persons who had submitted representations.
- 5.2 25 representations have been received. The issues raised may be summarised as follows:

### **Flooding and drainage issues, including;**

Flooding of the bottom of the field. Building will worsen this for existing and proposed development. Play areas and parkland expected to continue to flood.

Increased run off from hard landscaping impact on the tributary to south of field causing increased flooding.

Attenuation tanks smaller than previously required – impact from excess water.

### **Existing resident amenity issues, including;**

Impact on privacy and view to High View properties.

Impact on neighbours' enjoyment of property and privacy, notably dwellings to north west, south of High View – proposed dwellings facing directly onto existing homes and addition of a roadway behind.

Overlooking and increase of noise nuisance to 20 High View.

Loss of privacy to 20 High View from overlooking. Properties at north west edge by bridle way should be turned around.

Fumes, light, noise and other pollution. Impact of smells from sewage works and cordon sanitaire.

Tree planting should be planned along border of bridle path behind High View.

Overlooking, noise and light pollution, and to 17 and 18 High View.

Blocking views and outlook from High View.

Misleading levels and boundary hedge to 18 High View.

Overlooking, overshadowing, blocking view from, and noise and light pollution to 18 High

View.

Proximity of development, overshadowing, overbearing, overlooking, loss of privacy, noise, light and air pollution, effect on quiet enjoyment of property, to 22 High View. Dip in the existing hedging and no trees in front of no. 22 so no natural protection of privacy.

No need to build so close to High View and Hempsted Lane.

Suggest an ecological buffer at this area close to High View.

Need for bungalows in Hempsted, could be bungalows at High View boundary.

Impact to 137 Hempsted Lane – proximity to access road and overbearing impact on privacy and on quiet enjoyment of property. Land at site is higher than at 137 Hempsted Lane where opposite – overshadowing and loss of privacy impact. Proposed houses should be moved away.

Impact on privacy of 139 Hempsted Lane.

Construction times should be restricted to Monday to Friday 8am to 6pm. Existing restriction on hours of work should be extended to include Saturdays.

**Site capacity issues and resident amenity, including;**

Too many houses. Site would be cramped.

Proposed properties overlooking each other, gardens too small.

Roads too narrow.

The dwellings should be more spaced out and use more of the available fields.

Proposed houses too close together – impacts for wildlife and future residents.

Cordon sanitaire and impacts to new residents.

Need to reduce numbers of properties to make sustainable and not impact on character of existing land.

**Design, layout and character issues, including;**

Not in keeping with character of local area, cramped, not reflecting openness and space of the locality.

Ugly design.

Ruining appearance of the farmed slope from multiple points.

Little discussion and justification of scale and layout to national, joint and local planning policies in the application

No indication how privacy and security of 162-180 Hempsted Lane will be ensured.

**Highways issues; including;**

Traffic impact and congestion. Increase in traffic increasing accident risk, impact on local roads including junction of Hempsted Lane/Secunda Way.

Dangerous/inadequate access point.

Access should be onto Secunda Way.

Traffic lights with Secunda Way need improvement.

Backing up of traffic leading to the traffic lights and safety of right turn Secunda Way into Hempsted Lane. Safety of Hempsted bridge traffic light junction.

Narrowness of Hempsted Lane.

Should be an adequate number of electrical car charging points.

Steepness of roads and pathways – Highways possibly not adopting leading to issues over maintenance.

For resident safety consideration should be given to reducing size of development, its



allocated parking and the proposed entry/exit.

To avoid noise, disturbance, damage to property and possibility of a child being hurt or killed, an order should be applied banning HGV traffic from the village entirely. Heavy construction HGV traffic should be made to use the bypass.

Should be unnecessary for any construction traffic to access site through village – could this be a formal ban through a condition.

**Parking issues, including;**

Unsociable estates because of insufficient parking.

Insufficient parking for residents and visitors. Needs on-street charging points.

Vehicles associated with development should park within confines of site and not on Hempsted Lane.

Parking in existing residential roads such as High View should be discouraged, maybe by limiting pedestrian access.

Safety and resident enjoyment/privacy concerns if choose to park elsewhere locally off site.

**Ecology issues, including;**

Detrimental impacts on wildlife – losing hunting and foraging area.

Lack of/insufficient green corridors.

Losing greenfield site may drive nature into urban areas.

Object to arboricultural report comment that hedgerow along bridle path behind High View of poor quality and wouldn't matter if it were to be removed; wildlife value of hedge, and should be conditioned to retain. Its retention also supports the overshadowing analysis.

**Other issues, including;**

Negative impact on broadband provision for Hempsted.

Issues with plans and documents.

Local facilities – only one post office/shop, school at full capacity, no doctors surgery.

No suitable public transport to alternative schools.

Economic feasibility of the development in the severe economic climate.

Concentration and numbers of houses added to village. Village over populated and losing identity.

Neglect of boundary management. Hempsted Lane overgrown hedge beyond kerbline.

Environmental impacts.

No allowance or reference to self and custom build housing.

Site boundary plan with garden boundaries of 162 to 180 Hempsted Lane shows mature trees and shrubs as 'retained'. All these are on private land, and retention is up to the owners of these houses; the survey should be redone and confine itself to property the developer actually owns.

Reserved matters approval should not be possible until all conditions specifying 'no building works shall be commenced' are met.

Ensure bridle path is maintained through the development.

5.3 The application can be viewed on: [23/00993/REM | Reserved matters application for the delivery of 185 dwellings, public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane pursuant to outline planning permission ref. 20/00315/OUT / appeal ref. APP/U1620/W/22/3296510 \(reserved matters of scale, layout, appearance and landscaping applied for\) AMENDED SUBMISSION | Land At Hill Farm Hempsted Lane Gloucester](#)

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 - 2017), The Gloucester City Plan (2023) and the partially saved 1983 City of Gloucester Local Plan.

6.4 The site already has planning permission for residential redevelopment. The granting of outline permission agrees the principle of building up to 185 residential units on this land and the principle of development is not therefore a matter for the Authority's consideration in this current submission for approval of reserved matters. Neither is the means of access, which was approved in detail as part of that outline permission (it was a matter offered for consideration at that stage) and is fixed by the outline permission. The matters for which the Authority's determination is sought in detail in this submission are the layout, scale, appearance and landscaping of the development only. These are the outstanding reserved matters. On this basis it is considered that the main issues with regard to this application are;

- Compliance with the outline permission and legal agreement
- Design – layout
- Design – buildings
- Landscaping
- Highways
- Residential amenity

Furthermore, while the following are matters that have been decided on as matters of principle in the outline permission, I have included further analysis of these, to seek to gain comfort that the layout would satisfactorily accommodate the agreed arrangements and what would be needed subsequently pursuant to outline permission conditions and the s106 legal agreement:

- Housing – market housing mix and affordable units
- Drainage
- Ecology

6.5 **Compliance with the outline permission**

The outline permission includes a range of conditions, some of which are absolute requirements for compliance, some require information with the reserved matters submission, and some are for future consideration (e.g. information required prior to commencement of building or prior to occupation rather than with the reserved matters). Of those that are relevant for the reserved matters stage, the following are of note:

6.6 Condition 5 – no more than 185 dwellings are allowed and shall not be located in the defined odour zone. The proposal includes 185 so is compliant. All proposed units are located outside the odour zone.

6.7 Condition 6 – a design principles document was required and has already been submitted and approved, and the reserved matters proposal complies with it.

- 6.8 Condition 7- a market housing mix statement is required alongside the reserved matters and has been supplied.
- 6.9 Condition 8 – levels information is required alongside the reserved matters and has been supplied.
- 6.10 Condition 9 – details of the proposed materials are required alongside the reserved matters and have been supplied.
- 6.11 Condition 10 – hard and soft landscaping details are required alongside the reserved matters and have been supplied.
- 6.12 Condition 16 – Access for pedestrians and cycles onto Hempsted Lane and Secunda Way are required prior to first occupation, and the details of this are required for approval prior to commencement of development (and so this is not actually mandatory with the reserved matters). Nevertheless it is worth noting that as well as the main vehicle access point provision, a path up to Secunda Way is provided for in the application layout. The detail of it is subject to consideration under condition. Also provided for is a path link between the existing field gate, via Hempsted Lane to the Secunda Way junction although it would be reliant on highway land outside the application site and it is likely that this would be considered under the Highways Agreement.
- 6.13 Conditions 17 and 18 – EV charging and cycle storage is required prior to first occupation, and details are required for approval beforehand (so not actually mandatory with the reserved matters application). Nevertheless details have been supplied with this submission.
- 6.14 Condition 21 – floor levels should be set at stated levels above the modelled flood level. Condition 22 – there shall be no dwellings or raising of levels below the 11m AOD contour. The reserved matters confirm that floor levels are set a minimum of 300mm above the 1% annual exceedance probability (AEP) fluvial 50% AEP tidal model flood level including 70% climate change allowance of 11m above AOD. It also confirms no dwellings or permanent land raising of ground below the 11m AOD contour. The Drainage Officer has also considered this and agrees, now the play area landscaping has been amended in the resubmission.
- 6.15 Condition 26 – details of disposal of foul water flows are required alongside the reserved matters and have been supplied.
- 6.16 Condition 40 and 41 – the applicant is required outright to provide 25% of units to M4(2) standard and 5% of the affordable units to M4(3) standard (wheelchair adaptable), and all dwellings to Nationally Described Space Standards (NDSS). Nevertheless information has been supplied about this, noting that 47 dwellings are to M4(2) standard (just over the 25% so compliant), and 2 of the affordable units are constructed to M4(3) standard (just over the 5% so compliant), and that all dwellings meet the NDSS.

**6.17 Compliance with the legal agreement**

The legal agreement (a unilateral undertaking offered by the applicant/landowner) secures a range of mitigation measures including 20% of the dwellings to be affordable housing, a financial contribution of £500,000 to the Council's pitch improvement programme and additional/improved sports provision in the local area, provision of on-site public open space (to be transferred to a management company in this instance), local equipped area for play (LEAP), neighbourhood equipped area for play (NEAP), multi use games area (MUGA) and outdoor gym equipment, a financial contribution of £3,000 to the County Council for improvements to uncontrolled crossing points at Hempsted Lane/Court Gardens and Hempsted Lane/Hilton Close, a financial contribution for Gloucester Library at a rate of £196 per dwelling, a formula-based financial contribution based on qualifying dwellings to secondary education infrastructure provision, and deposit or bond for the Travel Plan (provision if the developer defaults on Travel Plan obligations) plus a monitoring fee.

6.18 Several items are required by the legal agreement at reserved matters stage. The required affordable housing scheme has been submitted with the reserved matters and the Housing Strategy team considers the proposal complies with the legal agreement. The affordable housing numbers and mix are also set out in the legal agreement and this is commented on below. The required open space works specification, the management plan, and the phasing plan have been submitted with the reserved matters and are commented on below.

**6.19 Design – layout**

The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places. It also sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is important that decisions avoid homes being built at low densities, to ensure optimal use of sites.

6.20 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale, type, density and materials appropriate to the site and setting. Design should establish a strong sense of place, create clear and logical layouts, ensure high quality landscape, open space and public realm areas that provide a clear structure and are a cohesive part of the scheme, should contribute to safe communities, provide access for all users, integrate with existing development and prioritise movement by sustainable transport modes. Policy SD10 is largely about locations for housing development in principle, but does note that residential schemes should seek to achieve the maximum density compatible with good design, heritage protection, amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network. Policy INF3 requires development to positively contribute to green infrastructure, also setting out that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services, and that proposals that would impact on trees will need to include a justification for why this cannot be avoided and should incorporate mitigation for the loss.

- 6.21 Policy A1 of the City Plan requires overall improvements to the built and natural environment, to be of a suitable scale for the site, preserve the character of the area and appearance of the streetscene, provide amenity space at a level reflecting the character of the area and scale of the development, have appropriate bin storage, and create and support healthy living conditions. It requires development to make effective and efficient use of land and buildings. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C5 relates to air quality but includes design considerations including avoiding building configurations like creating a street canyon that would inhibit pollution dispersal, and using green infrastructure to absorb dust and other pollutants. Policy E7 seeks to ensure no significant adverse impacts on existing trees or hedgerows and every opportunity is taken for appropriate new planting, and requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees or hedgerows. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, ensure adequate space for trees to mature, and incorporate well designed public open space and amenity land. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.
- 6.22 As already mentioned, the layout is heavily influenced by several established parameters including the odour and flood zones (effectively pushing the buildings into the upper part of the site only), and the fixed vehicular access point (effectively dictating the start of the highway layout). The layout therefore effectively looks much like the indicative outline stage masterplan. The Planning Inspector in determining to grant outline permission, has already concluded that 185 units would be acceptable on the site in some form, so the in-principle decision on the quantum of development is already established.
- 6.23 A further significant factor in designing the detailed layout has been the influence of the site gradient on achieving acceptable highways standards. This does not appear to have been fully considered by the applicants and their design team involved in submitting the outline application and has meant that the reserved matters proposal has had to include substantial cut-and-fill works across the slope which strongly influences the siting of roads, the retention/establishment of internal green avenues/hedge lines, and the siting and relationship between individual house plots. The associated levels changes as a result of the cut and fill are quite substantial in parts of the site and while the levels are ameliorated in parts of the site, in others such as the boundaries between some back-to back proposed units, they would be of a significant height, although the applicant has proposed a 'vegetated bank' treatment to soften the appearance of the taller retaining walls.
- 6.24 The density of the development is largely influenced by the numbers provided for in the outline permission and the extent of the developable area that is effectively defined by the outline conditions 5 (no dwellings shall be located in the odour zone) and 22 (no dwellings located on ground below the 11m AOD(N) level). It is acknowledged that several representations refer to making the dwellings more spaced out by using more of the available fields; apart from resulting in a loss of the public open space, such an approach is prevented by the restriction on building farther down the slope due to the flood and odour zones. The proposed density is 36.71 units/hectare and it declines slightly south westwards towards the open space. The house types are shared through the layout giving variation in the buildings, including 2.5 storey units at certain points.

- 6.25 The layout is therefore more densely arranged than much of the surroundings, particularly the historic period properties through the local area, although it is not substantially out of keeping with some of the more modern 20<sup>th</sup> century development in the area, and as noted is in any respect dictated by the number of units allowed and the restricted space that can be built on. Local Policies also require development to make effective and efficient use of land and seek to maximise density. The Inspector has already concluded that 185 units on the restricted area is acceptable and it is considered that the layout would not harm the character of the area, especially where considering what the alternatives might be to accommodate 185 units (e.g. denser areas of the development in taller buildings to accommodate more flats relative to fewer houses). The street arrangements present a clear and logical layout and the public realm is well defined. The use of architectural features and variations in scale to provide landmarks and focal points aids orientation and sense of place. The use of the green corridors is well integrated, providing attractive north south links through the site including to the site's green infrastructure and play areas, and would aid environmental considerations.
- 6.26 The layout assists with natural surveillance and generally provides back-to-back plot arrangements, creating active frontage and secured perimeter plots, while parking is generally on plot and overlooked, which all assist in creating safe communities. Pedestrian links have been provided, where possible, to seek to integrate with existing surroundings through walking, while limiting incursions through the hedgeline. The unit types have been improved during the application to give increased overlooking of the green avenues and overall there is natural surveillance of public spaces. Resident comments have raised concerns over the security of the ends of existing properties' gardens where backing onto the site at its northern edge. These properties have a range of existing conditions in terms of fencing and the extent of planting at this boundary, but broadly almost all have a fairly dense vegetation screen at or near the boundary (which as was stated in the representation, is up to the resident whether they retain or not), with non-planted areas having low weld-mesh fencing. Currently this relationship is onto an open field. In the proposal, the north edge of the residential gardens closest to the boundary here would have 1.8m close boarded fencing, with the intercept drain corridor beyond at the immediate boundary with these neighbouring properties. As such the proposal is not considered a worsening of the existing security. In the latest amended plans a gated enclosure has been added to either end of the drainage corridor by the end house in each respect to secure this area further. It is recommended that a condition be imposed to require its implementation.
- 6.27 The proposed layout is considered positive in terms of recreation and activity, providing extensive open space linked to the developed area, as well as other links out to provide for pedestrian use, including a 3m wide active travel route through the public open space. The provision of a jogging route and gym equipment would be positive in encouraging active lifestyles. These elements would help create and support healthy living conditions. The gradients mean that access into the POS and around the site in various places involves steps which is undesirable but difficult to achieve otherwise with the slope involved and need to meet highways standards, although improvements have been made to 'ramp' access into the POS where possible.

- 6.28 In terms of adequate bin storage, for the majority of houses, storage would be on plot with kerbside collection arrangements. For the flat blocks there would be a communal storage facility inside the building close to the road. For houses on private drives, bin collection points are denoted inside the private drive area. As the waste operatives will not typically go onto private drives, the applicant has offered indemnity cover against damage. The waste operator has accepted this as a suitable solution. This would be a private agreement and would sit outside of the planning regime. The Highway Authority has accepted the tracking plans for the collection vehicle manoeuvring around the site and this shows collection vehicles passing. The bin storage arrangements therefore appear acceptable in principle. Any residual concerns around accessibility for the collection vehicle may be dealt with subsequently through the highway approval process if there are areas that prove to need to be kept clear to allow collections to occur, while the waste collection supervisor undertakes their own inspection before a new collection route is agreed anyway.
- 6.29 **Design – buildings**  
Scale:  
In terms of scale the development is mainly 2 storey with some 2.5 storey properties which comprise of 10 of the 170 houses plus the two apartment blocks. This scale is considered appropriate to the site and the character of the area.
- 6.30 Appearance:  
The range of house types provide some variety with bay window and gable features, and they are considered acceptable in this context. The flat blocks are quite massive in appearance but are sited on the lower part of the site and would have the backdrop of development behind in views from the south which would aid them blending in visually. Their facades are broken down somewhat with some relief in the façade and a tile hanging detail. Overall the proposed buildings would provide active frontage and visual interest to the streets and the building designs are considered acceptable in design terms.
- 6.31 In terms of facing materials, the strategy cited by the applicant is to keep a consistent brick type along the spine street, with articulation with render and tile hanging at key points. Elsewhere there is a second brick type and in those off-spine street areas there is a mix of the two bricks and tiles. The tile hanging option is also used for certain buildings along the southern edge where in prominent view from the open space. Facing materials are yet to be fully resolved and in order to give them further consideration might be approved under condition. The applicant has also proposed photovoltaic panels to roofs to improve the sustainability on the units, and while there is no mandatory requirement in the outline permission, this would contribute to the aspirations of Policy SD3 to contribute to the aims of sustainability and increase energy efficiency. It is recommended that the locations and specifications of these be confirmed by condition.
- 6.32 In other accessibility and inclusivity terms, the units would meet nationally designed space standard, with 25% to the elevated discretionary Building Regulations M4(2) 'accessible and adaptable dwellings' standard, and 5% of the affordable units to the elevated wheelchair accessible M4(3) standard.
- 6.33 Close boarded fencing is provided to gardens, with brick walls to most perimeter edges, which would provide for resident privacy and a more attractive and robust street edge. Railings are provided to some frontages giving defensible space to front of units.

## 6.34 Landscaping

Clearly there would be a noticeable change in the landscape by replacing green field with houses across much of the site, but that is already accepted and established by the granting of planning permission for 185 units at the site. The Planning Inspector for the outline application acknowledged that the proposal would have an adverse effect on the landscape character of the site itself, but that beyond immediate vantage points the proposal would cause little visual harm to the wider landscape. As already noted there are substantial restrictions on the developable area which equally serve to effectively dictate the position of the open space. In that context in terms of landscape impact, the proposals would retain space to the western Rea Lane edge of the site with a considerable stand-off from the lane for most of this edge which would assist in keeping its more rural character, as would its slightly sunken nature. The proposed native woodland structure planting appears good at sub-dividing the POS up into smaller, more characterful areas. The landscaping to the southern part has a clear structure and would appear as a series of linked areas defined by the hedgerow planting, with path networks linking the play areas, orchard and around the attenuation ponds, which would have permanent water for ecological value. The landscaping proposals deliver on the strategic aspiration to improve planting and filter views from the west with a dense block of planting, and although clearly this would take time to establish, the landscaping consultant advises that the structure of this landscaping design is appropriate. The open space would be transferred to a management company rather than the City Council take on maintenance responsibilities in this case, and a landscape management plan for this has been provided and is commented on further below.

6.35 At the site level the layout is considered positive in terms of landscaping and would improve the quantity and quality of publicly-accessible green infrastructure in the area. This would also support provision of amenity space for future residents along with their own private gardens. Extensive planting is proposed to the open space to south with planting also proposed within the built up areas. The provision of new hedging would be implemented to a high level and would help green the development. The spine street would be tree-lined for one side at a time, with lower-level planting on the opposite sides or to the adjacent footway. This is likely to work best to the east and west sections where there is frontage on the opposite sides of the road in which to accommodate planting that the management company would maintain and as such would remain outside of private ownership, and should then create and maintain an attractive green streetscape.

6.36 Again the site gradients are a major influence on the street planting in so far as they limit the scope for planting somewhat, however the overall effect of the street planting proposals is considered to be a positive greening of the built form which would improve its appearance and benefit the environment. The two green avenues provide for attractive routes through the development north/south. They are in part on the alignment of the existing hedgerows through the site and while mainly involving new hedgerow planting, do involve the retention of the south east part of the existing hedgerow as well as the single existing tree in the site. The proposed paths through the open space would comprise of compacted gravel; the POS consultant's detailed comments about the make up of the paths, steps and ramps, as well as the benches and the extent of knee rail provision, can be dealt with under condition.

6.37 The oil pipeline intersects the site at the south east corner. This is through the open space only, with no houses or roads above. Two footpaths cross the pipeline alignment broadly at 90 degrees. The submitted plan shows that the pipeline is around 1.2m below existing ground level. The pipeline operator undertook on site trial pit inspections with the applicant to inform this plan, and has confirmed that the proposals will not affect their apparatus.



### 6.38 **Trees**

The submitted arboricultural report sets out that individual tree loss is one elm at the Hempsted Lane boundary at the access point, a category U specimen with signs of dieback. Tree group loss includes some at the south east edge by the bypass, a 5m section of moderate quality category B. Their arboriculturalist asserts that none of the tree losses present a constraint on development and there is potential to mitigate the loss; whereby extensive new tree planting is proposed. The retained tree within the south eastern internal hedgeline is a category C Ash. The hedgerows lost due to dealing with the gradient are all low quality category C, and there is extensive new hedgerow planting proposed. The Tree Officer advises that the landscape plan shows adequate replanting of trees and hedgerows to mitigate the loss, and that it would significantly add to the area's tree canopy cover. A tree protection plan is included and is in any respect required under the outline permission. The objection regarding the assessment of the hedge by the bridle path as poor quality and that it should be retained can be responded to, as the tree protection plan shows the extent of this hedge being retained and protected during construction. While there is also concern in representations about the plans having plotted the vegetation in neighbouring premises and a request for the survey to be redone and omit these, it is considered useful to understand the location of nearby trees and vegetation even if outside the site, and allow the arboricultural report to take their protection into account.

### 6.39 **Open space arrangements**

As above, the legal agreement requires the open space works specification, the management plan and phasing plan to be submitted. The agreement also goes on to specify timings for the provision and management of the open space so the delivery aspects are already dealt with. The developer would secure a management company to maintain the site and there is a management programme provided which is acceptable. As this document is subject to approval under the legal agreement, the remaining queries of the POS consultant around the exact specifications for the installation of equipment should be able to be resolved and approved under that arrangement and does not affect the reserved matters to be determined here. There is also a financial contribution of £500,000 to formal sports to be paid to the Council under the terms of the legal agreement. The POS would be delivered in 3 phases to align with the residential properties construction. A local equipped area of play (LEAP) would be provided to the east side of the site by the main site entrance. Towards the west would be a neighbourhood equipped area of play (NEAP), a multi use games area (MUGA) and bike ramp track, a kick about space with goals (relocatable to aid wear and tear), and a series of gym equipment pieces. This is the play provision required by the legal agreement, so is already set out as a requirement, and the POS consultant has agreed their content. A bespoke drainage system would be provided to the play provision to aid drainage and useability at this lower part of the site. Therefore the open space arrangements are considered acceptable in relation to the reserved matters under consideration, while the specification and management is also broadly acceptable and the outstanding finer details can be finalised under the provisions of the legal agreement.

### 6.40 **Heritage**

The NPPF sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, it 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'. Furthermore that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policies SD8 of the JCS and D1 of the City Plan similarly seek to preserve and enhance heritage assets as appropriate to their significance.

6.41 The built heritage issue is of the setting of the Hempsted Conservation Area a designated heritage asset. The site is not within a Conservation Area but lies to the south of the Conservation Area, around 90m apart at the closest point, and is separated by intervening housing development, which insulates the Conservation Area from the visual impacts of the proposal. The outline appeal decision acknowledged that replacing the open farmland with housing would erode the rural setting of the historic village core and detract from its significance as a heritage asset, but that the degree of harm would be limited due to the lack of intervisibility between the site and Conservation Area. The less than substantial harm was at the lower end of the range and was factored into the planning balance of the appeal Inspector's conclusions whereby permission was granted. As such the in-principle issues of developing the field in built heritage terms has already been addressed and the current reserved matters design is consistent with those conclusions. The site also has archaeological potential, which is dealt with by conditions of the outline permission and does not affect this reserved matters submission. The proposal is considered acceptable in heritage terms.

#### 6.42 **Highways**

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 and sets out that permission will be granted only where the impact of development is not considered to be severe. Connections should be provided where appropriate to extend or modify existing walking, cycling and public transport networks and links to ensure credible sustainable travel choices.

6.43 Policy G1 of the City Plan sets out that in all development, on street space designed and allocated for pedestrians, cyclists, mobility users and deliveries, and bus stops and bus priority measures, will be prioritised over the parking of private vehicles. It also sets out the approach to car and cycle parking levels. Policy G2 requires all developments to provide safe and secure access by cycle. Policy G3 supports development that protects and enhances convenient, safe and pleasant walking environments, and new footpaths that link neighbourhoods to each other and to areas of open space and green infrastructure will be supported subject to acceptability against other plan policies. New development must reflect the fact that pedestrians are at the top of the road user's hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

#### 6.44 **Access arrangements**

The outline permission has agreed the principle of 185 homes in terms of the impact on the highway network, and the position and arrangement of the vehicular access, which is required to be in the location onto Hempsted Lane by Condition 4 of the permission. Therefore it is effectively the internal layout of the highway under consideration at this reserved matters stage. It is worth noting however that the highways s278 agreement plan included with the application includes 2m wide footways and two tactile crossing points to Hempsted Lane to the immediate north and south of the access, which would provide for an uncontrolled pedestrian crossing of the lane. This also references a proposal to plane and resurface the existing highway in front of the proposed junction. A footway is also proposed in this plan between the existing gated access onto Hempsted Lane (proposed to be a kissing gate) and the Secunda Way junction at the end of Hempsted Lane. This would be beneficial for connectivity although like the other aforementioned works, is outside the application site and not formally part of this application in its entirety, and reliant on a subsequent approval process with the Highway Authority.

6.45 **Proposed road arrangements and road calming**

The scheme has been designed to 20mph in response to the Highway Authority request. The proposed arrangement includes a main central east/west spine road, with secondary road linking off, which would largely comprise of private roads at the end sections. The spine road includes several raised tables which seek to slow speeds as well as provide level access crossings.

6.46 **Gradients and highways compliance**

As above, dealing with the site slope to accommodate a highways-compliant gradient has been a fundamental design factor for the development. Amendments have been made to the road gradients so as to now have the agreement of the Highway Authority. Public paths would also clearly be on a slope. The application notes that the designers considered inclusive mobility best practice and refer to 1 in 12 slopes as an absolute maximum as a general rule. The design is predominantly with grades of 1:20 or flatter with short sections of steeper gradient up to 1:12 maximum that enables the development to fit the topography. Given the significant site constraints and implications of alternative approaches, it is considered the scheme has addressed accessibility as best as can be done. Where proposed footways within the site would cross a highway and where sections of footpath would connect highway to highway, the Highway Authority will require additional works and construction to adoptable standard, pursuant to conditions.

6.47 **Cycle parking**

The outline permission requires cycle parking for each dwelling and for it to be sheltered, secure and accessible. The houses would have shed or garage provision, the flats in communal stores. The shed details for 2 bed units are shown to accommodate 2 cycles, with the 3/4 bed units having provision for 4. The garage details effectively provide for cycle storage not least given the parking accommodation is catered for by external spaces and so is not reliant on car parking in the garages anyway. In terms of the flats, Block A has 8 flats and 13 bedrooms overall and has a provision of 13 cycle spaces in an external store, while Block B has 7 flats and 12 bedrooms overall and has a provision of 12 cycle spaces in an internal store. The City Plan policy is for a minimum of 1 cycle parking space per 1 bedroom dwelling and 2 spaces per dwelling with more than 1 bedroom so the provision meets the policy requirement.

6.48 **Car parking**

At a national level, the NPPG sets out that Authorities should seek to ensure parking provision is appropriate to the needs of the development, while the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The City Plan policy seeks new development to provide car parking to a level and design appropriate for the local context taking into account accessibility; type, mix, and use; any parking restrictions or restraints in the area; availability and opportunities for public transport; local car ownership levels; and the need to ensure adequate provision of spaces for charging plug-in and other ultra-low emissions vehicles. The City Plan encourages applicants to refer to Manual for Gloucestershire Streets (MfGS) for further guidance. MfGS sets out that applications should provide suitable evidence to ensure vehicles are not displaced onto the highway to ensure highway safety is not compromised, and where proposed not to comply with this guidance a justification should be provided, ideally supported by local evidence. Its standards are 1 space for 1-2 bed units, 2 spaces for 3-4 bed units, and 3 spaces for 5 bed units, with visitor provision at a ratio of 1 space per 5 residential units. This is based on external spaces.

- 6.49 The parking provision comprises of 356 spaces for 185 units (340 allocated spaces for 170 houses, with 16 unallocated spaces for the 15 flats), plus 37 on-street spaces denoted for visitors. The provision of 356 is above the MfGS level required (346). Furthermore it has been demonstrated that the layout allows for at least another 15 parked cars within the carriageway above and beyond the visitor parking. In addition, some properties have scope to park an additional car (where there is space in front of their formal drive but off the carriage way). The provision of 37 visitor spaces is at the MfGS rate required. As such the parking provision meets the policy. While it is acknowledged that there are concerns about overspill parking in neighbouring areas, notably via the pedestrian link out of the north west of the site and into High View, the provision is more than policy compliant, and the suggestions in representations to omit the pedestrian link to prevent this would have a significant negative impact on active travel by pedestrians and linking the site with surrounding neighbourhoods and facilities. The Highway Authority has noted that parking provision to the north west corner is satisfactory and capacity has been improved by widening this carriageway to 5.5m to allow for additional overspill and visitor parking, while also noting their view that residents would wish to park their vehicles within sight of their dwelling for security reasons.
- 6.50 **Active travel**  
Active Travel England's standing advice sets out the government's ambition to shift thinking about making short trips towards walking and cycling, and it includes guidance on prioritising easier routes for pedestrians and cycles over cars, maximising opportunities for non-car borne accesses including walking connections to public transport, and the design of roads and lighting. The provision of direct and attractive paths across the site, pedestrian links and the jogging route, as well as links out of the site to footways at the north west and south east of the site including to the bypass, as well as at the main vehicular access have been noted in this report already. The provision of the footpaths to link neighbourhoods to each other and to areas of open space and green infrastructure are supported in line with the City Plan policy. The scheme exploits walking and cycling access points, which are more numerous than the vehicular access points in accordance with the Active Travel England guidance, and with a single vehicular access prevents opportunities to use the site as a shortcut, which the guidance seeks to avoid. Steps are provided in several pathways which is a product of the site gradients, though the layout does achieve non-stepped access into the public open space to the far west side, and to the middle and east. The Civic Trust highlighted some concerns with steep sections, tight radii and steps within the proposed active travel / cycle links, which the Highway Authority advised would be a concern but would be covered within the Section 278 / 38 technical approval process which would also require independent safety audits. The applicant has also responded to this, noting that the parkland area is not a space where cyclists should be travelling at high speed and the routes have been designed to discourage such activity.
- 6.51 The Highway Authority obtained an active travel assessment which uses the Active Travel England area check tool, which concludes that the scheme would improve the area score, by creating a permeable layout with linkages through the site assisting in allowing adjacent residential development to route through the site if desired on quieter roads to access facilities to the south by foot or cycle. The green infrastructure proposals in the scheme further improve the uplift. The Highway Authority has in fact indicated that the active travel review could have scored more positively, given the new active travel linkages and good permeability. Overall while the necessary provision of steps in some pedestrian pathways is undesirable and not in line with the Active Travel recommendations, it is considered that the proposal supports the aspirations of the Active Travel England advice taking into account the significant site constraints, and the area assessment demonstrate a positive uplift in the round.

6.52 **EV charging**

The outline permission requires each dwelling to be fitted with an EV charging point as an absolute. In addition, Building Regulations require EV provision as well now anyway; that every new home with associated parking must have access to an electric vehicle charge point. The application shows each property with an EV charger, either on plot or remote where parking provision is separate or for the flat block parking. The Highway Authority has requested further specific detail above and beyond this under condition.

6.53 **Other highways issues raised in representations**

The issue of construction traffic is raised in representations including the request to ban HGV movements from the village. This is not a reserved matter issue, which relates only to the scale, layout, appearance and landscaping of the scheme. The Planning Inspector in granting planning permission, imposed condition 33 which requires a Construction Environmental Management Plan which shall include staff/contractor facilities and travel arrangements and it is suggested that the matter could be managed with the Highway Authority's input through that process. The Highway Authority has indicated in its comments that it would look at the routing of heavy commercial vehicles in respect of the road through Hempsted.

6.54 The issue of the safety of the Hempsted Lane/Secunda Way junction, notably the right-turn into Hempsted Lane from Secunda Way, southbound, is raised in representations, and whether a safety audit has been undertaken of the junction. The concern is understood, and anecdotally from conversations with residents, this in part relates to the length of the Secunda Way right turn lane where immediately adjacent to the southbound lane given the speed of vehicles continuing southbound past the stationary right-turn queue. I am advised that Highway Authority Officers have visited the junction including with residents and have agreed to undertake a review of the junction and consider potential mitigation. The Highway Authority reports that accident details at the junction indicate one accident in the last 5 years which is considered to be very safe by comparison to other sites within the County. Turning back to the issue of the determination of the current reserved matters application it is advised that the principle of the 185 units, the access point onto Hempsted Lane, and the associated traffic impacts of that quantum of development on the highway network, are in-principle issues for the outline stage and have already been concluded on, with no mitigation of the signal junction required. It is not therefore a reserved matter issue relating to the scale, appearance, appearance or landscaping of the development. In relation to the complaint regarding maintenance of the hedge coming into the highway at Hempsted Lane, this is not a reserved matters issue, but I am advised that vegetation can be cut back under powers of the Highways Act.

6.55 Conclusion on highways matters

The proposals are considered acceptable in highways terms and comply with the development plan and national guidance on the matter.

6.56 **Residential amenity**

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Furthermore Policy A1 of the City Plan includes criteria on the living conditions of neighbours and future residents.

- 6.57 The residential neighbours to the site that merit careful consideration can be categorised into four main areas: those immediately adjacent to the site at the northern edge (Hempsted Lane properties); those to the north of the site but beyond the bridleway towards the western side (High View properties); those to the northeast of the site beyond Hempsted Lane; and those on Rea Lane to the west. Given the number of concerns raised about amenity impacts and the complicated nature of the levels changes involved, the following provides a detailed assessment of the key relationships and uses measurements from the applicant's layout, engineering and section plans, with ground levels given in metres above ordnance datum.
- 6.58 **Neighbours immediately adjacent to the site at the northern edge**  
These run in a broadly east/west alignment along the northern edge of the site and comprise of nos. 164 Hempsted Lane (to the west end) to 180 (to the east). At the immediate boundary-adjacent position to these properties, the development includes a drainage channel to intercept runoff from the north, so there would be an intervening area of c4m width from the existing neighbours' boundaries to the garden boundary fence of the new properties. The existing boundary hedges inform the assessment here. They are shown on the submitted tree protection plan with a temporary tree protective fencing in front between them and the proposed developable area, and none of the hedges in this vicinity are shown as to be removed to facilitate construction work other than the section at the far north west corner for the access path, indeed the hedge area and beyond is allocated as a 'construction exclusion zone'. It is therefore considered that the hedge is shown to be retained and this is given weight in my assessment.
- 6.59 **No. 164 Hempsted Lane** is a two storey property with a substantial garden. Its end row position and the extent of the application site is such that it borders the site to the west and to the south. Given this and the garden being more open to the site than the neighbouring properties to its east it has the potential to be affected by the development. The house is situated to the north east of its plot, such that it is set back from the boundary to the site both to south and to west. To the south it would be broadly opposite units 28 and 29 of the development. To the west it would be broadly opposite units 67 and 68. Each would be orientated with rear elevations and rear gardens towards this existing neighbour. As above, the proposed drainage channel would be in the immediate environs of the boundary.
- 6.60 The houses at 67 and 68 would be around 14m from the neighbour's boundary and 32 and 30m respectively from the house. Unit 68 would have first floor bedroom windows facing rearwards and would be 5m to eaves and 8.3m to ridge. Unit 67 would have first floor bedroom windows facing rearwards and would be 5m to eaves and 8.7m to ridge.
- 6.61 The houses at 28 and 29 would be around 14m from the boundary and around 32m from the house at the closest point (the side/rear extension) and around 35m from the main rear wall of the house. Unit 28 would have first floor bedroom windows facing rearwards and would be 5m to eaves and 8.7m to ridge. Unit 29 would have first floor bedroom windows facing rearwards and would be 5m to eaves and 8.3m to ridge.

- 6.62 The proposal includes a significant levels change between this neighbour and the proposed units. Section 7 is an east-west section between this neighbour and unit 68 (the northern proposed unit). The existing ground levels are proposed to be substantially lowered here (over 2m at the rear garden boundary of unit 68). This means the levels for proposed houses 67 and 68 are substantially lower than the level of the existing neighbouring house (the section shows the level at the existing house being approximately the eaves level of proposed unit 68). This is also reflected in the submitted engineering drawings which show existing and proposed levels, setting out existing levels at the boundary of 24.5 to 26.1m and the proposed level for proposed units 67 and 68 at 22.55m. Between the proposed drainage channel and the proposed gardens there would be a slope down towards the proposed gardens and then a retaining wall (of 1.4 to 1.65m at Unit 68, 0.98 to 0.6m at Unit 67). With the retention of the boundary vegetation this would largely screen the 5m rear walls of proposed units 67 and 68 from the level at the boundary. Furthermore, the boundary enclosures plan shows the boundary fence would be positioned on the bank above the proposed retaining wall at a higher position, providing further screening. Given this and the separation, it is not considered that there would be a significant overlooking, overbearing or light impacts from Units 67 and 68.
- 6.63 In terms of overshadowing impacts from Units 67 and 68 this would potentially occur only late in the day given the relationship between the properties and would again be significantly influenced by land levels. The applicant has undertaken an overshadowing assessment and reported this by letter in their resubmission. This is with regard to the BRE site layout and planning for daylight and sunlight – a guide to good practice, which recommends that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. This assessment is based on Unit 68 at 8am, 12pm and 4pm on 21<sup>st</sup> March and notes that there would be no impact at 8 or 12, while at 4pm, the maximum distance cast is 19.5m and the sun from a south westerly direction means a shadow is cast north easterly and would begin to reach the neighbouring no. 164. This shows that the two hours of sunlight can be met. The assessment also assumed a flat site relationship whereas the proposed relationship would be unit 68 at a lower ground level, so the impact would be less. Similarly, the boundary vegetation would have an existing impact. Overshadowing distance ‘improves’ during spring/summer months, whereby the impact would be lowered. While no modelling has been provided to support this analysis, it adds weight to the assessment, and considering this analysis provided, the relationship between properties, the levels change and extent of the neighbouring garden, there is no compelling argument to substantiate that unit 68 would cause significant harm to the amenities of residents through an overshadowing impact. The impact from unit 67 would be slightly different given the proposed siting slightly farther south, but for similar reasons it is not considered that significant harm to the amenities of residents through an overshadowing impact would be caused.
- 6.64 The garages for units 67 and 68 would be set back farther into the plots and therefore closer to the neighbour but at their limited scale of 2.4m to eaves/4.8m to ridge would not cause any significant harm.

- 6.65 Moving to the potential impact of units proposed to the south of no. 164, Section 4 is a north-south section through 164 down to unit 28. The garden of the existing property declines towards the boundary and this continues into the site, with a modest reduction in levels proposed within the site. This results in the levels immediately outside the proposed property being around 1.5m below those at the boundary with the neighbouring garden and around 3m below those outside the existing house. Again this is reflected in the engineering plans, where there are spot levels near the boundary of 25.6 and 25.3m, with the proposed unit 28 land level at 23.65. At the separation and the scale, it is not considered that unit 28 would be overbearing to the neighbour. The boundary vegetation of approximately 5m along this part of the neighbour's garden would also serve a screening function between the properties (although it is not particularly dense in winter and there would still be some intervisibility), as would the proposed 1.8m close boarded fence at the rear of the garden given it would be at a higher level than the proposed house. There could be a clear line of sight between the upper floor windows of both properties but at the separation distance of over 30m it is not considered that this would represent a significant intrusion. The rear windows of no. 28 would obviously be closer to the garden of the existing neighbour but the distance of over 14m, the boundary fence and the boundary vegetation would mitigate this given the level at which any overlooking could take place from. It is not considered that it would amount to significant intrusion. Given the separation between the houses, the levels change and the scale of building, it is not considered that a significant impact on light to this neighbour would be caused.
- 6.66 The engineering plan shows the level at unit 29 to be around 1.6m lower than the levels at the boundary/land drain area. For similar reasons as unit 28 it is not considered that it would be overbearing or cause significant harm through loss of light. The existing vegetation along this part of the boundary is lower than would be behind unit 28 so there is more scope for direct line of sight between properties' upper floor windows, however again at the 30+m separation this would not be significant harm. Similarly, overlooking of the garden given the separation, boundary fence, existing vegetation, and extent of the garden, would not amount to significant harm.
- 6.67 In terms of overshadowing, units 28 and 29 would be to the south of the neighbour and merit consideration. Given the levels change and the distance between and, it seems unlikely that these properties would cause demonstrable harm by overshadowing.
- 6.68 The garages for each would be set back farther into the plots and therefore closer to the neighbour but at their limited scale (unit 28 would have part of a double garage as above being 2.4m to eaves/4.8m to ridge, unit 29 a single garage being 2.3m to eaves/3.6m to ridge) would not cause any significant harm.
- 6.69 Unit 66 would be situated south west of this neighbour with the house approximately 17m from the boundary and the double garage approximately 7m from the boundary. These would be at a lower level than the units analysed above and would similarly not cause a significant harm to amenity.



- 6.70 No. **166 Hempsted Lane** is a large two storey property on a substantial plot. The house is set back from the boundary at least 14m to the rearmost part, with the main part of the property c28 to 42m from the boundary (it is not parallel to the rear of the house). It would be broadly opposite units 26 and 27 of the development, which would have rear elevations towards this neighbour, and rear gardens between. Again the proposed drainage intercept channel and boundary fence would be at the immediate boundary area. The existing house is at an elevated level from the site. There are substantial trees at the boundary between this property's garden and the site, which are shown on the tree protection plan as inside the neighbours' garden and to be protected during construction. Units 26 and 27 would be between 12.5 and 17m from the boundary, and between 33m (unit 27 to the rearmost part) and 50m (unit 26 to the main part of the property) from the house. The engineering plans show the levels would continue to decline down into the site, with the proposed house floor construction level 1.2-1.6m below the spot levels at the boundary between the properties. The extensive tree screening along the common boundary would mitigate overlooking impacts, and given the substantial separation between houses, the proposed layout, the intervening vegetation, the substantial neighbouring garden, and the levels, no significant harm would be caused to amenity by virtue of overlooking, overshadowing, light, or overbearing impacts.
- 6.71 Nos. **168 to 178 Hempsted Lane** have a similar relationship to the site, with the houses being set back from the site boundary with rear gardens up to the boundary where there is a variety of vegetation screening along the boundary line, shown on the sections and in the tree protection plan to be within the existing neighbours' land and to be protected from construction. There are also some properties here with weld mesh fencing at the boundary. The existing houses are set back a substantial distance, of 33-40m from the boundary (from the planning history, their gardens appear to have been extended southwards into the field from what was originally the case), and at an elevated level from the proposed levels of the site. They would be broadly opposite units 17 to 25 of the development, all of which would be set in from the boundary (11.5 to 14m), with their rear elevations facing towards these neighbours and with rear gardens up towards the boundary. Again there would be the drainage corridor and garden boundary fences proposed at the immediate boundary area.
- 6.72 Section 1 extends through the whole site including up to the boundary at 178/180 Hempsted Lane. The existing garden declines down to the boundary and the proposed reduced site levels of up to around 80cm mean that the area immediately outside the proposed house would be substantially lower than the existing garden by the boundary and by the existing house (broadly the floor level at the existing house lines through to about the eaves level of the proposed unit). Again depending on the exact position, height and density of the boundary vegetation, it is likely that the proposed properties would be perceived from the existing properties. But the section indicates that the levels change, vegetation screening, separation distances to the houses and gardens, and the substantial size of the existing gardens, is such that a significant impact on amenity would not be caused.
- 6.73 Section 3 is through **172** to one of the proposed units opposite, unit 21. The existing levels decline down the garden of no. 172 and into the site, and there would be some modest further reduction in the site levels at Unit 21. With the reduced levels, the ground levels outside the proposed property would be significantly lower than the level outside the existing house. The houses would be around 54m apart, with around 14m between the proposed house and the boundary. The section indicates that as a result there would be no significant overlooking, overshadowing, overbearing or light impacts, although depending on the exact height and density of the vegetation at the boundary it is likely that the upper parts of the properties would be perceived from the existing neighbours.

- 6.74 Overall, along this stretch, the spot levels on the engineering plan show these proposed units 17 to 25 to have floor construction levels be 0.8m to 2.2m below the levels at the boundary. Given the separation distances to the neighbouring properties, the levels change and the intervening vegetation, even where that boundary vegetation is sparser, while the proposed units would likely be perceived from the neighbouring properties, no significant harm would be caused to amenity by virtue of overlooking, overshadowing, light, or overbearing impacts.
- 6.75 No. **180 Hempsted Lane** is broadly similar in position to the houses at 168 to 178, but its position at the end of row and extent of the site mean that its rear and side garden areas border the site. Rearwards it would be broadly opposite nos 14-17 of the proposal, which would all back on towards the boundary with rear gardens and boundary fence between and then the drainage corridor. This means that the proposed units would be around 12.8-14m from the boundary, and around 30m to the existing house at the closest points. The proposed garages would be set back into the gardens such that they would be 4-5m from the boundary. To the side / south east of no. 180 units 12 and 13 would be closest, again rear facing and with rear gardens between. Unit 12 would be 16-23m to the boundary, and around 32m to the house. Unit 13 would be 10m to boundary, 26m to the house. There are a range of trees and hedges along the boundary which provide a screening function, and shown on the tree protection plan to be within the neighbouring property and protected during construction.
- 6.76 Section 2 is through no. 180, southwards into the development site, to unit 15 opposite. The garden of no. 180 as existing is sloped towards the site, and this continues into the site. The site levels are proposed to be reduced further here, such that the ground level immediately outside the proposed property would be substantially below the lower part of the neighbour's garden and below the ground levels immediately outside the existing house (ground floor levels lines through with the roof of unit 15). It seems likely that the upper parts of the proposed property would be perceived from the existing property. However the section indicates that there would be no significant overlooking, overshadowing, light or overbearing impacts to this neighbour. This is supported by the engineering plan which shows the floor construction levels of the proposed units 1.5 to 2.5m lower than the levels shown at the boundary.
- 6.77 To the side, the engineering plan shows levels declining down from the boundary through the proposed gardens, such that the floor construction levels of the proposed houses would be 2.8-3.2m lower than the spot levels given at the boundary. Overall, given the separation distances between properties, the levels changes and the intervening vegetation, while the proposed units would likely be perceived from the neighbouring property, no significant harm would be caused to amenity by virtue of overlooking, overshadowing, light, or overbearing impacts.

- 6.78 ***Neighbours to the north of the site but beyond the bridleway***  
These comprise of nos. **17 to 22 High View** and are orientated with rear elevations and rear gardens south facing towards the bridleway and the site. **162 Hempsted Lane**, farther east, would be side on to the site on its north side as well, in a different orientation to the other neighbouring properties in the vicinity. The vegetation along the bridleway with the site is substantial in places but there is some variation, this is similarly the case with the vegetation at the bridleway-to High View properties boundary, so that some properties have a lower screening effect overall than others. Given some of the vegetation is a part of individual owners' garden boundaries, there is some variation in type, height and density. Nevertheless, overall there are two sets of hedges that are either in the site, the public bridleway or the neighbours' gardens who have an interest in its maintenance. The tree protection plan shows no proposals for removal of the site-edge hedge (other than the proposed pedestrian link to the north west corner), with it to be protected during construction and within a no-construction zone. As such, while they are not a permanent structure, the screening function of the vegetation as an ongoing presence is given weight in this assessment of amenity. Concerns have been raised in objections that the submitted sections along this boundary are misleading as to the size of the boundary hedge. However the drawing of the hedge has not formed a critical part of the Officer assessment, which is based on the levels on plans and observations on site.
- 6.79 There is a levels change between the existing properties, the bridleway and site, and these are noted in more detail below, but for context the engineering plan shows the levels in bridleway at around 24 to 26m, with proposed floor construction levels of the nearest facing properties in the northern row of the development 21.95 to 22.55m.
- 6.80 Nos. 17 to 22 High View are broadly comparable in so far as they have similar alignment and orientation, rear facing towards the site (although they do have a variety of rear extensions and outbuildings), and the proposed properties they would be broadly opposite are in a similar arrangement, facing northwards towards the bridleway and High View properties. The proposal includes the access road to the north site of the new properties, parallel with the bridleway, but at a lower level. The proposed properties would be around 36m from the High View houses themselves at the closest point. Based on the layout plan, the proposed houses would be at least 20m from the High View gardens.
- 6.81 **No. 17 High View** is at the east end of the row. It would be broadly opposite units 73 and 74 at the closest point, with the access road between. The existing property has a wide garden so it is also opposite units to the east, set farther into the site. Units 73/74 would be around 36m from the neighbouring house at the nearest point to the conservatory, and over 20m to the garden boundary. The opposite units would have first floor windows facing north towards the neighbours, and would be 5m to eaves, and 8 or 9m to roof ridge.
- 6.82 Section plan 5 is through 17 High View into the opposite proposed house unit 73. The levels slope downwards from the existing property garden into the site. The section indicates the ground floor level of the existing property at around first floor window level of the proposed property. As a sense check on this, the engineering plan indicates from the spot levels a level of around 25m in the bridleway with the proposed floor construction level at units 73/74 opposite over 2m lower (22.650m) (there is a retaining wall of c1m addressing part of the levels difference between on the north side of the access road).

- 6.83 Depending on the exact height of the vegetation along the bridleway boundaries, it is probable that existing residents along this row would generally see the upper parts of the proposed properties from the rear of the houses. Objectors have suggested the hedge is at a height of 3m and this seems broadly accurate from my observations on site, though I noted there are lower sections estimated 2-2.5m and it would be sensible to adopt a precautionary approach to the assessment, given the fluctuations in levels and hedge height. At this height, for a proposed property with a 5m eaves height, and a c2m levels change between, even a 2m high hedge would screen the majority of the vertical wall of the proposed property, with the 3m hedge screening the whole wall from a parallel height, obviously including windows in that vertical wall. As such, it can be assessed that from the gardens of some properties the upper parts of the vertical walls, and the whole of the roofs, could be perceived. Any perceived overlooking from the proposed properties would be at a separation of over 20m from the ends of the gardens and over 30m from the neighbouring houses, and furthermore this would not occur from the elevated level as would be the case with most assessments of overlooking where ground levels are the same between properties. Equally, it seems likely that from the first floor rear windows of the existing properties, one would see the windows of the proposed properties. This would be at a separation distance of around 36m. Given these distances and the window positions, I do not consider that this would amount to a significant impact on the amenities of existing residents as a result of overlooking or privacy impact. (For context, the separation distance normally aspired to for back to back separations is 21m house to house, so 11.5m from house to garden, assuming equal garden lengths). The section, levels change, separation distances and part vegetation screen are such that it is not considered that there would be significant overlooking, overbearing, overshadowing or loss of light impacts for the existing property. I note that an objector also raises impacts on their own view but this is not a material consideration in planning decisions.
- 6.84 **No. 22 High View** is at the west end of the row. It would be broadly opposite unit 80 at the closest point, with the access road between. Unit 81 would be slightly farther back into the site to the west and facing more diagonally away from the neighbour. Unit 80 would be around 35m from the neighbouring house, and over 20m to the garden boundary. Unit 80 would have first floor windows facing north towards this neighbour, and would be around 5m to eaves and 8.4m to roof ridge. Section plan 6 is through 22 High View into the opposite proposed house unit 80. The ground level declines through the neighbour's garden, the bridleway and into the site, with the ground level in the site lowered further in the vicinity of the proposed road. The levels difference between the existing and proposed properties is substantial with the section showing the ground floor level of the existing property at about the first floor window level of unit 80.
- 6.85 Again as a sense check on the section drawing, the engineering plan shows the floor construction level of Unit 80 around 1.5m lower than the spot level at the edge of the bridleway (again a retaining wall is proposed here to cater to part of the levels change). It is likely that the proposed houses would be perceived from this neighbouring property. It is also acknowledged that there is a lower section of boundary hedge here, although still a substantial hedge at the neighbouring property boundary. However the combination of the separation distance, levels change and vegetation screening is such that the proposed development would not cause a significant harm to the amenities of residents of the existing property by virtue of overlooking, overbearing, overshadowing or loss of light impacts.

- 6.86 The units between nos. 17 and 22 for which section plans have been submitted, nos. **18 to 21 High View**, are broadly similar in their siting and garden arrangements and relationship to the proposed development. There are also some particular nuances influencing the exact amenity impact, such as the substantial outbuilding within the lower part of the garden at no. 18. The ground floor construction level of the proposed units 75 to 78 opposite these existing neighbours is the highest in this part of the development so it is worth commenting further to clarify this. The engineering plan shows the ground floor construction level of these properties would be around 1.5m below the spot levels in the bridleway. These proposed houses opposite would be around 36m from the existing houses and over 20m to the boundary of the gardens. These units again would have first floor windows facing north towards the neighbours, and would be 5m to eaves, 8.4 to 8.5m to roof ridge. The vegetation is varied but would provide a significant screening effect between the proposed and existing properties, with a consistent hedge line along the site/bridleway boundary and a more varied hedge boundary between the existing properties and bridleway. It is likely that the proposed properties would be perceived from these neighbouring properties. Again the combination of the separation distances, levels change and vegetation screening is such that it is not considered that this would cause harm by virtue of overlooking, overshadowing, light or overbearing impacts for similar reasons.
- 6.87 Objectors in the vicinity are also concerned about noise, air and light pollution. Given the presence of 14 additional houses along this stretch and the road serving them, it seems evident that there would be some additional noise, light and traffic fumes compared to the existing field. Given the likely extent of use of this cul de sac road and its level below the bridleway, and the proximity and levels of the houses, I do not consider that significant harm to amenity from these factors could be substantiated.
- 6.88 No. **162 Hempsted Lane** is a particular case in that the orientation is different. Nevertheless there would be a similar significant distance between the property and the nearest unit of the development (unit 68) of around 32m between the houses, and 17m between the proposed house and the neighbour's garden. There is also intervening vegetation and a substantial levels difference (the engineering plan showing a level difference of over 3m between the spot levels in the bridleway by no. 162 and the ground floor construction level of unit 68. As such it is not considered that any significant impacts on amenity would arise for occupants of this neighbouring property.
- 6.89 ***Neighbours to the east of the site beyond Hempsted Lane***  
These comprise of no.s 137 to 153 Hempsted Lane, down to the Secunda Way junction. They are on the north east side of the road from the site, with the proposed developed area of the site being situated opposite nos. 137 to 143. The access road and open space would be opposite the neighbours south of this.
- 6.90 **137 Hempsted Lane** is a bungalow, set back from Hempsted Lane approximately 17m and at an elevated position from the road. It would be broadly opposite unit 12 of the development. Unit 12's flank wall would face this neighbour, approximately 12m from the boundary of the neighbouring property (the bottom of its drive/parking area) and approximately 30m from the bungalow itself at 137. Unit 12 is now a bespoke house type in the revised submission with a hipped roof, and includes a first floor bathroom window in the flank wall towards no. 137. It would be 5m to eaves, 8.3m to roof ridge. There is a substantial hedge at the site boundary to Hempsted Lane, which is shown in the tree protection plan to be retained and protected from construction.

- 6.91 The spot levels on the engineering plan indicate that the existing levels at this top corner of the site, where this unit would be sited, rise up from the level of the road so it is not currently a continuous decline from the neighbouring property down through into the site in the manner of many of the other relationships. The proposed levels for unit 12 would dig lower into the site, 1 to 1.8m lower than the existing, with unit 12's rear garden inclining back upwards, with a retaining wall of 1.6 to 1.9m where the proposed garden would be lower than the surrounding levels. The submitted section indicates that the ground level (at the position of the section to the unit 12 house) would be lower than the ground level at the dwelling at 137 (it shows that broadly the ground level of 137 would be the first floor level of unit 12). In the revised scheme, Unit 12 has been lowered in terms of its ground level (650mm lower than the originally-submitted design), and the roof is hipped, rather than the original gable end design. Both changes would serve to reduce the mass of the flank wall in terms of its visual presence opposite this property from the first design.
- 6.92 While the existing bungalow 137 is at an elevated level from the road, and the development would be lowered from the existing site level, and there is a substantial boundary hedge at the site boundary which would likely screen part of unit 12 from view, the flank wall and roof of unit 12 would likely be visible from no. 137, particularly from its front first floor window. Given the proposed side first floor window to unit 12 is to a bathroom, the separation distance, and the use of the frontage part of no. 137, there would be no significant harm from overlooking. Similarly, it is not considered that it would cause a significant overbearing, overshadowing or light impact to this neighbour given the substantial separation, levels difference, and the use of the front-most part of the neighbouring property. The neighbour is concerned at the impact for their view and as noted, I consider it likely that unit 12 (and other units, less prominently) would be visible above the boundary hedge. To a lesser extent, units 1, 2, 3, 4 would potentially be visible further back and off to the left of the view from no. 137. However loss of private view is not a material consideration.
- 6.93 **139 Hempsted Lane** is a bungalow, set back approximately 15m from Hempsted Lane and at an elevated position. It would be broadly opposite units 1 and 2. These units would be around 24m from the boundary of no. 139, and around 40m from the bungalow itself. Units 1 and 2 would have first floor windows facing north east towards this neighbour. Unit 1 would be 5m to eaves, 8.7m to roof ridge, unit 2 5m to eaves, 8.5m to roof ridge. No. 139 also has some vegetation screening towards the boundary though this is not wholesale across the frontage. The levels on the engineering plans and section show that the site levels rise into the site from Hempsted Lane. Furthermore, the proposed levels of units 1 and 2 would be around 0.5m higher on their southern edge to cater to the gradient. The section plan shows that the Unit 1 ground level at the position of the house where the section traces through, would be broadly similar to the ground level of the bungalow at no. 139. As such it is again likely that even with the boundary hedge, these properties would be visible to residents on the far side of Hempsted Lane. Given the substantial distance between the properties, the relationship between, vegetation screening, and the arrangement of the near part of no. 139, it is not considered that there would be significant harm from overlooking, overshadowing, light or overbearing effects.

- 6.94 **141 Hempsted Lane** is the most forward-positioned of the neighbouring houses on this part of the lane, with the house set back around 7.5m from Hempsted Lane and at an elevated level from the road. It is a two storey property, and has some vegetation screening in the front garden. It would be broadly opposite units 2, 3 and 4 of the development, which would be set back into the development site around 16m from the Hempsted Lane boundary, and behind the boundary hedge and private drive serving these units. Unit 3 as the most directly opposite, would be about 23m from the boundary of the neighbour, and approximately 31m from the house at 143. These units opposite would have first floor windows facing the direction of this neighbour. Unit 3 would be 5m to eaves and 8.3m to roof ridge, Unit 2 5m to eaves, 8.5m to roof ridge. At the position of the section through to unit 2 the site levels would be reduced slightly from the existing, and the ground level at the point of the section at unit 2 would be slightly below that of no. 141. The engineering plans show a build up of around 0.5 to 1m at the southern edges to units 2 and 3 to cater to the slope. Again it is likely that the opposite units would be visible from this neighbour. However given the separation distance and intervening vegetation, it is not considered that a significant harm to amenity would be caused by virtue of overlooking, overbearing, overshadowing or light.
- 6.95 **143 Hempsted Lane** is set back substantially into its plot from the frontage (around 26m) and at an elevated level, with some vegetation screening to front. It would be broadly opposite Unit 4 which would be set back into the site over 16m from the site's Hempsted Lane boundary. With the intervening road as well, Unit 4 would be around 50m from the house at no. 143. In this arrangement no significant harm to amenity would be caused.
- 6.96 **145 Hempsted Lane** is broadly opposite the position of the proposed vehicular access and the house is set back from the road and at an elevated position and with vegetation screening to front. Given the intervening distance between this house and the proposed new houses no significant harm to amenity would be caused.
- 6.97 Nos. **147, 149, 151 and 153** Hempsted Lane are situated broadly opposite the proposed area of open space south of the main access, and are set back from the road (nos. 147 and 149 particularly so). Given this arrangement no significant harm to amenity would be caused.
- 6.98 ***Neighbours on Rea Lane***  
The neighbours to the south west are bungalows – 'Coppins' on the north side, and 'Lowlands' on the south. They would be situated adjacent to the proposed open space, around 95m from the nearest proposed property. Given the separation distance no harm to amenity would be caused from the proposed buildings. The principle of the uses on the site have been approved, and while the open space would be likely to involve more public usage than the current field, it is not considered that the proposed layout of this would lead to any significant harm to amenity.

6.99 There is also Oak Cottage, on the east side of Rea Lane mid way down the site. It appears to have burned down and there are currently only partial standing remains of this property although the site has previously benefitted from permission for a new dwelling in 2009 and 2012 and then with an amended design in 2012. With no evident progress on site this indicates that the permissions have lapsed without implementation. Without having a detailed analysis of the exact status of the property history and potential lawful commencement of development, I have adopted a precautionary approach that there may be an established residential use here that could be continued through a new building. This property is separated from the proposed dwellings by the western arm of the open space, and there would be a separation of over 30m from the boundary of this property to the nearest proposed house. There would not be a substantial levels change (although the opposite properties would be underbuilt on their south sides to cater to the gradient. Given this relationship the property would not be subject to unacceptable levels of overlooking, overbearing, overshadowing or loss of light effects, even if there were to be a residential dwelling recreated.

6.100 ***Residential amenity for future occupants***

Officers seek to ensure new developments meet certain standards to maintain reasonable living conditions. Back to back distances in the scheme achieve at least 19.5m with most 20-22m. Houses in the middle section above the spine road generally achieve c21 to 23m back to back, though the levels change between properties due to the gradient and the cut and fill proposals to meet the highways gradient standards is substantial at around 3-6.1m, so the relationships do create some challenging conditions that buyers will clearly have to take into consideration. This is similarly the case on the north west section of the site where separations are c20-21m back to back. There would also be retaining walls between gardens of up to 3.7m in the steepest parts of the site where the cut and fill has to address the slope, plus a 1.8m close boarded fence above, with the applicant proposing a vegetated-wall treatment to seek to soften the visual impact of the retaining wall. The south west section generally achieves 20-21m back to back again with a levels change of c2.1-4.2m between properties, with the retaining walls here up to 1.8m. Houses in the mid-south section generally achieve 20 to 25m back to back, with levels differences between of c1.2-2.8m, and with retaining walls of around half a metre. Given the multitude of design constraints on the site, the need to cut and fill the site to achieve a compliant highway design, and the permission for 185 units, these levels differences are something of an inevitability whereby developing on the slope necessitates these issues being tackled. Other design alternatives would likely create other planning issues; e.g. increasing building heights to provide more of the units in other parts of site to free up space elsewhere. The effects are mitigated somewhat by the rising garden levels within properties and the proposal for a vegetated bank in the position of the retaining walls. This strategy is not uncommon for sloping sites and would further assist in mitigating the impact of the levels change and present a more attractive aspect to residential gardens. It is recommended that the product and arrangement for this be confirmed via condition.



- 6.101 The Housing Strategy team considers the flats should have external amenity space. The applicant has declined the suggestion to add balconies onto the flat block designs. The provision of private external amenity space is desirable for quality of accommodation and resident's wellbeing. The City Council's policy context for this issue is at Policy A1 of the City Plan which sets out that developments should provide outdoor amenity space at a level reflecting the character of the area and scale of the development. Balconies to flats are therefore not mandatory, and it is noted that the proposed flat blocks would be immediately next to the large expanse of proposed public open space. It is therefore considered that, while private amenity space would be preferable, the flat blocks would provide acceptable living conditions in an attractive environment where public external amenity provision is easily accessible. For the houses, private amenity space is considered to be adequate in the context of aspirations to maximise density and the permission for 185 units, and is supported by the provision of extensive public amenity space.
- 6.102 **Noise**  
Noise mitigation for properties is subject to a condition on the outline permission and the outline permission has established in principle that the site is suitable for residential in terms of noise. Condition 32 sets out that details of the mitigation measures to achieve compliance with noise standards shall be submitted for approval, and subsequently implemented. As such the assessment would be under the discharge of conditions process. The reserved matters nevertheless includes noise mitigation details, which the Council's environmental health consultant has considered and is satisfied with. The specific noise mitigation measures for properties are therefore covered by the outline permission, and are likely to be agreed under the discharge of conditions process. For this reserved matters, the layout and design do not therefore present insurmountable issues for noise effects.
- 6.103 In terms of noise and disturbance as a result of the construction phase, this is raised in representations, including a request to extend restrictions on hours of construction activities. This is not a reserved matters issue and the Planning Inspector has already considered the matter and imposed condition 34 on the outline planning permission to address this, restricting construction activities to Monday-Friday 0800 to 1800 and Saturday 0800-1300 (plus bank and public holidays are restricted).
- 6.104 Overall it is considered that the proposal complies with the policy context for amenity issues.
- 6.105 **Housing – market housing mix and affordable units**  
Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities, and development to address the needs of the local areas set out in the local housing evidence base including the most up to date strategic housing market assessment. It also requires housing to meet and where possible exceed appropriate minimum space standards, and be accessible and adaptable as far as compatible with local context and other policies. Policy SD12 requires affordable housing to be seamlessly integrated and distributed and be equal in design to that of market housing in appearance, build quality and materials.
- 6.106 *Market housing*  
A Market Housing Mix Statement is required by Condition 7 of the outline permission and sets out that there would be 148 open market units (80% of development), comprised of 12 different house types; being 10 2 beds, 88 3 beds and 50 4 beds. The Housing Strategy team considers that the proposal complies with Policy SD11. It is considered that the scheme provides a reasonable variation in unit types such as to assist with mixed and balanced communities, and delivers M4(2) units in terms of being adaptable for older occupants.

6.107 *Affordable housing*

The affordable housing mix required is already set out by the legal agreement, and the proposed layout is compliant; providing the requisite number, mix and arrangement. The scheme provides for 37 affordable units, which is compliant. The mix is of 10 affordable rent 2<sub>bed</sub>, 4 person flats; 12 affordable home ownership houses, 6 2-bed, 5 3-bed, 1 4-bed; and 15 social rent properties, comprising of 5 1-bed flats including a wheelchair unit, 7 3-bed 6 person houses, 2 4-bed 8 person houses and 1 5-bed 9 person house. These are in three clusters through the southern part of the site mainly facing out over the proposed open space, and are of similar appearance and materials to the market units. An affordable housing scheme was required by the legal agreement with the reserved matters application and has been provided, and is acceptable, having the agreement of the Housing Strategy Team.

6.108 In terms of the representation about provision of self and custom build housing, the outline permission was granted prior to the adoption of the City Plan which introduced the self and custom build housing policy. Such provision is not therefore a mandatory requirement of the planning permission. It is noted that the objector refers to this being an outline scheme, which is not the case. The matters now under consideration are the appearance, landscaping, layout and scale. There is therefore no requirement for self and custom build units in this reserved matters submission.

6.109 The outline permission requires the provision of the policy requirement of 25% of dwellings to M.4(2) standard. The outline planning permission conditions also deals with accessible and adaptable homes such as to satisfy City Plan Policy A6. It is considered that the reserved matters complies with the housing provision policy context.

6.110 **Drainage**

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. Policy E4 of the City Plan sets out a similar approach to making development safe and avoiding an increase in flood risk, through sustainable drainage systems, and development layout and form.

6.111 The detailed surface water drainage provision for the development is covered by a condition of the outline permission, needing to be satisfied prior to commencement of development. As such the drainage strategy would be formally determined under that condition. The basic strategy is however apparent within the current reserved matters, which shows the intercept drains at the northern boundary, the swales around the built up edge, and the two balancing ponds (which would have some permanent water for ecological benefit), while water butts are included at houses. In this light I have sought to ascertain with drainage consultees that the proposed layout is fit for purpose to enable a workable sustainable surface water drainage system to be created. In terms of that discharge of conditions process for the surface water, the Drainage Officer has made clear to the applicant that several non-standard matters will need to be covered within the submission given the site gradients, cut and fill proposals, and the siting of play equipment on the lower part of the site. This includes outlets for the garden boundary intercept drains at the position of retaining walls. The Officer has also confirmed that he has reviewed the calculations and considers the proposed drainage attenuation basins to be of an appropriate volume. Furthermore, the outline permission requires foul water disposal details with the reserved matters application and they have been provided.

- 6.112 Local residents have raised comments about the principle of building on the site in relation to flood risk, which has already been determined as a matter of principle by granting outline permission. Residents have also raised several other specific matters of the site flooding regularly in the area allocated for children's play, springs having been seen further up the slope, and dense building making flooding worse for houses in the southern parts of the site as well as existing bungalows. These concerns have been conveyed to the applicant's engineer and Council's Drainage Officer.
- 6.113 Overall the Drainage Officer considers the layout provides for an acceptable drainage system to be accommodated. In terms of flooding of the play areas, they lie between the 1 in 100 year and 1 in 1000 year flood outlines (flood zone 2), which means the likelihood of them flooding in any one year is currently less than 1%. i.e. flooding is only expected in exceptional rainfall events. Outdoor sports and recreation are classified as 'water-compatible' in terms of flood risk vulnerability, and so are acceptable in flood zone 2 in terms of planning policy. Introducing a positive drainage system should also improve the situation. The applicant's engineer has provided a strategy for the drainage of the play areas including the kickabout space given concerns that these may be in a potentially boggy part of the site. The Drainage Officer advises that these provisions are appropriate and can be reviewed in further detail at the discharge of conditions stage.
- 6.114 In terms of springs at the site causing issues, the Drainage Officer advises that it would not be surprising if a site of this size and nature has some springs. Where, as here, they are indistinct and temporary, it is not usually possible to plan to formally capture them. Instead, the introduction of built development at the site, and the associated drainage / SuDs network, will tend to ensure they are not problematic. The provision of the garden-boundary intercept drains mentioned above could contribute to their mitigation. If there are any residual issues post-development, the developer will have a duty under the land drainage act / general duty of care to ensure they are resolved. Further, the intercept drain along the top of the site would go some way to capturing any nuisance water.
- 6.115 The LLFA raises no objection including to the storage calculations for the attenuation basins and associated drainage system. Severn Trent Water (STW) has confirmed no comments. In terms of STW's observation that it does not want surface water into its network, the surface water system is shown on the layout to be via the swales and attenuation ponds with discharge to the watercourse to south subject to a restricted flow rate and not into the sewer system, but this would be resolved anyway through the discharge of condition process and there are not considered to be any layout-specific issues for the matters under consideration in this reserved matters. In terms of foul water drainage, details have been provided with this application as per the outline permission requirement, and STW has confirmed it has no comments. Indeed I note from the outline appeal decision that STW had previously confirmed there to be ample capacity within the sewer network to accommodate the flows from the originally proposed 245 dwellings. Overall the layout is considered acceptable in principle in terms of drainage and compliant with the relevant policy, with further consideration able to be given to the detailed drainage considerations pursuant to conditions of the outline permission.
- 6.116 **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. City Plan Policy E1 requires the conservation of biodiversity and providing net gains. Policy E7 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E3 requires development to contribute to the provision, protection and enhancement of Gloucester's green/blue infrastructure network.

- 6.117 Like other fundamental planning considerations, the principle of developing 185 units on this site in terms of ecological impact has been accepted through the granting of outline planning permission. Matters of securing a construction ecological management plan (protection of ecological assets during building) and a landscape ecological management plan (e.g. habitat enhancements and monitoring regime and at least a 10% biodiversity net gain) are secured by conditions of the outline permission. As such there are already requirements for measures to protect and enhance ecology associated with the site. However similar to the drainage considerations, I have sought to ascertain that the layout under consideration does not present any fundamental ecological impediments to delivery of the ecological mitigation. It is therefore worth commenting on the layout considerations of the reserved matters proposal in relation to such matters as the green corridors and existing site hedges, and the information already supplied as to biodiversity net gain.
- 6.118 The scheme involves vegetation removal and replacement as a result of the proposed cut and fill works and an ecological note has been submitted. The vegetation corridors running north/south through the site are not continuous hedgerows; they are remnant lengths of native hedgerow and scattered scrub. The new planting of hedgerow as mitigation for that lost in the proposals is an opportunity to establish a more robust north/south connection to provide habitat connectivity, establishing thicker native hedge. Overall the landscape scheme allows for approximately 780m of new native hedge, an overall increase of approximately 610 linear metres, in excess of that envisaged in the outline stage ecological assessment.
- 6.119 The layout therefore involves the loss of part of the existing internal field hedges, but with the south part of the eastern hedge retained. The applicant's assessment sets out that the hedges are category U, with the new planting being an improvement in quality. Furthermore, the ecological value of the commuting corridors of the hedges would be more than made up for by the proposed new planting on the green avenues. The Council's ecology consultant raises no objection to the loss of the hedges given the mitigation of new hedgerow and green corridor creation. The biodiversity net gain of 59% habitat units (slightly increased in the revised design mainly due to additional tree planting), and 44% hedgerow units is significant, and beyond the 10% now in legislation and set out in the outline permission condition, and is substantial compared to the local policy which is to achieve some level of gain (no % target was set out, being prior to the legislation). It would therefore provide ecological benefit above and beyond the national and local policy expectations, and would satisfy part of the outline permission requirements under condition.
- 6.120 The reserved matters along with the outline planning condition requirements therefore serve to suitably protect and contribute positively to biodiversity with net gains. In the context of the permission already allowing for development of 185 dwellings on the site, and with the additional information provided with this reserved matters, and the provisions of the outline planning conditions, it is not considered that there are any in-principle reasons why the reserved matters under consideration here are unacceptable in ecological terms.

#### 6.121 **Other matters raised in representations**

It is not possible to comment on the impact of the proposal on broadband speeds in the village. The principle of the development has already been granted and it is not considered that this is a reserved matter issue relating to the scale, appearance, appearance or landscaping of the development. Similarly, concerns about local facilities such as post office/shop, school and doctor surgery are all matters of principle which has already been established, not the reserved matters now at hand. Neither is the economic feasibility of the development in the economic climate relevant to the reserved matters determination. A proposal has been made in representations that reserved matters approval should not be possible until all conditions specifying “no building works shall be commenced” are met. This is a typical wording for conditions and the Planning Inspector in granting outline permission has set out the relevant point in time for the conditioned matters to be addressed. Building commencement has not started so there is no breach and the applicant is entitled not to provide the details in question until a later time, provided the trigger point isn’t breached. This is a typical scenario for many applications. The matters will still be addressed, at the appropriate time, although in several cases I have sought to establish their likely acceptability at this earlier stage, as set out above in the report. Finally, in relation to ensuring the bridle path is maintained through the development, I have seen no indication that the development would involve altering or closing the bridle path. I understand it is a public right of way and if there were such a proposal to come forward later there would be a separate legal process to go through to divert/close. In relation to the Minerals Authority comments, waste management is already secured by an outline condition, the proximity to the sewage treatment works has already been addressed at the outline stage and the proposal is compliant in siting dwellings outside the odour zone, while the use of alternative secondary and/or recycled aggregate use is not relevant to the reserved matters under consideration.

#### 6.122 **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies and guidance within this report.

6.123 The reserved matters submission complies with the outline permission and legal agreement. In the context of the quantum of development permitted by the Planning Inspector in granting outline planning permission and the significant constraints on developing within the site particularly the gradient and achieving a compliant highways arrangement, the application proposals are, subject to conditions, considered acceptable in terms of design, landscaping, heritage, highways and residential amenity and are in broad compliance with the development plan policies and national guidance relating to these matters. Furthermore it is also considered that in so far as relates to the layout, the proposals are also satisfactory in relation to housing provision, drainage and ecology. Drainage and ecology, among other matters, would be subject to further consideration pursuant to conditions of the outline permission, but these are not matters for the current reserved matters process and the principles set out through the layout are acceptable. It is therefore considered that the reserved matters under consideration are acceptable in planning terms, subject to further conditions specific to the reserved matters issues as highlighted in this report.

### 7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

7.1 That reserved matters approval is granted subject to the following conditions;

#### **Condition 1**

The development hereby granted reserved matters approval shall be carried out in

accordance with the drawings on the following plans except where otherwise required by conditions of this approval or required by conditions of the outline planning permission or by documents approved pursuant to such conditions:

22064(05)100 Site Location Plan

### **Architectural**

22064 (05) 101 V - Site Development Layout (Housing)

22064 (05) 102 C - Overall Site Development Layout

22064 (05) 103 D - Site Materials Layout

22064 (05) 104 C - Enclosures Layout

22064 (05) 107 D - Affordable Tenure Layout

22064 (05) 108 C - Refuse Management Layout

22064 (05) 109 E - EV Charging Point Layout

22064 (05) 113 D - Parking Allocation Layout

22064 (05) 114 C - Hard Landscaping Layout

22064 (05) 130 B - Management Company Layout

22064 (05) 132 A - Fire Strategy Layout

### **House types**

22064(05)200 Coiner House Type - Plans

22064(05)201 Coiner House Type - Elevations

22064(05)202 Thespian House Type - Plans

22064(05)203 Thespian House Type - Elevations

22064(05)204 Thespian House Type - Elevations

22064(05)205 Thespian House Type - Elevations

22064(05)206 Turner House Type - Plans

22064(05)207 Turner House Type - Elevations (Brick)

22064(05)208 Turner House Type - Elevations (Render)

22064(05)209 Turner House Type - Elevations (Tile Hanging)

22064 (05) 210 A Chandler House Type - Plans

22064(05)211 Chandler HT-Standard – Elevations

22064 (05) 212 A Chandler House Type - Elevations Gable fronted

22064 (05) 213 A Mason House Type - Plans

22064 (05) 214 A Mason House Type - Elevations (Brick)

22064(05)215 Mason House Type - Elevations (Tile)

22064(05)216 Spinner House Type - Plans

22064(05)217 Spinner House Type - Elevations

22064(05)218 Spinner House Type – Elevations

22064 (05) 219 A Scrivener House Type - Plans

22064 (05) 220 A Scrivener House Type - Elevations (Brick)

22064(05)221 Scrivener House Type - Elevations

22064(05)222 Scrivener House Type - Elevations

22064(05)223 Milliner House Type - Plans

22064(05)224 Milliner House Type - Elevations

22064(05)225 Bowyer House Type - Plans

22064(05)226 Bowyer House Type - Elevations

22064(05)227 Bowyer House Type – Elevations

22064 (05) 228 A Philosopher House Type - Plans

22064(05)229 Philosopher House Type – Elevations

22064 (05) 230 A Philosopher House Type - Elevations (Render)

22064 (05) 231 A Philosopher House Type - Elevations (Tile)

22064 (05) 232 A Goldsmith House Type - Plans

22064(05)234 Goldsmith House Type - Elevations

22064 (05) 233 A Goldsmith House Type - Elevations (Brick)  
22064(05)234 Goldsmith House Type - Elevations  
22064(05)235 Goldsmith House Type – Elevations  
22064 (05) 236 A Weaver House Type - Plans  
22064 (05) 237 A Weaver House Type - Elevations (Brick)  
22064(05)238 Weaver House Type - Elevations  
22064(05)239 Weaver House Type - Elevations  
22064(05)240 2B4P House Type - Plans  
22064(05)241 2B4P House Type – Elevations  
22064 (05) 242 B 3B6P House Type - Plans  
22064 (05) 243 B 3B6P House Type - Elevations (Brick)  
22064 (05) 244 B 3B6P House Type - Elevations (Tile)  
22064(05)245-A 4B8P House Type - Plans  
22064(05)246-A 4B8P House Type - Elevations  
22064(05)247-A 4B8P House Type - Elevations  
22064(05)248-A 5B9P House type - Plans  
22064(05)249-A 5B9P House type – Elevations  
22064 (05) 250 C Apartment Block A - Floor Plans  
22064 (05) 251 A Apartment Block A - Elevations  
22064 (05) 125 B Apartment A - Bike Store  
22064 (05) 252 D Apartment Block B - Floor Plans  
22064 (05) 253 B Apartment Block B - Elevations  
22064 (05) 254 Goldsmith HT - Elevations (Brick) Plot 12

22064(05)115 Private Bin Store  
22064(05)116 Garden Shed Details  
22064(05)117 Single Garage - Plans & Elevations  
22064(05)118 Pair of Garages - Plans & Elevations  
22064(05)119 Double Garage - Plans & Elevations  
22064(05)120 Twin Plus Garage (Sales Office) - Plans & elevations  
22064 (05) 121 A 1800mm Close Boarded Fence  
22064(05)122 1800mm Close Boarded Gate  
22064(05)123 1800mm Brick Screen Wall  
22064(05)124 1200mm Front Demise Estate Railing  
22064 (05) 129 450mm High Knee Rail

## **Engineering**

10367 – 100 - 01 Rev. J - Engineering Plan sheet 1  
10367 - 100 – 02 Rev. K - Engineering Plan sheet 2  
10367 – 100 - 03 Rev. K - Engineering Plan sheet 3  
10367 - 100 – 04 Rev. C - Engineering Plan sheet 4  
10367 – 102 – 01 Rev. D - Highway Longsections sheet 1  
10367 – 102 - 02 Rev. C - Highway Longsections sheet 2  
10367 -102 - 03 Rev. D - Highway Longsections sheet 3  
10367 - 104 - Adoptable Highway Construction Details  
10367 – 105 - Adoptable Drainage Details Sheet 1  
10367 – 107 - 01 Rev. D - Refuse Vehicle Tracking sheet 1  
10367 - 107 – 02 Rev. D - Refuse Vehicle Tracking sheet 2  
10367 – 107 – 03 Rev. A - Refuse Vehicle Tracking sheet 3  
10367 108-01C Highway Geometry  
10367-115A Rev. B - 3.5T Shared Drive Tracking  
10367 - 116 – 01 - Road 11 Sections  
10367 - 117 - Extent of Private Highways  
10367 – 203 Rev. B - Southern Footway Link to Secunda Way

10367-204 D - POS Footpath Gradient annotation  
10367 – 205 – 01 Rev. A - Highway Gradient Markers

### **Landscape**

2386601 - SBC - 00-XX- DR-L-401 Rev. PL07 - Soft Landscape Plan  
2386601 - SBC - 00-XX- DR-L-402 Rev. PL04 - Detailed Soft Landscape Plan Sheet 1 of 4  
2386601 - SBC - 00 - XX - DR-L-403 Rev. PL04 - Detailed Soft Landscape Plan Sheet 2 of 4  
2386601 - SBC -00 - XX - DR-L-404 Rev. PL04 - Detailed Soft Landscape Plan Sheet 3 of 4  
2386601 - SBC - 00-XX- DR-L-405 Rev. PL04 - Detailed Soft Landscape Plan Sheet 4 of 4

2386601-SBC-00-XX-FI-L-201 Highways Verge Adoptable Tree Pit Detail

### **Public open space/play equipment**

Q9890\_E\_Hawthorn Park LEAP Plan  
Q9891\_E\_Hawthorn Park MUGA Plan  
Q9891\_E\_Hawthorn Park NEAP Plan  
Q9891\_E\_Hawthorn Park NEAP (Pump Track Plan)  
Q9892\_E\_Hawthorn Park Kickabout Plan  
Q9922\_E\_Hawthorn Park Gym Trail Plan

### **Reason**

To ensure that the development is carried out in accordance with the approved plans.

### **Condition 2**

Dwelling units shall be constructed at no higher a level than those shown on the engineering drawings listed in Condition 1. Prior to the commencement of construction of foundations of either of units numbered 28 or 29 (as set out on the approved layout plan), notification shall be given to the Local Planning Authority (at least 15 working days in advance of intended commencement of construction of either of the respective units) and evidence provided for inspection by the Local Planning Authority on site of the **ground floor level** to demonstrate each of units 28 and 29 being constructed at the level shown on the approved engineering plan or lower.

### **Reason**

The levels of properties is key to the assessment of neighbour impact. The condition is to ensure that the basis of assessment takes effect on the ground and to protect the amenities of adjacent occupiers.

### **Condition 3**

Dwelling units shall be constructed at no higher a level than those shown on the engineering drawings listed in Condition 1. Prior to the commencement of construction of foundations of either of units numbered 67 or 68 (as set out on the approved layout plan), notification shall be given to the Local Planning Authority (at least 15 working days in advance of intended commencement of construction of either of the respective units) and evidence provided for inspection by the Local Planning Authority on site of the **ground floor level** to demonstrate each of units 67 and 68 being constructed at the levels shown on the approved engineering plan or lower.

### **Reason**

The levels of properties is key to the assessment of neighbour impact. The condition is to ensure that the basis of assessment takes effect in the ground and to protect the amenities of adjacent occupiers.



**Condition 4**

The **play and leisure equipment** hereby approved shall be laid out and provided in accordance with the Miracle Design & Play plans hereby approved (including the mat surfacing to picnic table locations).

**Reason**

To clarify the terms of the approval in relation to the layouts shown for the play equipment on the various submitted plans and to aid drainage and useability.

**Condition 5**

The dwelling units hereby approved shall be constructed in accordance with any notes on the approved plans as to **restrictions on the exclusion, form and/or arrangement of windows**.

**Reason**

To preserve the amenities of occupants of neighbouring dwellings.

**Condition 6**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, **extensions**, dormer windows, windows or rooflights shall be constructed at any of the properties numbered 12 to 29 (inclusive), 67 or 68 on the approved Site Development Layout Plan other than those expressly authorised by this approval.

**Reason**

To preserve the amenities of neighbouring residents.

**Condition 7**

Prior to any above ground development of a dwellinghouse, an **adoptions plan** showing respective areas of the site colour coded as to future ownership/maintenance (e.g. conveyed to dwelling owner/registered provider, management company area, adopted highway area) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken and maintained in accordance with the approved details.

**Reason**

To benefit ongoing visual amenity and environmental benefit of the development in relation to soft landscaped areas including those alongside the spine road, and to retain the full green avenue links in the interests of public use and ecological linkages.

**Condition 8**

Notwithstanding the information submitted with the application, no development above floor plate level shall be carried out until samples of the external **facing materials** to the walls and roofs of the buildings hereby approved proposed have been submitted to and approved in writing by the Local Planning Authority. In relation to proposed facing brickwork, this shall be demonstrated by the prior construction of sample panels including the proposed mortar and demonstrating proposed bonding and pointing. The dwellings shall be constructed in accordance with the approved samples and panels. The panels shall be retained on site until

the completion of the external walls of the buildings.

**Reason**

To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

**Condition 9**

No above ground construction of a dwellinghouse whose associated garden is bordered by a retaining wall shall be commenced until details of the **retaining wall facing treatment** has been submitted to and approved in writing by the Local Planning Authority. Construction shall take place in accordance with the approved details and shall be completed in respect of each unit prior to occupation of that unit.

**Reason**

To ensure the visual impacts of the retaining walls are mitigated and in the interests of resident's amenities.

Typical details where applicable are likely to be acceptable to enable determination for multiple units concurrently.

**Condition 10**

Prior to installation of any external photovoltaic or other sustainable technology equipment on any dwelling that is proposed to include external **photovoltaic** or other sustainable technology equipment details of the equipment (including but not limited to a scaled plan to show its location on the building, and manufacturer or other such details to enable assessment of its specification and profile relative to the building) has been submitted to and approved in writing by the Local Planning Authority. Construction shall take place in accordance with the approved details.

**Reason**

To enable full consideration of the external appearance of the building.

**Condition 11**

Notwithstanding the submitted details, no construction of **paths within the public open space** shall be commenced until construction details for the proposed paths (including arrangements for their drainage, materials, edging detail and scaled cross section) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in accordance with the phasing plan for open space implementation approved under the s106 agreement.

**Reason**

In the interests of the amenities of the area and ensuring robustness and useability.

**Condition 12**

Notwithstanding the submitted details, no construction of **steps or ramps within or at the edge of the public open space** shall be commenced until construction details for the proposed steps (including handrail details and materials, and bespoke details for steps where landings will be needed) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in accordance with the phasing plan for open space implementation approved under the associated s106 agreement.

### **Reason**

In the interests of the amenities of the area and ensuring robustness and useability.

### **Condition 13**

Notwithstanding the base layout plan used for several approved plans, the **access path into the public open space** from the road situated to the south of Unit 131 (as shown on the site development layout) shall be constructed in accordance with the ramped arrangement shown on the approved Site development layout and Engineering plans sheet 2 and sheet 4 and in accordance with details of its construction and visual appearance that shall be first submitted to and approved in writing in advance by the Local Planning Authority. The submitted details shall include but are not limited to; scaled layout/engineering drawings showing gradient and levels of the ramp and its immediately vicinity where the soft landscaping is to blend into the ramp structure, sections through the ramp, and any facing materials for the path surface and retaining walls. The approved details for the access path shall be implemented in accordance with the phasing plan for open space implementation approved under the associated s106 agreement.

### **Reason**

To clarify the required amended path/ramp arrangement, in the interests ease of use by the public, and to consider the structure of the ramp and its insertion into the landscape scheme in terms of preserving the amenities of the area by minimising its visual impact.

### **Condition 14**

Notwithstanding the submitted details, no construction of roads or paths adjacent to or within the public open space shall be commenced until details of enclosures (typically a **knee rail**) (including scaled drawings of their appearance and location) for the edge of the public open space where adjacent to roads, and for public paths within the public open space where adjacent to slopes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in accordance with the phasing plan for open space implementation approved under the associated s106 agreement.

### **Reason**

In the interests of the amenities of the area and public safety, to prevent unauthorised vehicular access to the POS and to consider any safety measures adjacent to slopes where necessary.

### **Condition 15**

Notwithstanding the submitted details, no construction of **benches or picnic benches within the public open space** shall be commenced until construction details for all the proposed benches (including location, dimensions, materials and ground surfacing beneath) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details in accordance with the phasing plan for open space implementation approved under the associated s106 agreement.

### **Reason**

In the interests of the amenities of the area and ensuring robustness and useability.

**Condition 16**

No development shall commence on the formation of the vehicular access off Hempsted Lane until a **hedgerow specification** for the area to either side of the proposed access along the Hempsted Lane edge of the site has been submitted to and approved in writing by the Local Planning Authority. This specification shall include the proposed works to the existing hedge including the extent of its retention, and the proposed planting adjacent to it including the precise specification, planting density and age/size of the proposed hedging. The approved planting works shall be carried out in the first planting and seeding season following the completion of the vehicular access to base course level. Any trees or plants which within a period of five years from the completion of the vehicular access to base course level die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason**

In the interests of the visual amenities of the area, and the landscape contribution of the hedgerow along the lane.

**Condition 17**

Prior to the first occupation of the development, both ends of the proposed **drainage corridor** at the northern edge of the development shall be enclosed in accordance with the approved enclosures layout plan.

**Reason**

To secure the development edge in the interests of security for existing and future residents while providing for access for maintenance.

**Condition 18**

Other than where shown to be removed on the approved plans, **boundary hedges** to the site shall be retained in accordance with the details shown on the Tree Protection Plan appended to the Arboricultural Report dated 14<sup>th</sup> February 2024 submitted with the application.

**Reason**

As submitted with the application, to preserve aesthetic and environmental benefits and the basis of assessment of development impacts, for the boundary hedges other than where being removed for access points and the like.

**Condition 19**

Construction of the open space equipment and facilities shall be implemented in accordance with the submitted **Leisure Facilities Drainage** Technical Note 10367 - TN – 001 Rev. A.

**Reason**

To ensure that the proposed equipment is useable and attractive for the public and the bespoke drainage provision is implemented.

**Condition 20**

No flat shall be occupied within the block identified within the application as Block A until covered and secure **cycle storage** for at least 13 no. cycles has been provided for the use of residents in a covered and secure manner as per the approved plans.

**Reason**

To clarify the number of spaces described as being shown on the plans.

**Condition 21**

No flat shall be occupied within the block identified within the application as Block B until covered and secure **cycle storage** for at least 12 no. cycles has been provided for the use of residents in a covered and secure manner as per the approved plans.

**Reason**

To clarify the number of spaces described as being shown on the plans.

**Condition 22**

No part of the development shall be occupied until **precise details of the access roads** (including lines, widths, levels, gradients, cross sections, highway trees, drainage and street lighting, Traffic Regulation Order Prohibiting Waiting) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access roads between the site access and the dwelling have been provided in accordance with the approved details and shall be retained and maintained as approved thereafter.

**Reason**

In the interests of highway safety.

**Condition 23**

No part of the development shall be occupied until **precise details of the footpaths linking to existing highway** (including lines, widths, levels, gradients, cross sections, drainage and lighting) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footpaths between the existing highway and the dwelling have been provided in accordance with the approved details and shall be retained and maintained as approved thereafter for public use.

**Reason**

In the interests of highway safety.

**Condition 24**

No part of the development shall be occupied until **details of visibility splays of accesses onto carriageways within the site** of 2.4m "x" distance and 33m "y" distance have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the visibility splays for accesses between the site entrance and the dwelling have been provided in accordance with the approved details. No structure or vegetation shall be placed in the visibility splay greater than 600mm above carriageway level and shall be retained and maintained as approved thereafter.

**Reason**

In the interests of highway safety.

**Condition 25**

No part of the development shall be occupied until details of **visibility splays of accesses onto footways within the site** of 2m "x" distance and 2m "y" distance measured from the edge of each access have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the visibility splays have been provided of

accesses onto footways between the existing highway and the dwelling in accordance with the approved details. No structure or vegetation shall be placed in the visibility splay greater than 600mm above footway level and shall be retained and maintained as approved thereafter.

**Reason**

In the interests of highway safety.

**Condition 26**

No part of the development shall be occupied until **details of the locations and specification of electric vehicle charging points** have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging point for that dwelling has been provided in accordance with the approved details and shall be retained and maintained as approved thereafter.

**Reason**

In the interests of highway safety.

**Condition 27**

No **parking space within the parking courts** associated with the apartment blocks annotated as Apartment Block A and Apartment Block B on the approved site development layout shall be allocated to a dwelling.

**Reason**

In the interests of efficient use of parking spaces and to preserve highway safety.

**Informatives:**

**Works on the Public Highway**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

## **Traffic Regulation Order (TRO)**

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

## **Highway to be adopted**

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

## **Street Trees**

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are

likely to be subject to a commuted sum.

### **Public Right of Way Impacted**

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk) to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

### **Access Via Public Right of Way**

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.

### **Impact on the highway network during construction**

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

### **Private Road**

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

### **Private Signage Indicating a Private Road**

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.



### **No Drainage to Discharge to Highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

### **Protection of Visibility Splays**

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

### **Construction Management Plan (CMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

**Person to Contact:** Adam Smith (396702)

**Proposed layout plan:**

