

Application for Permission in Principle

Town and Country Planning Act 1990

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

Permission in principle may be granted for minor housing-led development only. Article 5B of the Permission in Principle (Amendment) Order 2017 sets out development that is specifically excluded from a grant of permission in principle and this includes habitats and EIA development.

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If printed, please complete using block capitals and black ink.

1. Applicant Name and Address

Title:	<input type="text"/>	First name:	<input type="text"/>		
Last name:	<input type="text"/>				
Company (optional):	<input type="text"/>				
Unit:	<input type="text"/>	Number:	<input type="text"/>	Suffix:	<input type="text"/>
Building name:	<input type="text"/>				
Address 1:	<input type="text"/>				
Address 2:	<input type="text"/>				
Address 3:	<input type="text"/>				
Town:	<input type="text"/>				
County:	<input type="text"/>				
Country:	<input type="text"/>				
Postcode:	<input type="text"/>				

2. Agent Name and Address

Title:	<input type="text"/>	First name:	<input type="text" value="John"/>		
Last name:	<input type="text" value="Hinett"/>				
Company (optional):	<input type="text"/>				
Unit:	<input type="text"/>	Number:	<input type="text"/>	Suffix:	<input type="text"/>
Building name:	<input type="text"/>				
Address 1:	<input type="text"/>				
Address 2:	<input type="text"/>				
Address 3:	<input type="text"/>				
Town:	<input type="text"/>				
County:	<input type="text"/>				
Country:	<input type="text"/>				
Postcode:	<input type="text"/>				

3. Description of the proposed development including any non-residential development

Net number of dwellings: Min: Max: Amount of non-residential use(s) (e.g. floorspace or area):

(Can be expressed as a range, a maximum or a fixed amount)

4. Site information

Description and amount of existing use(s) of site:

Residential garden associated with The Villa.

Site Area (hectares):

If you propose to attach any supporting information relating to known or likely constraints on the site please briefly describe what information you intend to provide.

5. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference - must be completed if postcode is not known:

Easting: Northing:

Description:

6. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? Yes No

With respect to the authority, I am:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them

7. Declaration

I/We hereby apply for permission in principle as described in this form. I/We confirm that to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant

Or signed - Agent

Date (DD/MM/YYYY):

(date cannot be pre-application)

8. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:

The original and 3 copies of the plan which identifies the land to which the application relates:

The correct fee:

Any supporting information:

9. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:

10. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address:



PLANNING STATEMENT

Permission in Principle for residential development of up to 2 dwellings and associated vehicular access.

Land at the Villa, Winnycroft Lane, Gloucester,
Gloucestershire, GL4 6EG.

On behalf of:
Mr and Mrs Jenner
November 2022

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Appendices

- A. Site context map showing the JCS Winneycroft Strategic Allocation and the emerging Gloucester City Plan (GCP) allocation (SA15)
- B. The site plans shown within the relevant Committee reports for Outline applications 14/01470/OUT and 14/01063/OUT..
- C. Site plan of the proposed Bromford Housing Association planning application (22/00519/FUL)
- D. Recent allowed appeal decision (3257279) for the erection of 7 dwellings comprising of 2, 3, 4 and 5 bedroom accommodation (including 4 market and 3 affordable discounted market sale dwellings) and associated vehicular access.
- E. Recent allowed appeal decision (3296510) for the erection of up to 185 dwellings which has established that Gloucester City Council cannot demonstrate a five year housing supply.

1.0 Introduction

- 1.1. Zesta Planning Ltd has been appointed to submit an application for Permission in Principle (PiP) for up to two dwellings on land to the south of The Villa, Winnycroft Lane, Gloucester, Gloucestershire. The land currently forms part of the residential garden of The Villa and comprises an area of 0.13 hectares.
- 1.2. This application is advanced on the basis that the development would be located within the built up area of Gloucester City, in a location suitable for housing development in accordance with the adopted JCS Spatial Strategy and without causing harm to settlement role, pattern or landscape.
- 1.3. It is also a material Gloucester City cannot currently demonstrate a five-year supply of housing. The implications of this are that the relevant development plan policies for housing are out-of-date, in accordance with the Framework, there is a presumption in favour of sustainable development (the 'tilted balance'). These are important material considerations in favour of the proposal.
- 1.4. The suitability of the site as a location for housing development, together with the City Council's lack of housing supply, warrants the granting of Permission in Principle (PiP) in this case.
- 1.5. This Planning Statement describes the site, its context and the development. It then sets out the development plan policies relevant to this case, and addresses the PiP matters of the location, land use and amount of development proposed against these policies. The application is accompanied by illustrative layout plans to demonstrate that a development of up to 2 dwellings can be acceptably integrated into the site.
- 1.6. The influence of other materially important considerations such as national policy, especially with regard to boosting housing land supply and sustainable development, are also considered. This Statement makes the clear case why the proposed development should be permitted in principle.

The 'Permission in Principle' process

- 1.7. The Permission in Principle (PiP) route to obtaining permission was introduced by the Town and Country Planning (Permission in Principle) Order 2017 (as amended), with the express purpose of fast-tracking proposals for residential development in order to speed up the delivery of housing. It is also intended to be a simpler process for establishing the principle of residential development on a particular site.

- 1.8. PiP applications are restricted to minor developments of less than 10 houses only. The legislation limits the scope of matters to be decided at PiP stage and the Council's consideration is therefore limited to the following matters only:
- **location**
 - **land use**
 - **amount of development**
- 1.9. A second stage of Technical Details Consent allows for examination of the details of the development, at which time it is open to the council to refuse permission if harm in relation to other planning issues is identified and cannot be mitigated, and in a balanced judgement is found to outweigh the housing and other benefits.
- 1.10. The Planning Practice Guidance (PPG) suggests additional information may be voluntarily submitted with a PiP, particularly to give more certainty about how many dwellings a site is capable of supporting. In this regard, illustrative layout drawings have been submitted with this application to illustrate the capacity of the site to accommodate up to 2 dwellings with a layout, scale, and density in-keeping with the character of the area.
- 1.11. The PPG also states that a decision on whether to grant planning permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such the NPPF and national guidance, which indicate otherwise. It is noted that should the Council be minded to grant Permission in Principle, then, in accordance with PPG, it may **not** be made subject to conditions.

2.0 The Application Site and Planning History

The Application Site

- 2.1. The application site relates to land immediately to the south of The Villa and currently forms part of its residential garden/ curtilage. The site is currently free from buildings and comprises a gravelled circular drive / turning area. Low hedges form the boundaries with some mature trees to the roadside boundary. There is an existing access into the site with hedges set well back to provide a wide splay. A paddock occupies the eastern boundary (with a small stable building adjacent to the boundary). Open fields occupy the southern boundary. Neighbouring property 'The Chalet' occupies the northern boundary.
- 2.2. **Appendix A** shows the JCS Winneycroft Strategic Allocation and the emerging Gloucester City Plan allocation (A15) which have completely changed the site context such that it is now within the built-up area of Gloucester City.
- 2.3. The application site is not subject to any land-use designations or constraints which would restrict its use for housing. The site is not within an area of Green Belt, Area of Outstanding Natural Beauty and does not fall within a Conservation Area. There are no nearby listed buildings, and the site is not affected by any ecological designations. The majority of the site is located within Flood Zone 1 (low risk) as shown on the Environment Agency's Flood Maps for Planning. There is a Scheduled Monument (Moated site at Sneedham's Green ref: 1019399) located approximately 180m to the south of the site.

Planning History

- 2.4. The history of planning applications relating to the site are as follows:
 - **18/00179/FUL** - 2 Storey front and side extensions plus porch. Refused. 24.05.2018.
 - **18/01480** - Double storey side and rear extensions. Granted. 05.04.2019.
 - **03/00072/FUL** - Erection of detached garage. Amended siting to 00/00576/FUL. Granted 10.03.2003.
 - **00/00576/FUL** - Erection of double garage and formation of new access to Winneycroft Lane Granted 28.11.2000.
 - **00/00104/FUL** - Conversion of Garage/Stable block to 3 bed detached dwelling. Granted 24.05.2000.

- **99/00506/FUL** - Erection of stable block with field shelter. Formation of new vehicular access and parking area. Granted 14.02.2000.
- **99/00507/FUL** - First floor rear extension and alterations to create 4 self-contained flats. Formation of new vehicular access and parking facilities. – Granted 20.12.1999.
- **95/00620/FUL** - Single storey extension at front. Granted 27.06.2005.
- **44/101262/HIST** - S.11221/a:- (land adjoining the villa) (outline) erection of detached house. Construction of new vehicular access. Refused. 14.10.1980.
- **44/101261/HIST** - S.11221:- utility room and porch. Granted. 14.02.1979.
- **44/101260/HIST** - G.3537/A:- Extension to dwelling. Erection of private car garage. Construction of pedestrian access. Granted. 20.12.1973.

Other relevant planning permissions:

- 2.5. Outline permission (14/01470/OUT) for the construction of up to 217 dwellings (including up to 12 sheltered housing flats), open space (including public open space, allotments, incidental open space, amenity space associated with the conversion of the listed farm complex, a green buffer to the listed farm complex and enhanced orchards), two vehicular access points (from Corncroft Lane and Winnycroft Lane), pedestrian and cycle connections and associated infrastructure was granted on the 13th October 2022.

Outline permission 14/01063/OUT for the erection of up to 420 dwellings and community space / building as well as associated landscaping, public open space, access, drainage, infrastructure, earthworks and other ancillary enabling works was allowed on appeal in February 2017. Subsequent Reserved Matters has been approved . The site plan shown within the relevant Committee report for each application is attached at **(Appendix B)**.

- 2.6. Current pending application 22/00519/FUL for residential development of 190 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Winnycroft Lane; public open space and landscaping; drainage attenuation, acoustic barrier and other associated works is currently pending on land at Snow Capel Farm. **(Appendix C)**.

3.0 The Proposed Development

- 3.1. This application seeks Permission in Principle for a residential development of 2 dwellings on the site, as well as a single vehicular access off Church Lane.
- 3.2. The following plans are submitted with this application:
 - Site Location Plan 1:1250
 - Proposed Block Plan 1:500
 - Proposed Illustrative Layout 1:200
- 3.3. The illustrative layout plan accompanying this application is for indicative purposes only and to demonstrate that the plot can more than comfortably accommodate up to 2 dwellings in a manner that respects the street scene and area character. However, beyond the principle of the amount of development appropriate to the site, detailed considerations are not matters for this application but for the next technical details stage of consent and therefore are not determinative of the current application.



Illustrative Site Layout Plan

Design and Access Statement Summary

Use

- 3.4. The proposed development is for up to two detached dwellings (Use Class C3) on the site. This is considered to be an appropriate use of land in a sustainable location adjacent to both the Winneycroft JCS Strategic Allocation and the emerging GCP Allocation (SA15).
- 3.5. There is an existing access off Winneycroft Lane which serves 'The Villa' and this will be widened to serve the proposed dwellings. Each property will have off-street parking and ample private rear amenity space.

Amount

- 3.6. The illustrative layout plans show the two detached houses in a typical linear development fronting the road. Each property will have off-street parking and ample private rear amenity space. The Villa will retain a generous rear garden and more than adequate parking (including the existing double garage that would be retained). Whilst the proposal would increase the density of the site, this will be, of course, characteristic of the Winneycroft JCS Allocation and adjoining GCP Allocation (A15).
- 3.7. The properties will therefore integrate satisfactorily with, and more closely reflect, the evolving character of this part of the city.

Scale, Design and Landscaping

- 3.8. Matters of scale and design are to be reserved for future consideration under technical details consent. However, it is envisaged that the proposed dwellings will be detached and of two storeys.
- 3.9. Landscaping is to be reserved for Technical Details Consent stage. However, hedges and trees to the boundaries will be retained where possible.

Access

- 3.10. There is an existing access off Winneycroft Lane which serves 'The Villa' and this will be widened to serve the proposed dwellings. The road is straight at this point and there is visibility in both directions to meet the Gloucestershire Manual for Streets standard. There is also ample space for parking.

4.0 Planning Policy Context

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.
- 4.2. The Development Plan in this case comprises of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) and the saved policies of the Gloucester Local Plan 1983, albeit that there are no saved policies from the 1983 Local Plan that are directly applicable to this case. For that reason, this Plan is not referred to in any further detail within this Statement.
- 4.3. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for submission on 26 September 2019 and will also form part of the Development Plan in due course. On the basis of the stage of preparation that the plan has reached, its emerging policies can be afforded some weight.
- 4.4. Other relevant material considerations include the Government's National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 4.5. As a result, the below planning documents are considered relevant:
 - The Joint Core Strategy to 2031
 - The pre-submission Gloucester City Plan - 2019
 - The National Planning Policy Framework
 - Planning Practice Guidance
- 4.6. There is no relevant Neighbourhood Plan, either emerging or made.

The Joint Core Strategy (JCS) – Adopted December 2017

- 4.7. The JCS for Cheltenham, Gloucester and Tewkesbury was adopted in December 2017 and now forms part of the Development Plan for the area. The JCS covers the plan period for up to 2031 and acts as the spatial strategy for the three districts.
- 4.8. The following policies of the JCS are relevant to this application:
- 4.9. **Policy SP1: The need for new development** sets out the need to provide 35,175 new homes up to 2031 across the JCS, for which Gloucester City Council's administrative areas is at least 14,359 new homes.

- 4.10. **Policy SP2: Distribution of new development** – To meet the needs of Gloucester City the JCS will make provision for at least 14,359 new homes. At least 13,287 dwellings will be provided within the Gloucester City administrative boundary, including the Winneycroft Strategic Allocation, and urban extensions at Innsworth and Twigworth, South Churchdown and North Brockworth within Tewkesbury Borough defined in Policy SA1, and sites covered by any Memoranda of Agreement.
- 4.11. Whilst the site is not within a strategic allocation or urban extension, it is close to the Winneycroft Strategic Allocation which wraps around the site to the north and east. Furthermore, it directly abuts the Land Adjacent to Winneycroft Allocation (A15) in the Pre-Sub City Plan.
- 4.12. **Policy SD10: Residential Development** sets out the criteria for delivering the housing required by policies SP1 and SP2.
- 4.13. Criterion 3 sets out that on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City, the Principal Urban Area of Cheltenham and Tewkesbury town, rural service centres and service villages except where otherwise restricted by policies within District plans
- 4.14. Criterion 4 sets out that housing development on other sites will only be permitted where, amongst other exceptions:
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans.
- 4.15. **Policy SD6: Landscape** states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It also states that proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, and that applications for development will consider the landscape and visual sensitivities of the areas in which they are to be located or which they may affect.
- 4.16. **Policy INF1: Transport Network** requires developers to provide safe and accessible access to the highway network to enable travel choice for residents and commuters.
- 4.17. **Policy A6 – Winneycroft Strategic Allocation** is a residential strategic allocation for at least 620 new homes.

Emerging Gloucester City Plan (eGCP)

- 4.18. The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for submission on 26 September 2019. The consultation on the pre-submission version of the City Plan closed on 14 February 2020. The Gloucester City Plan was submitted to the Planning Inspectorate on the 18th November 2020. Hearing sessions concluded on Wednesday 9th June 2021. The Council recently published a Main Modifications version of the plan and this was consulted upon during Summer 2022. On the basis of the stage of preparation that the plan has reached, its emerging policies can be afforded some weight.
- 4.19. **Policy A1** relates to the effective and efficient use of land and buildings. This policy states that proposals should improve the built and natural environment along with being a suitable scale for the site with no significant impact on the local character.
- 4.20. **Policy F6** relates to Nationally Described Space Standards. This is in alignment with the NPPF to plan for the achievement of high quality and inclusive design for all.
- 4.21. **Policy G1** relates to sustainable transport and parking. This policy sets out the standards for cycle and car parking arrangements for developments.
- 4.22. **Policy SA15** is the Land South West of Winneycroft Allocation.

Gloucester Local Plans

- 4.23. The Gloucester Local Plan 1983 is acknowledged to be time expired, and most of its saved policies have now been superseded by the JCS. Although several policies have been saved until such time as they are replaced by policies in the lower-level Gloucester city Plan, none of the remaining saved policies are deemed to be relevant in the consideration of this application.

The National Planning Policy Framework (NPPF)

- 4.24. The NPPF 2021 sets out the Governments overarching planning policies and how it intends them to be applied at the local level. The NPPF provides guidance for local planning authorities in determining applications. As national guidance it is a material consideration capable of outweighing the provisions of the development plan.
- 4.25. **NPPF paragraph 11** sets out the presumption in favour of sustainable development. It goes on to assert that the balance between the benefits and adverse impacts of a

proposed development should be considered alongside specific policies. For decision taking this means:

- c) *Approving development proposals that accord with the development plan without delay; or*
- d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.*

4.26. **Footnote 8** clarifies that for the purposes of 11d), policies most important for determining applications including housing will be 'out of date' in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The application of the 'tilted' planning balance therefore applies in the determination of this application because the Council cannot demonstrate a five-year housing land supply shortfall, as discussed in further detail later within this Statement.

4.27. **Paragraph 60** seeks to boost significantly the supply of housing.

4.28. **Paragraph 69** states that small sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.29. **Paragraph 105** aims for the transport system to be balanced in favour of sustainable modes of travel, which will in turn offer people a genuine choice over how they travel. The government do, however, recognise that opportunities for sustainable transport may vary from urban areas to rural areas.

4.30. **Paragraph 126** sets out good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Planning Practice Guidance

- 4.31. The NPPF is supported by the Government's Planning Practice Guidance (PPG). Of relevance in this case is the section on 'Rural Housing', which states that rural housing is essential to the retention of local facilities, and that all rural settlements can play a role in the delivery of sustainable development.
- 4.32. PPG recognises that councils will need to facilitate new housing in rural villages in order to sustain the viability of local services and facilities, and states that blanket policies that restrict housing development should be avoided.
- 4.33. PPG also provides relevant guidance on the Permission in Principle regime, as follows:
- A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF, which indicate otherwise (para. 011).
 - The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at technical details consent stage.
 - Additional information can be volunteered to give more certainty about how many dwellings the site is capable of supporting and whether mitigation of likely impacts that may result from development is possible (paragraph 043).

5.0 The principle of housing on the application site

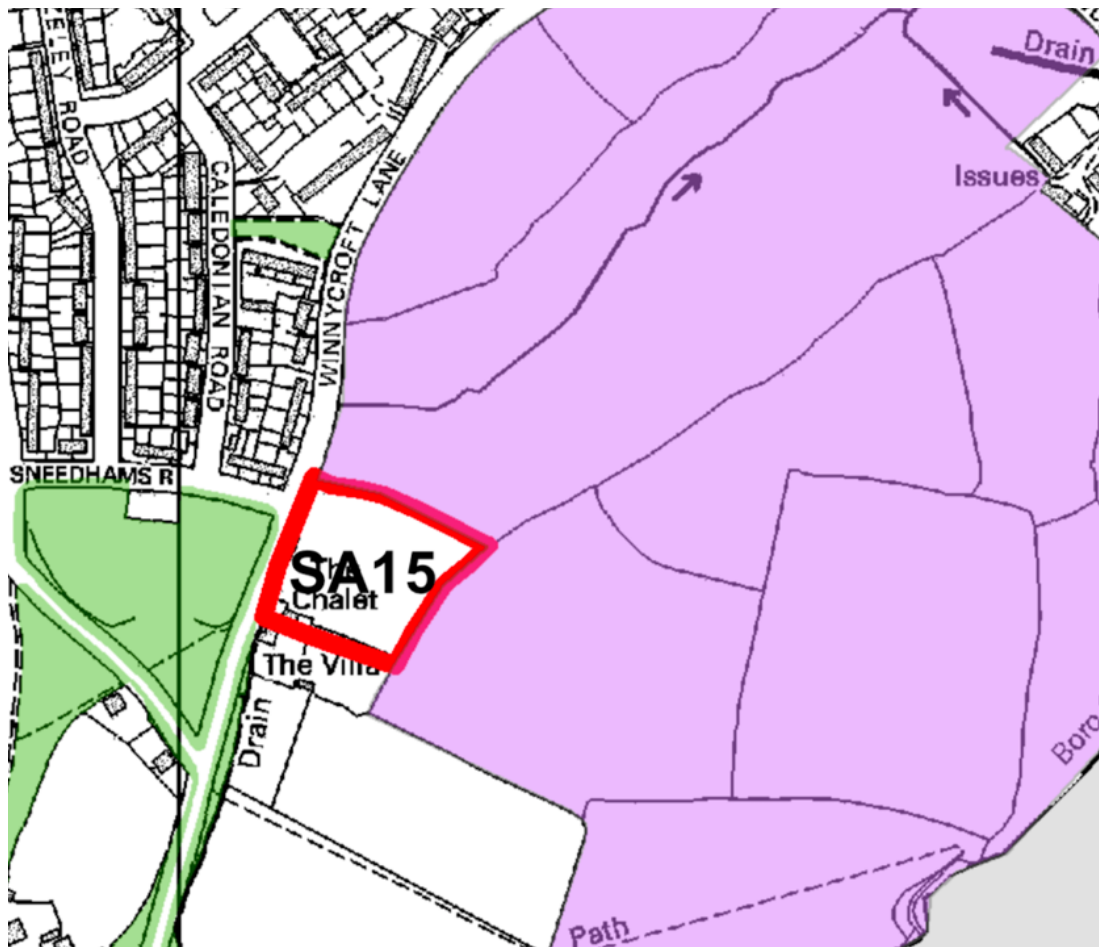
- 5.1. An application for Permission in Principle may only be decided on the basis of matters of location, land use and the amount of development proposed, in accordance with legislation and national practice guidance governing this route to planning permission.
- 5.2. This section demonstrates that the two houses proposed accord with the prevailing decision-making context provided by the development plan in relation to land use, location and amount of development; meeting all the requirements necessary to merit a grant of Permission in Principle. Other material considerations, notably a five-year housing land supply shortfall are set out in Section 6.0.

Location – Spatial Strategy and Settlement Hierarchy

- 5.3. The starting point for establishing the principle of housing on this site is the development plan, with the most important policies being JCS policies SP1, SP2 and SD10. SP1 and SP2 govern the amount and distribution of new housing to meet the needs of Gloucester City. Policy SD10 supports housing at the Service Villages.
- 5.4. The JCS spatial strategy concentrates new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network.
- 5.5. The application site lies outside of the JCS Winneycroft Strategic Allocation but lies closer to the existing settlement edge than the southern extent of that Allocation. It must therefore be regarded as fully complying with spatial strategy as defined above (5.4).
- 5.6. The JCS does not define settlement boundaries and the Gloucester Local Plan 1983 is acknowledged to be time expired, and most of its saved policies have now been superseded by the JCS. Whilst the emerging GCP does include some residential allocations (including Winneycroft SA15 – immediately adjacent to this site), it is silent on the principle of residential development outside these allocations and therefore JCS Policy SD10 must apply in this instance, albeit it should be borne in mind that Policy SD10 is currently out-of-date given the lack of 5-year housing supply, (the implications of which are set out in Section 6.0).
- 5.7. JCS Policy SD10 criterion 4 ii supports infilling with new housing within the existing built-up areas of City of Gloucester. The supporting text clarifies that “for the purpose of 4(ii)

infill development means development of an under-developed plot well related to existing built development”.

- 5.8. The JCS does not define settlement boundaries or what is meant by a ‘built up area’, and therefore whether development is within a built-up area or not is a matter for the decision maker based on the circumstances relating to that specific site.
- 5.9. Whilst the application site is located outside both the JCS and GCP Allocations, it lies immediately adjacent to them and, once developed out, those developments will surround the application site on two of its boundaries.



- 5.10. In terms of criterion 4(ii), the supporting text clarifies that “for the purpose of 4(ii) *infill development means development of an under-developed plot well related to existing built development*” (emphasis added). Given the above conclusions, it must be accepted that the application site “well related” to built up areas of the City of Gloucester.
- 5.11. There is similarly no definition in the JCS of the term ‘under-developed’ or ‘plot’, but it has been established through a number of recent appeal decisions that under-developed means land that is currently ‘free of development’. The dictionary definition of ‘plot’ is “a small piece of land that is marked out for a purpose”.

- 5.12. A recent appeal (3257279) allowed within Tewkesbury Borough has clarified that there are no provisions within Policy SD10 of the JCS to say that the site would have to be within the settlement boundary to be within the built-up area. The appeal proposal was for residential development on an undeveloped field and in allowing the Appeal the Inspector noted that the appeal site *“...would find itself directly adjacent to newly constructed development immediately to the north, and existing development immediately to the south* (Appendix D).
- 5.13. The Inspector reasoned that given the appeal site’s close relationship with and position between development, it would seem reasonable that the proposal should be regarded as being within a built-up area, even if it was outside of the defined settlement. The Inspector concluded that *“Altogether, the proposal would comply with infill policy requirements under Part ii of Policy SD10 of the JCS”*.
- 5.14. There are obvious and clear parallels with this proposal. The site is adjacent to planned major urban extensions to Gloucester City that would surround it on two sides, and which extend to the southern built edge of the city significantly further to the south. The proposal would continue the linear pattern of development along Winnycroft Lane and would not result in an isolated form of development divorced from surrounding development. Nor would it not project beyond existing development limits and therefore would not encroach onto open countryside.
- 5.15. The emerging GCP is silent on residential development outside of its proposed residential locations other than **Policy A1** (relating to the effective and efficient use of land and buildings) which states that proposals should improve the built and natural environment along with being a suitable scale for the site with no significant impact on the local character.
- 5.16. The proposal would clearly represent an efficient and effective use of the site and the indicative layout demonstrates it would be suitable scale that would assimilate into the surrounding built environment.
- 5.17. In view of the above, the proposal is wholly consistent with the JCS spatial strategy which seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester. Furthermore, the proposal would comply with infill policy requirements under Part ii of Policy SD10 of the JCS. It is also consistent with Policy A1 of the emerging GCP.
- 5.18. The proposal is therefore in accordance with the development plan and the principle of residential development is therefore acceptable.

Five Year supply and paragraph 11 of the Framework

- 5.19. Notwithstanding the above, Gloucester City Council cannot currently demonstrate a 5-year supply of deliverable housing sites. It has been established in a recent appeal (3296510 – 29th September 2022 – **Appendix E**) the City Council could only demonstrate a maximum deliverable housing land supply of 4.41 years. The Inspector concluded that this represents a significant shortfall of at least 569 dwellings.
- 5.20. In these circumstances the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. This is considered below in Section 6.0.

Location – Landscape and Visual Quality

- 5.21. Landscape quality and status is an important consideration in determining the acceptability of the site as a location for housing development.
- 5.22. The site lies within area G27 of the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis and is labelled as medium sensitivity which means that Key characteristics of landscape are vulnerable to change and/or have value as a landscape resource. It is not necessary for a Landscape and Visual Impact Assessment to accompany this application as such a detailed analysis is beyond the scope of an application for permission in principle. Nonetheless, consideration has been given to the landscape sensitivity of the site.
- 5.23. However, as set out above, the site is surrounded on its northern and eastern boundaries by large housing allocations which will have a significant influence on the landscape character of the site and its immediate surroundings. This is reflected in the emerging GCP and the Policies map which redefines the areas of High and Medium landscape Sensitivity to exclude all land to the east of Winnycroft Lane.
- 5.24. The proposed development would be seen in the context of the substantial residential development (rather than semi-rural) and would not therefore be seen as a visual intrusion into open countryside, but rather as part of the built development of the expanding city edge.
- 5.25. It is also the case that the land is currently a driveway / garden and its character and appearance is manifestly residential, rather than agricultural.
- 5.26. In summary, the application site is well related to existing and proposed new residential development and the addition of 2 further dwellings in a characteristic linear form would

assimilate well and would not appear as harmful to the character and appearance of the area. There would therefore be no significant adverse effects and no fundamental policy objection to this development in this location.

Highways Considerations

- 5.27. The NPPF makes it clear that development should only be refused on highway safety grounds where the impacts of a proposed development would be 'cumulatively severe'. JCS Policy INF1 seeks to ensure that development provides safe and accessible connections to the transport network to enable travel choice.
- 5.28. Although a matter for the Technical Details stage, the site will utilise an existing residential vehicle access located on a straight section of road and it is not considered there will be any insurmountable highway safety issues that cannot be addressed through technical detail submissions.

Heritage Considerations

- 5.29. There is a Scheduled Monument (Moated site at Sneedham's Green ref: 1019399) located approximately 180m to the south of the site. Although the proposed development would increase the built form of the site, it would not extend beyond the existing curtilage of The Villa. Any impact could be mitigated by the implementation of landscaping. Notwithstanding the above, given that this is a permission in principle application, only matters relating to location, amount of development and use are considerations to be taken into account at this stage. The site will not benefit from planning permission until such time as the Technical Details Consent (TDC) has been granted. The Planning Practice Guidance (PPG) indicates that this is when other statutory requirements apply. This includes matters of archaeology that may or may not be relevant to the site.

5.30. Ecology

- 5.31. Pre-application advice indicated the potential for the presence of newts in the moat and surroundings. However, the application site is currently residential curtilage and some distance from the moat. In any event (and as above), Ecology is a matter to be dealt with at Technical Details stage.

Conclusion on the principle of development

- 5.32. On matters relevant to the suitability of the site in principle as a location for up to two dwellings, the foregoing analysis demonstrates compliance with the development plan. The key points of this analysis are as follows:

- a site within an accessible location in accordance with adopted JCS settlement hierarchy and strategy;
- a location adjoining and well related to existing built form and continuing an established linear settlement pattern;
- a location within a landscape assessed by the Council as having medium sensitivity to new development and in a village where multiple new housing developments have already been permitted in areas of high landscape sensitivity;
- a location without unacceptable encroachment on open countryside;

5.33. Other relevant material considerations beyond compliance with the development plan are considered in the next Section 6.0.

6.0 Other material considerations

- 6.1. Section 38(6) of the 1990 Planning Act directs that planning decisions should be made in accordance with the development plan but allows for other material considerations to have a bearing on those decisions. In this case the other material considerations are:
- a substantial shortfall in five-year housing land supply in Gloucester City;
 - NPPF paragraph 11(d) which renders development plan policies most important for the supply of housing out of date and of reduced weight in planning decisions due to a shortfall in five-year housing land supply and triggers the tilted balance in favour of sustainable housing development;

- 6.2. The implications of these material considerations for a decision on this application are examined together in more detail under the following sub-heading.

Housing land supply shortfall and the tilted balance of NPPF paragraph 11(d)

- 6.3. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. Gloucester City Council cannot currently demonstrate a 5-year supply of deliverable housing sites. It has been established in a recent appeal decision (3296510 – 29th September 2022) that the City Council could only demonstrate a maximum deliverable housing land supply of 4.41 years. The Inspector concluded that this represents a ***“significant shortfall of at least 569 dwellings”***.
- 6.4. Important policies for the supply of housing in the adopted development plan are therefore out-of-date for decision making. In these circumstances the NPPF advises that the presumption should be that planning permission is granted unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole – the ‘tilted balance’.
- 6.5. In such circumstances, planning applications should only be refused where the level of harm would be so significant and demonstrable [emphasis added] so as to justify an overwhelming refusal, irrespective of whether or not the proposal complies with the development plan. This is a very high-level test, thus setting out an expectation that permission should normally be granted.
- 6.6. As set out above, the applicant is of the opinion that the site is within the built-up area of Gloucester City and therefore the proposal is in accordance with Policy SD10 of the JCS.
- 6.7. However, given the above, compliance with Policy SD10 is not determinative of this application because the policy is out of date within the terms of national policy, due to

the accepted shortfall in five-year housing. Therefore, the expectation of national policy requires permission to be granted provided adverse impacts do not outweigh the benefits of development. Consideration of any adverse impacts is limited to location, use and amount. This is discussed in the following section.

7.0 Planning Balance

- 7.1. The site is located close to the JCS Strategic Allocation which wraps around the site to the north and east, and immediately adjacent to the emerging City Pan allocation (SA15). The site must, therefore, be acknowledged to be in a sustainable location which meets the JCS spatial strategy which seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs. It is considered that the site is within the built-up area of Gloucester City and therefore the proposal is in accordance with Policy SD10 of the JCS.
- 7.2. Notwithstanding the above, the City Council cannot currently demonstrate a five-year supply of housing and the 'tilted balance' is engaged. In these circumstances the Framework demands that the presumption should be that planning permission is granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 7.3. In addition, one of the key benefits of the proposal is that it that would help meet Gloucester City's accepted significant shortfall of housing, in a highly sustainable location. Whilst the proposal is for two dwellings it has been established in numerous appeals that the greater the size of housing shortfall, the greater the benefit of even small-scale housing schemes. The NPPF also makes clear (paragraph 69) that small sites can make an important contribution to meeting the housing requirement and local planning authorities should support the development of windfall sites through their decisions. This benefit must therefore be given significant weight.
- 7.4. In terms of other benefits, the prospective occupiers would help to maintain the vitality of local services and facilities. Although modest, the development would therefore have social benefits. There would also be economic benefits associated with the proposal including the provision of construction jobs, some additional local spend and New Homes Bonus and community tax receipts. Given the size of the scheme these benefits would also be modest.
- 7.5. Through Technical Details, it will be possible to add to the biodiversity of the site (through the addition of bat and bird boxes for example).
- 7.6. Whilst there will be some landscape harm resulting from the addition of two dwellings, the context of the site has been fundamentally changed through the allocation of major strategic housing sites (and subsequent Outline planning consent) on a large swathe of land adjacent to the site. The proposed dwellings would therefore be seen in the context

of this built development and would form an organic continuation of the frontage development along Winneycroft Lane.

- 7.7. No other harms have been identified that could not be overcome through the submission of Technical Details, or subsequent conditions.
- 7.8. Therefore, in line with the Framework, planning permission should be granted as there are no adverse effects of doing so that would so significantly and demonstrably outweigh the housing and other benefits of the proposal as to warrant a refusal.

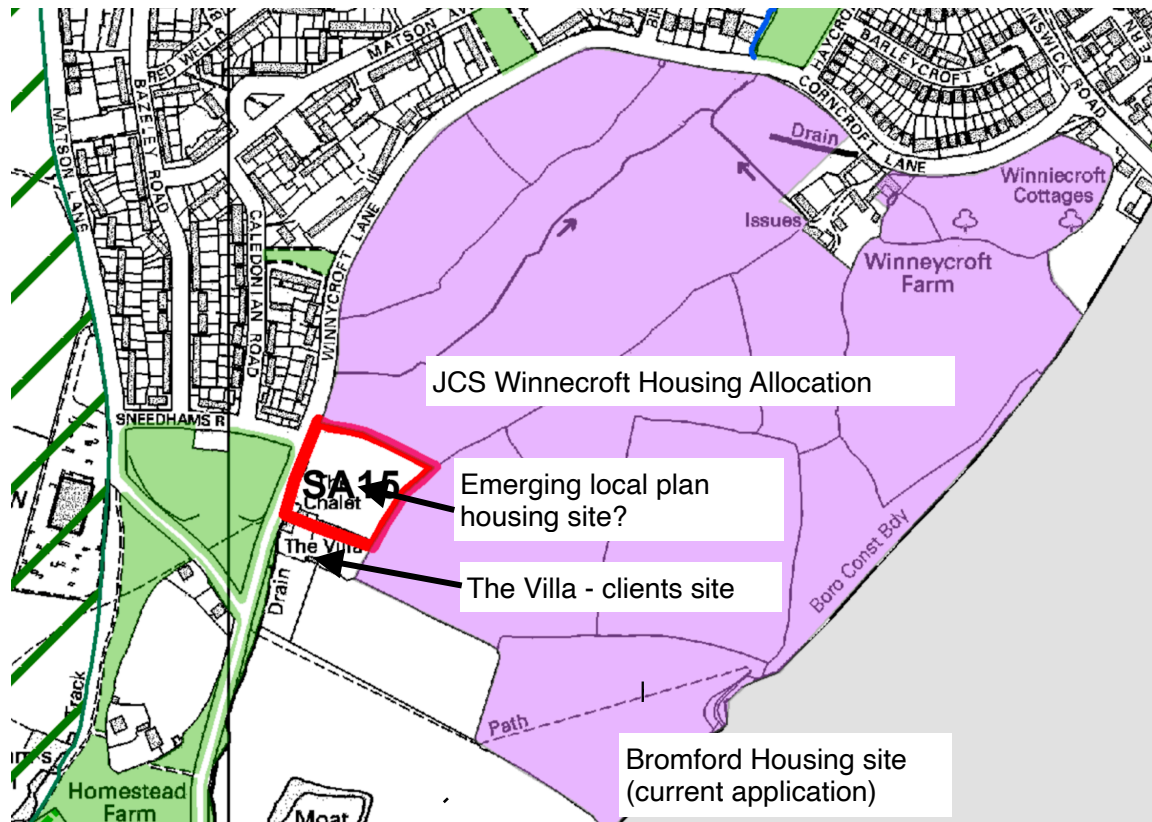
8.0 Conclusion

- 8.1. In conclusion, it is the applicant's firmly held view that the application proposal complies with adopted development plan housing Policy SD10 governing the suitability of the site as a location for new housing. Taking this as the starting point for decision-making, the proposed development is considered to be in a suitable location for residential development that complies with the relevant policies of the Development Plan and should be supported.
- 8.2. As established in the recently allowed appeal (ref: 3257279) there are no provisions within Policy SD10 of the JCS to say that the site would have to be within the settlement boundary to be within the built-up area, even if presently undeveloped and outside an emerging settlement boundary.
- 8.3. Notwithstanding the above, compliance with Policy SD10 is not determinative of this application because the policy is out of date within the terms of national policy, due to evidence of a shortfall in five-year housing supply in the City Council. Therefore, the expectation of national policy is that permission to be granted provided adverse impacts do not outweigh the benefits of development. Consideration of any adverse impacts is limited to location, use and amount.
- 8.4. The benefits of the delivery of two new dwellings in a highly sustainable location that is entirely consistent with the JSC spatial strategy have been assessed as a significant benefit demonstrably outweighing any limited harm.
- 8.5. In a final overall balanced conclusion, adopting the 'tilted balance' of national policy in favour, the weight of the benefits when measured against limited adverse impacts, provides clear justification for granting permission in principle. Any adverse effects certainly do not meet the test of 'substantial' and 'demonstrable' in this case. It falls that permission in principle should be granted.

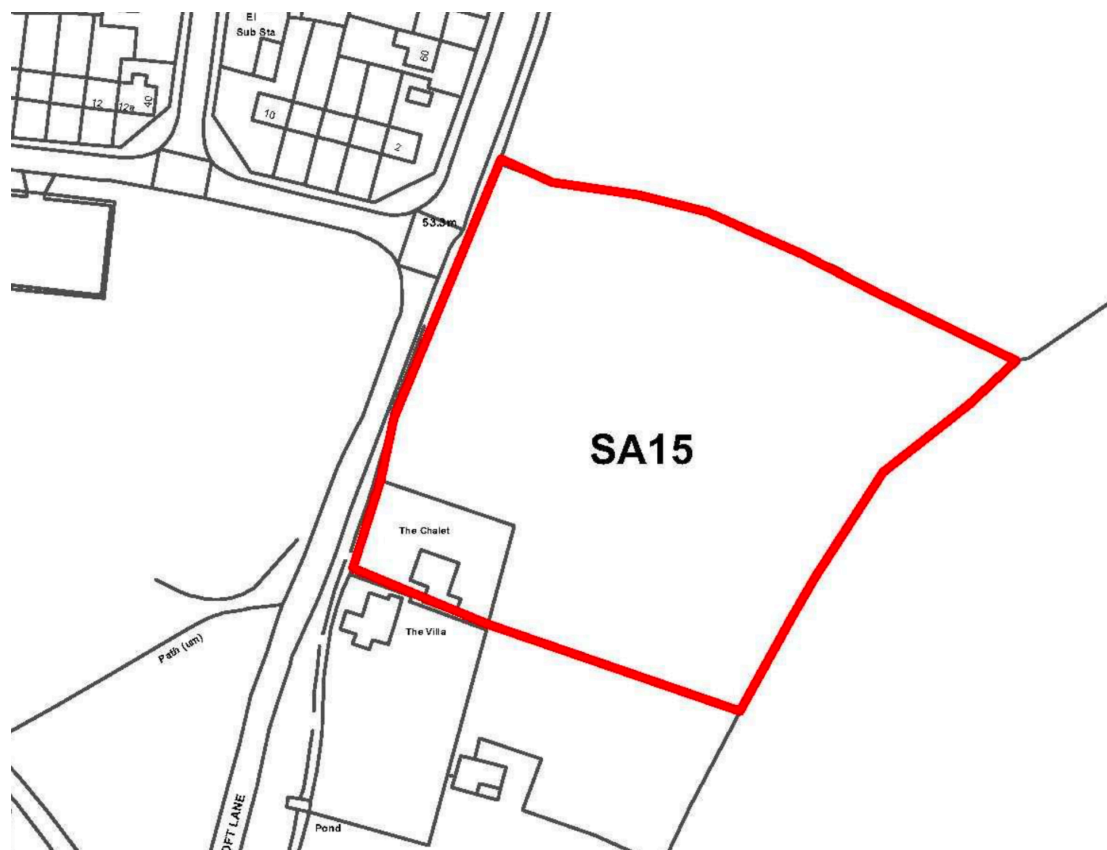
APPENDIX A

Site context map showing the JCS Winneycroft Strategic Allocation and the emerging Gloucester City Plan (GCP) allocation (A15).

Allocation for 620 at Winnecroft Farm in purple and 30 dwellings at "The Chalet" in red



Emerging application for the 30 houses at 'The Chalet' labelled SA15 and in red below



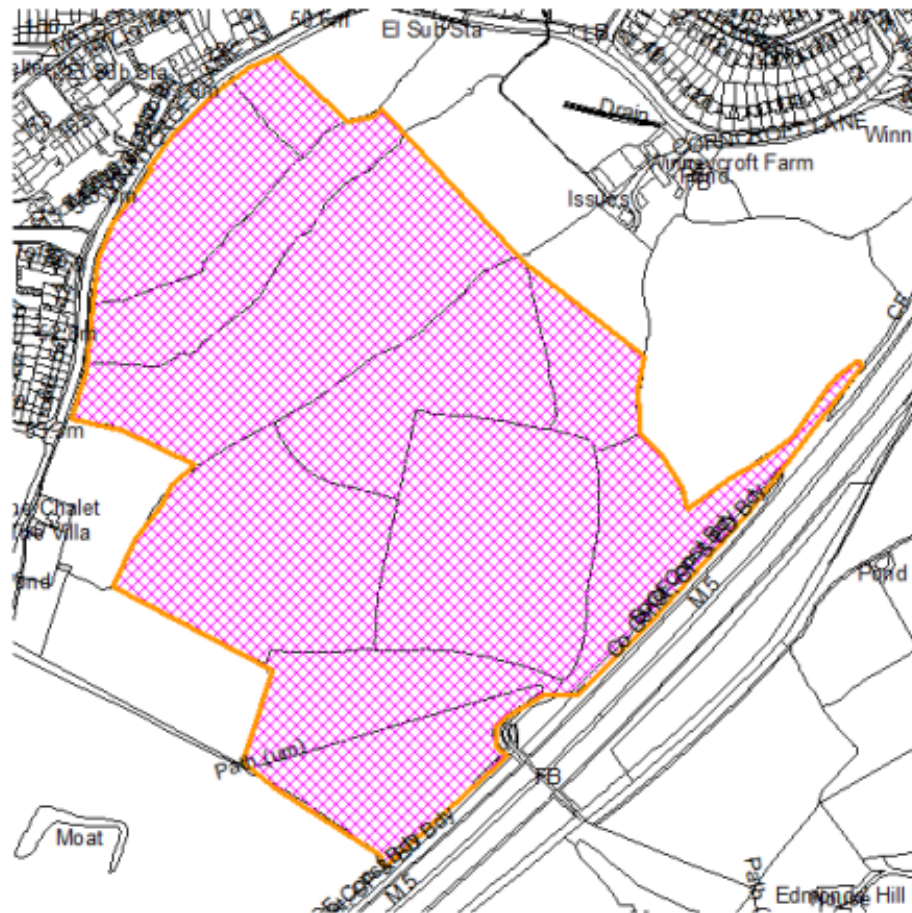
APPENDIX B

Site plans for Outline applications for 14/01470/OUT and 14/ 01063/OUT.

14/01063/OUT

**Land South Of Winnycroft Farm
Corncroft Lane
Gloucester
GL4 6BX**

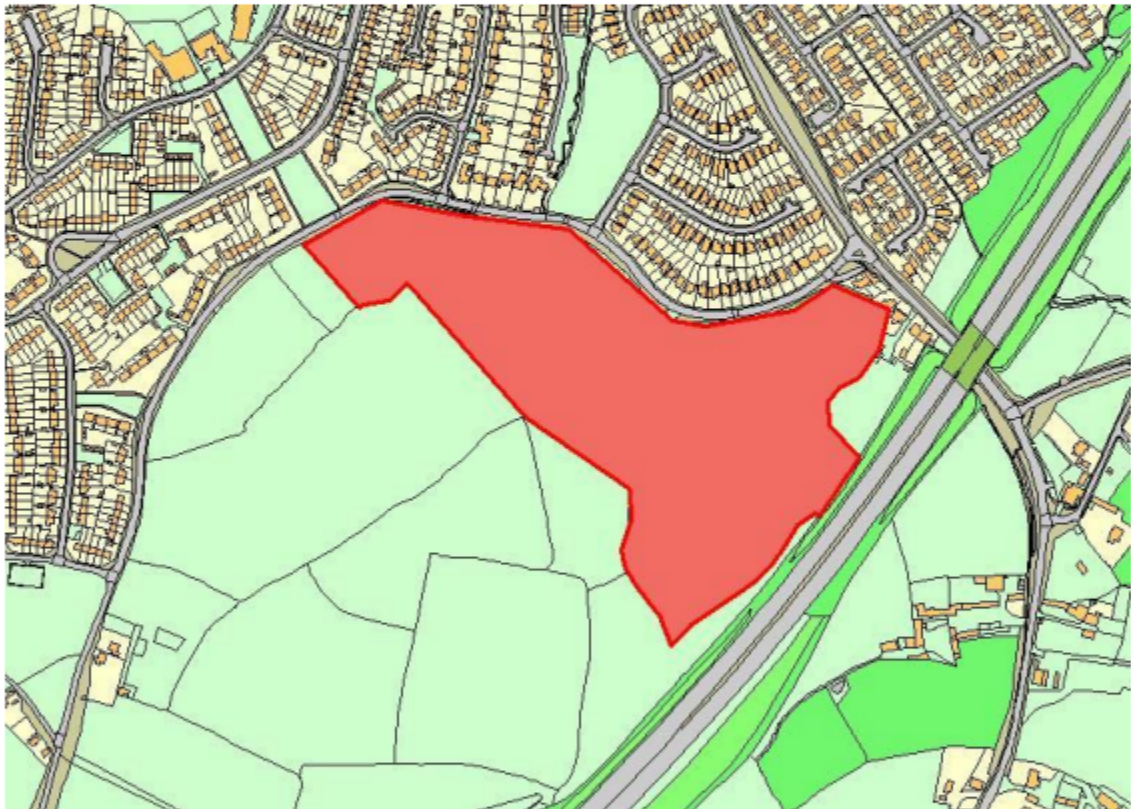
Planning Committee 05.07.2016



Planning Application: | 14/01470/OUT

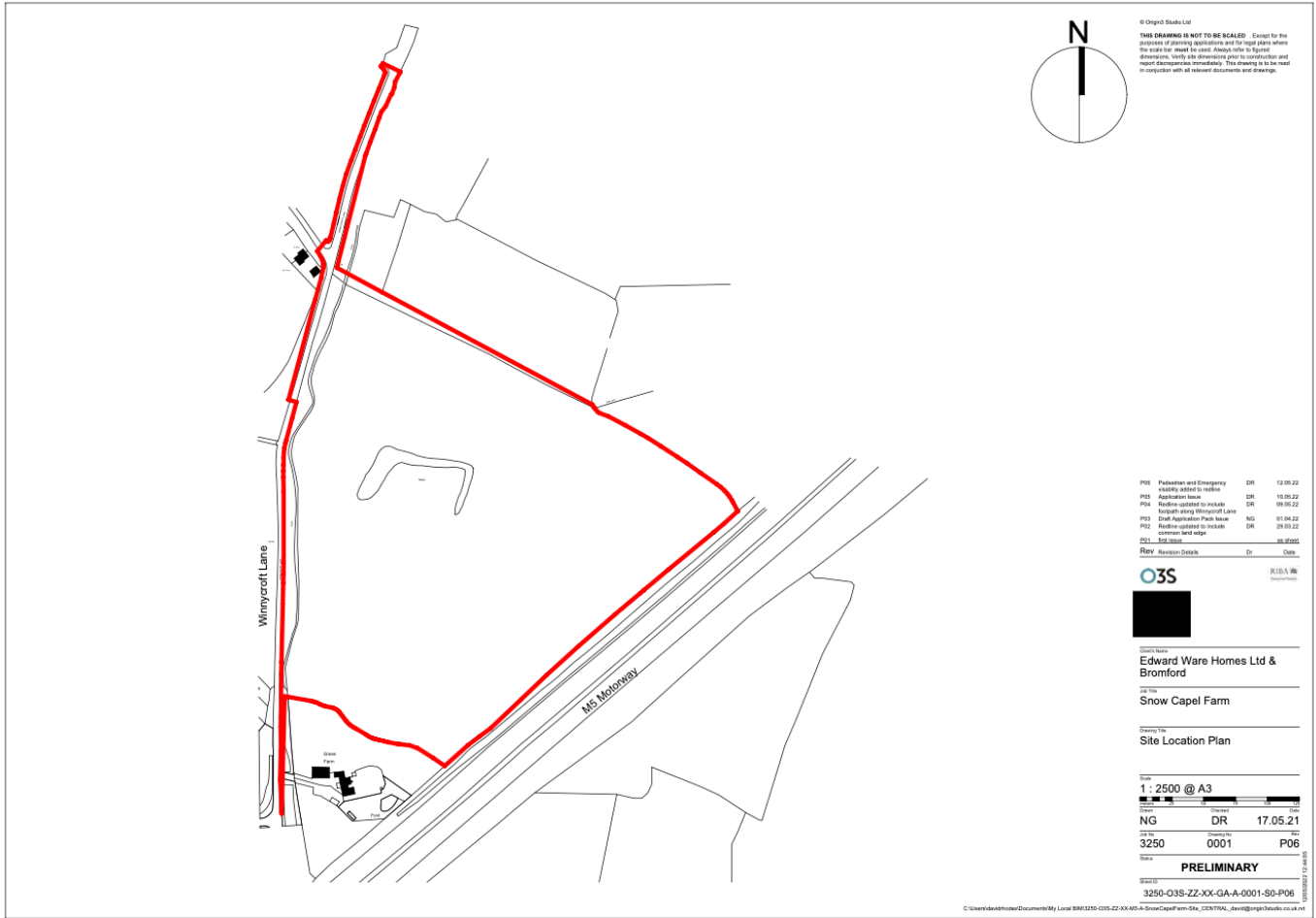
Address: | Land At Winnycroft Farm,
Comcroft Lane, Gloucester
GL4 6BX

Committee Date: | 6th April 2021



APPENDIX C

Site plan of the Bromford Housing Association planning application (22/00519/FUL).



Site Location Plan



Proposed Site Plan

APPENDIX D

Recent allowed appeal decision (3257279) for the erection of 7 dwellings comprising of 2, 3, 4 and 5 bedroom accommodation (including 4 market and 3 affordable discounted market sale dwellings) and associated vehicular access.



Appeal Decision

Site visit made on 10 November 2020

by [REDACTED]

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/G1630/W/20/3257279

Walnut Farm, Tewkesbury Road, Norton GL2 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jacob Perry-Gardiner against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00367/FUL, dated 23 April 2019, was refused by notice dated 26 February 2020.
 - The development proposed is the erection of 7 dwellings comprising of 2, 3, 4 and 5 bedroom accommodation (including 4 market and 3 affordable discounted market sale dwellings) and associated vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 dwellings comprising of 2, 3, 4 and 5 bedroom accommodation (including 4 market and 3 affordable discounted market sale dwellings) and associated vehicular access at Walnut Farm, Tewkesbury Road, Norton GL2 9LH in accordance with the terms of the application, Ref 19/00367/FUL, dated 23 April 2019, and the plans submitted with it, subject to conditions in the attached Schedule.

Procedural Matters

2. The application date on the application forms appears to approximate the decision date on the decision notice, and therefore looks to be a clerical error. The application date of the 23 April 2019 on the appeal forms marries with the application date on the decision notice. This is the date I have used for the purposes of the banner heading. Similarly, the description of development on the application forms appears to have been superseded by the appeal forms and decision notice and amended to include associated vehicular access. I have dealt with the appeal accordingly.
3. The Unilateral Undertaking submitted by the appellant has secured planning obligations relating to affordable housing, transport and refuse bins. Tewkesbury Borough Council has confirmed that these planning obligations overcome reasons for refusal 4 and 5, the matters of which are no longer contested. Gloucestershire County Council, within representations made pursuant to the original application, acknowledge the acceptability of such planning obligations to the amount put forward. Furthermore, they did not take the opportunity to provide representations under the appeal, and consequently it is reasonable to conclude that they have no objection to the planning obligation on this basis.

4. Notwithstanding, I have proceeded to assess the planning obligations in accordance with the tests set out in the National Planning Policy Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Main Issues

5. The main issues are:
 - (a) whether the proposal is in a suitable location for housing relative to the settlement strategy for the area;
 - (b) the effect on the character and appearance of the area; and
 - (c) whether planning obligations relating to affordable housing and sustainable transport are necessary and any benefits therein.

Reasons

Location

6. The site is located on land at Walnut Farm, accessed off of the A38 near the settlement of Norton. It sits adjacent to another site which has been granted planning permission¹ that during the time of my site visit was in the process of being constructed.
7. Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) controls the distribution of development in the area. Under the policy, the proposal is not within a rural service centre or service village and is subject to Policy SD10 of the JCS, which applies to residential development in other rural areas. Under Policy H1 of the Down Hatherley, Norton and Twigworth Neighbourhood Plan 2019 (NDP) proposals outside defined settlement boundaries are allowed as exceptions under policies in the JCS and in particular, Policy SD10 of the JCS.
8. Accordingly, Part ii of Policy SD10 of the JCS allows development where it would comprise infilling within existing built up areas of towns and villages. For the purposes of the policy, infill development means development of an under developed plot well related to existing built development.
9. There is clearly a precedent for ribbon style development along the A38 in the vicinity of the site, as demonstrated by the appellant's submitted drawing² which has not been disputed by the Council. This level of development has been allowed, with some of it subsequently coming forward in accordance with the JCS. This has seemingly changed the character of this particular stretch of the A38, creating ribbon development that appears to form a built up arterial route linking Norton in the north and Twigworth in the south.
10. Even if some of this development has historically come forward under a different development plan, the fact remains that it still exists and shapes the context within which the proposal in this case is assessed.
11. The site's position amongst this ribbon development, along with its general proximity to Norton as a service village, means it is well located within a built up area. Furthermore, the proposal would find itself directly adjacent to newly constructed development immediately to the north, and existing development immediately to the south.

¹ 18/00073/FUL

² PL19-290-02

12. In this context, there are no provisions within Policy SD10 of the JCS to say that the site would have to be within the settlement boundary to be within the built up area, which is consistent with an inspector's findings under another appeal³ in the immediate area.
13. Therefore, given the site's close relationship with and position between development, it would seem reasonable that the proposal should be regarded as being within a built-up area, even if it is outside of the defined settlement boundary of Norton. Altogether, the proposal would comply with infill policy requirements⁴ under Part ii of Policy SD10 of the JCS.
14. Consequently, in accordance with Policy SD10 and SP2 of the JCS, the proposal also meets the criteria under Policy H1 of the NDP. This is logical insofar as neighbourhood plans should be consistent with local plans. Policy RES4 in the emerging local plan puts forward a competing definition of infill development and built-up area. However, the emerging local plan is yet to be examined and its contents are subject to change. This is because its contents have not been determined as sound, and it therefore carries limited weight under this appeal.
15. For the reasons stated above the proposal would comply with Policy SP2 and SD10 of the JCS and Policy H1 of the NDP, which among other things seeks to secure appropriate infill development within a built-up area pursuant to meeting demand for new housing.

Character and Appearance

16. Drawing parallels with my earlier assessment of the site's location, it is clear that although the site is technically outside of any defined settlement boundary, its position on the ground amongst other forms of linear ribbon development along the A38 shapes the context within which the site should be assessed. Accordingly, the site presents itself adjacent to other built form and as a contiguous part of the existing pattern of development. Therefore, it is not isolated within the wider countryside and despite the open fields further east and west its immediate setting does not exhibit a strictly rural character. There are sufficient levels of built form in reasonably close proximity to the site in order to anchor it in a suburban context.
17. Even though developments along the A38 may have come forward under a different development plan, the fact is that they currently exist and establish the context within which the site should be interpreted, and proposal assessed. This is in essence what the appeal decision sets out⁵ in that the inspector assessed the site's physical context, consistent with the approach in this case.
18. The site itself presents as an unkempt field parcel adjacent to a construction site where the land has been partly developed. There is a significant extent of mature hedgerow along the site frontage that screens it when views are taken from the east. Consequently, open views of the countryside are not currently available, and the field does not present itself as a gap in this context. The proposal would introduce seven new dwellings at the site, that would tie into the built form to the north and south and would be consistent with the wider pattern of ribbon development along the A38.

³ APP/G1630/W/20/3246922

⁴ Consistent with APP/G1630/W/17/3184561

⁵ APP/G1630/W/20/3246922

19. Dwellings would come forward with proportionate sized plots that would not extend beyond the rear building lines of the adjacent built form and therefore would not encroach on the countryside to the west.
20. The hedgerow fronting the site would be retained, and therefore notwithstanding that the proposal would come forward in the context of adjacent built form, it would be largely screened from view along the A38 frontage. This would markedly reduce the visual impact of the proposal. Furthermore, as the site is already enclosed by a substantial hedgerow, delivering development on the site would not erode any pre-existing open views through the site.
21. The new dwellings would share the appearance of neighbouring development currently being constructed in the north, comprising a similar height and scale whilst including timber cladding to maintain a consistent vernacular in line with Paragraph 130 of the Framework and pursuant to the farmstead aesthetic brought forward by that development. Consequently, even though both developments have come forward at different times, they would read as having a coherent relationship within the wider landscape and the proposal in and of itself would not present as piecemeal development.
22. It is acknowledged that the NDP may encourage farmstead cluster layouts. However, the existing mature hedgerow would mitigate the appearance of linear development along the roadside frontage. Furthermore, the proposal's consistent vernacular with the existing cluster in the north means it would not appear as an isolated linear form of development, but a coherent and interesting part of the wider whole.
23. The ribbon development along this particular stretch of the A38 has already been established, to the extent that the rural character and appearance has already been significantly eroded. Allowing further development along this corridor would not change the suburbanised character or appearance of the area in this context. This would not undermine the policy position of the NDP, which would continue to protect other areas of a rural character and appearance from ribbon development.
24. Clearly there would be a fundamental change in the nature of the site, as there will be development delivered on land where there currently is none. However, given the prevailing context this change would not be harmful to the character and appearance of the area. Consequently, the proposal would accord with policies SD4, SD6, SD10 and E2 of the JCS and Policy H1 of the NDP. Among other things, these seek to ensure that development comes forward in consideration of the landscape and visual sensitivity of the area in which they are to be located or which they may affect.

Planning Obligations

25. The proposal is supported by an executed Unilateral Undertaking (UU) submitted by the appellant. The UU has been considered against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. An affordable housing planning obligation is necessary pursuant to Policy SD12 of the JCS to ensure 40% of housing on the site is delivered as affordable.

26. Furthermore, the proposal would place additional pressure on refuse services and monitoring activities resultant from the development, and the provision of financial contributions are necessary in accordance with Policy INF7 of the JCS to ensure infrastructure and services required as a consequence of development can be delivered.
27. A highways planning obligation for bus stop infrastructure is necessary pursuant to Policy INF1 of the JCS to ensure there is adequate provision for future occupiers to access sustainable transport options. The calculated sum appears to be based on Gloucestershire County Council's professional expertise in delivering infrastructure, and there is no evidence from the appellant or otherwise that it would be excessive. Consequently, and altogether, the UU would directly relate to the development; fairly and reasonably in scale and kind.

Planning Balance

28. In considering the main issues it has been found that the proposal would accord with the policies of the JCS and NDP and therefore complies with the development plan as a whole. The Council cannot currently demonstrate a five year housing land supply, even when taking the best case scenario, which still amounts to a substantial shortfall⁶. Consequently, there is a shortfall in housing land supply which triggers Paragraph 11 d) ii and Footnote 7 of the National Planning Policy Framework. As there are no adverse impacts identified under the main issues, the benefits associated with the delivery of additional housing to meet supply, in conjunction with affordable housing and sustainable transport planning obligations, means the benefits of the proposal would stand alone in the balance. Consequently, there is a presumption in favour of sustainable development in accordance with Paragraph 11 d) ii. Paragraph 14 of the Framework would not be engaged on the basis that the NDP does not contain direct policies and allocations that relate to the provision of new housing in Norton in accordance with Paragraph 14 b).

Conditions

29. The Council suggested 18 conditions, and these were all considered against the Framework and Planning Practice Guidance. Conditions were subject to minor amendments in the interests of consistency, clarity and running order. Some conditions were removed to avoid duplicating planning obligations, whilst others were removed to ensure the Schedule complied with the Framework when imposing conditions that remove permitted development rights. All the conditions set out in the attached Schedule are considered necessary to make the development acceptable in planning terms.
30. The standard conditions setting out the time limits, and securing compliance with the approved plans, are necessary to provide certainty. Conditions requiring samples of building materials and details of joinery are necessary to ensure that the proposal comes forward in a manner consistent with emerging development adjacent. A condition requiring a drainage management plan is necessary to ensure that the development is suitably drained for its lifetime and to ensure to adverse effects on the water environment. A condition requiring a comprehensive scheme of hard and soft landscaping is necessary pursuant to the details not currently provided on the existing plan.

⁶ Statement of Common Ground

31. Such as a detailed schedule of existing and proposed plant species, among other things. A condition requiring landscape implementation, maintenance and replacement is required to ensure landscaping measures are established and remain effective pursuant to safeguarding the appearance of the site.
32. A condition requiring noise mitigation for the proposal is necessary to ensure the living conditions of future occupiers are not adversely affected by noise emitted from the A38 adjacent. Conditions requiring the implementation of visibility splays, parking, turning and highway management is necessary to ensure that highway safety is maintained once the proposal has been occupied and in perpetuity. A condition securing construction management activities is necessary to protect highway safety and the efficient delivery of goods and materials. Conditions requiring details and implementation of bus and pedestrian infrastructure are necessary to promote sustainable means of travel for future occupants at the site, in conjunction with the submitted planning obligation which secures the financial measures for these improvements.
33. Conditions restricting permitted development rights should only be applied in exceptional circumstances and where there is a clear justification to do so⁷. There appears no clear justification in this case and I have not attached conditions restricting permitted development rights on this basis.
34. The PPG is clear that pre-commencement conditions should only be used where clearly justified, likely meaning requirements of the condition are fundamental to the development permitted and it would otherwise be necessary to refuse permission. It is necessary to secure drainage details before construction to ensure there are no adverse effects on the water environment that might be generated by the imposition of hard surfaces during construction. It is necessary to require finished floor levels before construction to ensure that appropriate site levels can be achieved before the existing site levels are changed. It is necessary to secure ecological mitigation and enhancement measures before construction to ensure that any ecological assets that might otherwise be affected during construction are appropriately preserved.
35. In accordance with the procedural requirements set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended), pursuant to Paragraph 3 (b), the appellant has provided a substantive response, confirming that they are happy with the pre-commencement conditions and underpinning reasons provided by the Council in the event they were attached under the appeal.

Conclusion

36. I have found the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with Paragraph 11 d) ii of the Framework. The appeal is therefore allowed, and planning permission is granted in accordance with conditions in the attached Schedule.

Liam Page

INSPECTOR

⁷ Paragraph 53 of the Framework

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) Except where otherwise stipulated by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. PL19-290-14 Rev B (Affordable Housing Plan)
received 2nd January 2020
 - b. PL19-290-03A Proposed Floor Plans and Elevations Plot 1
received 7th August 2019
 - c. PL19-290-04A Proposed Floor Plans and Elevations Plot 2
received 7th August 2019
 - d. PL19-290-05A Proposed Floor Plans and Elevations Plot 3
received 7th August 2019
 - e. PL19-290-06A Proposed Floor Plans and Elevations Plot 4
received 7th August 2019
 - f. PL19-290-07A Proposed Floor Plans and Elevations Plot 5
received 7th August 2019
 - g. PL19-290-08A Proposed Floor Plans and Elevations Plot 6
received 7th August 2019
 - h. PL19-290-09A Proposed Floor Plans and Elevations Plot 7
received 7th August 2019
 - i. PL19-290-11A Proposed Garage Plans and Elevations – Plot 1, 2 & 3
received 7th August 2019
 - j. PL19-290-12A Proposed Garage Plans and Elevations – Plot 4, & 5
received 7th August 2019
 - k. PL19-290-14B Proposed Site Plan showing Hard and Soft Landscaping
received 7th August 2019
 - l. PL19-290-17B Proposed Street Scene Elevations
received 7th August 2020
 - m. PL19-290-19B Proposed Site Access Visibility
received 7th August 2020
 - n. PL19-290-20A Ecology Constraints Plan
received 7th August 2020
 - o. PL19-290-15 Key Materials Schedule Sheet 1 of 2
received 5th April 2019
 - p. PL19-290-16 Key Materials Schedule Sheet 2 of 2
received 5th April 2019
- 3) Before the commencement of development hereby permitted an ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation timetable. The works shall thereafter be carried out in accordance with the approved details and timetable.

- 4) Before the commencement of development hereby permitted details of existing and proposed levels, to include details of finished floor levels relative to ordnance datum, have been submitted to and approved by the local planning authority. All development shall be carried out in accordance with the approved details.
- 5) Before the commencement of development hereby permitted a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Drainage Statement dated October 2019 prepared by Rider Planning received 24th October 2019, and foul water strategy, shall be submitted to and approved in writing by the local planning authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
- 6) No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the local planning authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.
- 7) Building operations shall not be commenced until samples of the roofing and walling materials proposed to be used have been submitted to and approved by the local planning authority and all materials used shall conform to the samples so approved.
- 8) No development above damp course level shall take place until details of the proposed external joinery of the windows, rooflights and doors and shutters, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, have been approved in writing by the local planning authority and the fitted joinery shall be in accordance with the approved drawings
- 9) No development above damp course level shall take place until there has been submitted to and approved by the local planning authority in writing, a comprehensive scheme of hard and soft landscaping, including boundary fencing and hard surfacing materials, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.
- 10) All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) No dwelling hereby permitted shall be occupied until a scheme to protect the proposed development from traffic noise from the A38 has been implemented in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The scheme shall ensure that the indoor ambient noise levels in living rooms and bedrooms and external amenity areas meet the standards in BS 8233:2014 for the appropriate time period. The development shall be carried out in strict accordance with the details so approved.
- 12) The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 160m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
- 13) The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. PL19-290-14B, and those facilities shall be maintained available for those purposes thereafter.
- 14) Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 15) The development hereby permitted shall not be occupied until details of pedestrian crossing improvements south of the site access have been submitted to and approved in writing by the local planning authority, implemented thereafter and maintained for the duration of the development.
- 16) The development hereby permitted shall not be occupied until details of bus shelter provision either side of the carriageway south of the site access have been submitted to and approved in writing by the local planning authority, implemented thereafter and maintained for the duration of the development.
- 17) Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following: i. parking of vehicles of site operatives and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development; iv. provide for wheel washing facilities.

End of Schedule

APPENDIX E

Recent allowed appeal decision (3296510) for the erection of up to 185 dwellings which has established that Gloucester City Council cannot demonstrate a five-year housing supply.



Appeal Decision

Inquiry held 6 - 8 September 2022

Site visit made on 7 September 2022

by

an Inspector appointed by the Secretary of State

Decision date: 29/9/2022

Appeal Ref: APP/U1620/W/22/3296510

Land at Hill Farm, Hempsted Lane, Gloucester, Gloucestershire GL2 5LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Limited against Gloucester City Council.
 - The application Ref 20/00315/OUT is dated 26 March 2020.
 - The proposed development is for the erection of up to 185 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane, with all matters reserved except for means of vehicular access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 185 dwellings with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access point from Hempsted Lane, with all matters reserved except for means of vehicular access at land at Hill Farm, Hempsted Lane, Gloucester, Gloucestershire GL2 5LA, in accordance with the terms of the application Ref 20/00315/OUT, dated 26 March 2020, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The original planning application was validated by the Council on 29 April 2020. A cyber incident in late 2021 disabled the Planning Public Access System, meaning that the Council was unable to access the representations made prior to this occurrence. The standard appeal notification letter was adapted and sent to surrounding addresses with the aim of recapturing these previous representations, along with seeking any further comments that interested parties might wish to provide. A similar exercise was undertaken with all statutory consultees.
3. As set out in the description above, the application was made in outline with all detailed matters reserved for later consideration, apart from access. I have dealt with the appeal accordingly. The original proposal had been for up to 245 dwellings. This had been the subject of further discussion with the Council and subsequently reduced to up to 215 dwellings and, most recently, up to 185. The revised Development Framework Plan drawing no. CSA/6036/103 Rev D (DFP Revision D) provides for the up to 185 dwellings, and the appeal has been considered on this basis.

4. The appellant and landowner provided to the Inquiry an engrossed planning obligation, by means of a Unilateral Undertaking (UU) made to Gloucester City and Gloucestershire County Councils under section 106 of the Town and Country Planning Act 1990. Both Councils had provided Community Infrastructure Levy (CIL) compliance statements justifying the obligations made. A certified copy of the UU was submitted at the close of the event and the obligations are discussed later in this decision.
5. So far as relevant to this appeal, the statutory development plan comprises the Joint Core Strategy¹ (JCS) and the Gloucestershire Waste Core Strategy (GWCS)². Whilst not part of the adopted development plan, a number of saved policies from the 2002 Second Stage Deposit City of Gloucester Local Plan (SSD) are used by the Council to advise development management decisions. Where relevant, these are attributed some weight in this decision.
6. Another material consideration is the emerging Gloucester City Plan (GCP). Once adopted, this will support the JCS by providing more detailed development management policies and site allocations specific to Gloucester City Council's administrative area. The GCP was the subject of examination hearing sessions held in May and June 2021. The Examining Inspector found the GCP to be legally compliant, to have met the duty to co-operate and capable of being made sound subject to main modifications. Consultation on these main modifications took place between 16 May - 4 July 2022 and the responses have been passed to the Examining Inspector for consideration. The emerging GCP is at an advanced stage and so, where relevant to this appeal, its policies are given significant weight.
7. The National Planning Policy Framework³ (the Framework) is also a material consideration of great importance to this decision.

Background and Main Issues

8. Because the appeal was over the Council's failure to determine the application, the proposal was reported to its Planning Committee on 5 July 2022. This was to ascertain what the local planning authority's decision would have been, had it been in a position to make one. The Committee resolved that the decision would have been to refuse planning permission for eight putative reasons for refusal (PRfR). Since this Committee resolution, the Council had continued to engage with the appellant over these PRfR. The outcome was that, by mid-August, the Council no longer sought to defend any of these as grounds for dismissing the appeal. The PRfR nonetheless provide the basis for identifying the main issues in this case.
9. PRfR 1 relates to the appeal site not being allocated for housing and in general conflict with the spatial strategy for new development provided by JCS policies SP1, SP2 and SD10. This conflict is not a matter of dispute and is addressed in a final planning balance, as to whether material considerations indicate the appeal should be determined otherwise than in accordance with development plan policy.
10. The obligations made in the UU address the Council's PRfR 2, 4, 7 and 8 by securing the required 20% affordable housing, meeting local play and sports'

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 5 Adopted December 2017

² Adopted 21st November 2012

³ As most recently updated on 20 July 2021.

needs, mitigating highway impacts and contributing towards community and education facilities respectively.

11. PRfR 3 concerned a failure to demonstrate that the living conditions of prospective occupiers of the scheme would be acceptable with respect to odour from the nearby Netheridge Sewage Treatment Works (NSTW) and thus not prejudicial to its future operation. PRfR 5 was over a failure to adequately address the risk of flooding within and around the site. PRfR 6 related to a failure to adequately address impacts on ecology and biodiversity, including protected species. Although the appellant has subsequently provided the evidence to satisfy the Council that PRfR 3, 5 and 6 have been addressed, these issues remain matters of concern to interested parties.
12. The Council had found harm both to the character and appearance of the area and the significance of Hempstead Conservation Area (HCA) as a designated heritage asset. However, neither were found to substantiate a further PRfR. Nevertheless, both harms are reflected in interested party concerns and were identified as main issues in the appeal, so as to determine their weight in the planning balance.
13. On the basis of the foregoing, the main issues are:
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to odour, and/or constrain the future operation of NSTW; and
 - the proposal's effects on the risk of flooding in and around the site;
 - on biodiversity;
 - and on the character and appearance of the area, including the landscape setting of Hempsted village and the HCA.
14. In addition to these main issues, other interested party concerns are considered, including access matters and foul drainage.

Site description and proposal

15. The site comprises some 12.2 hectares of agricultural land contained within three irregularly shaped fields. These lie immediately beyond the southern extent of development in Hempsted village, which is contiguous with and comprises a segment of the urban area of Gloucester. The northern site boundary runs up to Hempstead Lane, the back gardens of a stretch of housing along its southern side and a bridleway continuing west of these. From its highest point at the north, the site slopes to a southern site boundary that follows a ditch. Beyond this is the level flood plain to Hempsted Brook with mainly open countryside beyond, containing the NSTW.
16. To the east, the site is bound by the A430 Secunda Way, with commercial development and the built-up part of Gloucester to the other side. A public right of way runs along the eastern edge of the site and connects to another that follows Hempsted Brook. The western site boundary adjoins Rea Lane; a narrow rural road, with open countryside including the River Severn floodplain to its other side. Access to the development is taken from Hempsted Lane at a point near to its junction with the A430 Secunda Way. DFP Revision D shows this access running through the site and serving areas of housing within the

central part of the site, adjacent to the existing built limits of the village. This housing is encased by a large swathe of green infrastructure which also occupies the lower, southern parts of the site.

Reasons

Odour

17. The appeal site falls wholly within a *cordon sanitaire* defined around the NSTW in the 2002 SSD, in which Policy FRP.12 states that development likely to be adversely affected by smell from the Netheridge works will not be permitted. The revised *cordon sanitaire* in the emerging GCP excludes the corners of the appeal site the furthest from NSTW, although the housing shown in DFP Revision D falls within this zone.
18. Having originally followed the wording of SSD Policy FRP.12, emerging GCP Policy C6 has since been the subject of a main modification. This states that planning permission will be granted for development within the *cordon sanitaire* where it can be clearly demonstrated through a robust odour assessment that, firstly, users/occupants of the proposed development will not be adversely affected by odour nuisance and, secondly, the introduction of the proposed use will not adversely affect the continued operation of the NSTW.
19. With the long-standing delineation of a *cordon sanitaire*, the Council has clearly been cognisant of odour as a factor influencing future housing growth, both in respect of residential living conditions and the future operation of the NSTW. Following the submission of the planning application, this proposal had thus been the subject of a sequence of odour reports and assessments made respectively by the appellant and the Council. This had culminated in the appellant's most recent assessment of July 2022⁴ and the main parties agreeing to a specific Statement of Common Ground (SoCG) in respect of odour⁵.
20. Based on this SoCG, and the evidence given to the Inquiry by the main parties' specialists, I am satisfied that the sequence of reports provides a robust multi-tool approach to the assessment of the odour impacts of the NSTW on this proposal. This assessment accords with Institute of Air Quality Management Guidance. Furthermore, the sampling and testing was carried out during the unprecedented heatwave in July 2022; circumstances leading to elevated odour emissions from the NSTW and thus a particularly robust modelling of these.
21. Although odour is to a degree a subjective matter, I am nevertheless satisfied the up to three odour unit⁶ concentration provides an appropriate benchmark to determine acceptability of potential impacts when using dispersion modelling results. Excluding housing from the three odour unit contours modelled would, I agree, facilitate acceptable living conditions for new residents within the appeal site. The DFP Revision D incorporates a buffer zone which is determined by the furthest incursion of the three-odour unit contour into the appeal site. Outside this buffer, I am satisfied with the agreed position of the main parties that residential occupiers would unlikely be adversely affected by odour

⁴ Gladman Developments Limited Hill Farm, Gloucester Odour Assessment Update – Wardell Armstrong July 2022

⁵ Statement of Common Ground in respect of Odour dated 1 September 2022 between Wardell Armstrong LLP on behalf of Gladman Developments Limited and Phlorum Limited on behalf of Gloucester City Council.

⁶ 3ouE/m3 as a 98th percentile 1-hour average concentration

nuisance associated with the normal operation of the NSTW. This situation would then be unlikely to prejudice the continued operation of this facility.

22. I have considered the evidence of interested parties regarding odour. This included details tabled at the Inquiry by the Hempsted Residents Association. This evidence included the numbers and dates of odour complaints collected by the Council's Community Wellbeing Team, with a schedule of postcodes and a map of locations. However, none of this provides detailed evidence over the level or origin of odour and thus offers little effective challenge to the more thorough evidence produced by the appellant.
23. Subject to a condition securing the exclusion of housing from the odour buffer zone, the proposal would avoid a high risk of future occupiers being subject to unacceptable living conditions in regard to odour and thus the likelihood of complaints constraining the future operation of the NSTW. Therefore, in respect of the issue of odour, the proposal would satisfy JCS policies SD4(iii) and SD14, GWCS Policy WCS11, SSD Policy FRP.12 and emerging GCP Policy CS6.

Flood risk

24. The appellant had provided additional technical details such that, subject to appropriate planning conditions, the Council no longer sought to defend its fifth PRfR. This was over the proposal's failure to demonstrate that the development of the site would not increase the risk of flooding within the site or elsewhere. The Inquiry was provided a Technical Note⁷ by the appellant over surface water drainage and its author and the Council's drainage advisors attended the round table session at the Inquiry covering this issue.
25. The appeal site slopes southwards from the built-up settlement edge to where it levels out at the Hempsted Brook floodplain. The photograph submitted by Hempsted Residents Association shows the normal operation of this floodplain, when it sometimes contains standing water which extends to the southern parts of the appeal site. However, this lower part of the appeal site is proposed for green infrastructure, accommodating public open space, recreational facilities and flood storage and no uses more vulnerable to harm from occasional flooding. The more vulnerable residential parts of the scheme would be restricted to the upper area of the site, which is at a low risk from flooding.
26. The site is relatively impermeable and a sustainable drainage system (SuDS) would be provided to mitigate the increased level of overland run-off associated with a housing development. This would replicate natural processes and include swales and a detention basin to attenuate the rate of surface water discharge off the site and into Hempsted Brook. The SuDS would provide betterment through attenuating surface water run-off, reducing the site's contribution towards any flooding downstream, improving water quality and providing multi-functional areas beneficial to both residential amenity and as wildlife habitat.
27. The evidence demonstrates that, subject to further details that might be addressed by conditions, the proposal would be capable of being provided satisfactory means of surface water drainage that would not increase the risk of flooding in and around the site. It would thus comply with JCS Policy INF 2, emerging GCP Policy E6 and the Framework, insofar as these concern such matters.

⁷ By Enzyco dated 11 August 2022.

Biodiversity

28. It is evident that, as primarily arable farmland, the appeal site holds little intrinsic biodiversity value beyond that contained in the surrounding hedgerows. The area is part of wider countryside used for movement and foraging, by species such as deer, barn owls and various kinds of bat, but is not itself of high ecological value. The earlier PRfR had related mainly to the need for further protected species surveys in relation to bats, badgers and great crested newts. The Council had otherwise generally supported the scheme, based on the potential for the large area of green infrastructure to provide new wildlife habitat and a net gain to biodiversity. Subject to conditions, the Council's outstanding concerns have subsequently been addressed and its final position is set out in ecology comments submitted to the Inquiry dated 8 August 2022.
29. The conditions include adherence to an approved Construction Ecological Management Plan (CEMP). This would be to mitigate for any impacts on protected species during construction and to safeguard against any indirect effects on nature conservation sites, such as from water or air pollution. Through detailed measures, the proposal can potentially deliver in excess of the statutory 10% Biodiversity Net Gain (BNG) and this can be assured through a condition requiring adherence to an agreed Landscape and Ecological Management Plan (LEMP). The scheme would avoid any material harm to biodiversity and be capable of delivering a net gain in this regard. Therefore, the proposal would comply with JCS Policy SD9 and emerging GCP Policy E2 in respect of biodiversity protection and enhancement.

Character and appearance (landscape and heritage)

i) Landscape effects

30. The appeal site is not covered by any designation that might confer a special degree of landscape protection. It therefore does not comprise a 'valued landscape' where paragraph 174 of the Framework would require protection or enhancement in a manner commensurate with any statutory status or identified quality defined in the development plan. Instead, this paragraph requires recognising the intrinsic character and beauty of the countryside and considering how this proposal might contribute to and enhance the local environment.
31. Prior to this proposal, the Council had commissioned a number of landscape studies which assessed the character of the landscape and its sensitivity to development. The most relevant is the Landscape Analysis of Potential Development Sites undertaken by WSP in 2013. This had identified only the eastern corner of the appeal site as suitable for development, due to it being close to the main A430 and the existing residential and commercial parts of Gloucester.
32. However, through DFP Revision D, this proposal limits the housing to the upper parts of the site that lie adjacent to the existing built-up area along Hempsted Lane and provides extensive buffers of green infrastructure around these residential parts and within the lower portions of the site. Although the 2013 study had not identified the western part of the appeal site for development, I consider the current proposal provides an equally suitable approach in landscape terms. This is through restricting housing to where it would comprise

a continuation of that existing, thus avoiding a stark incursion of development into the countryside. The buffer of green infrastructure would comprise 60% of the appeal site, helping the expanded village to blend into the landscape and providing a clearly defined and defensible boundary to the further outward extent of residential development.

33. The earlier DFP for 215 dwellings had been subject to a Landscape and Visual Impact Assessment⁸ (LVIA) prepared by the appellant in accordance with the relevant professional guidelines⁹. I have had regard to the LVIA and the evidence subsequently provided to the Inquiry by the respective landscape consultants of the two main parties. On the basis of this evidence and from my visit to the site, it is clear that the proposal would have an adverse effect on the landscape character of the site itself. This is by development encroaching beyond its present limits and reducing the extent of open countryside lying on the edge of the Gloucester conurbation. This would be most evident in views entering Gloucester from the adjacent section of the A430 Secunda Way, from the footpath running to the southern side of the site and from Rea Lane to the west. Beyond these more immediate vantage points, the proposal would cause little visual harm to the wider landscape.
34. The adverse visual and landscape impacts of the proposal would result in moderate harm on completion. Subject to suitable reserved matter details over design, layout and landscaping, there is the potential for this to reduce to a minor degree of harm on maturation of the planting within the built-up scheme and in its outer buffer of green infrastructure. Overall, it is considered that a scheme can come forward at the reserved matters stage which would be acceptable in terms of landscape impact, subject to an appropriate level of mitigation. Consequently, in respect of landscape and visual effects, I find this outline proposal to accord with JCS policies SD4 and SD7 and emerging GCP Policy E1.

ii) Heritage effects

35. The HCA encapsulates the historic core of this hill top settlement which, whilst partly absorbed within the suburbs of Gloucester, retains its distinctive rural character and separate identity. This includes the classic English village scene preserved around St Swithun's church, which retains a sense of tranquillity and leafy ambience closer in character and identity to the more rural settlements further to the south and west of Gloucester than its adjacent suburbs. This historic core, with the church and adjacent listed buildings at Hempsted House and Church Farm, lies adjacent to countryside to the west and open views across the Severn Valley. However, the appeal site lies to the south of the HCA and is separated by more recent housing development, which insulates this historic core from the visual impacts of this proposal.
36. The narrow Rea Lane, with open countryside to either side, runs from the south into the HCA and this entry to the village retains a strong rural character. Whilst not visible from the HCA, by replacing open farmland adjacent to Rea Lane with housing, the proposal would erode the undeveloped, rural setting of the historic village core and detract from its significance as a heritage asset. This brings the proposal into a degree of conflict with JCS Policy SD8 and

⁸ Prepared by CSA Environmental on behalf of Gladman Developments Ltd Report No: CSA/6036/03 May 2022

⁹ Guidelines for Landscape & Visual Impact Assessment', produced jointly by the Institute of Environmental Assessment and the Landscape Institute (GLVIA 3rd edition 2013)

emerging GCP Policy D1, insofar as these require a consideration of heritage assets in the assessment of development proposals.

37. I agree with the Council that the undeveloped, rural character of the appeal site makes a positive contribution to the wider setting and significance of the HCA and that the resulting loss of this would result in harm. However, the degree of harm would be limited due to a lack of intervisibility between the appeal site and the HCA. The harm to the significance of the heritage asset would be less than substantial and towards the lower end of such a range. It is on this basis that such harm is taken forward to a final planning balance.

Other Matters

Foul drainage

38. Foul drainage from the development would connect to the public sewer running along Hempsted Lane, at the nearest point adjacent the site entrance. The relevant statutory undertaker, Severn Trent Water (STW), had previously confirmed there to be ample capacity within the sewer network to accommodate the flows from the originally proposed 245 dwellings. Confirmation of this had been in response to interested party concerns over sewage overflow in some gardens in High View, served by the same foul drainage network. There had been a request for a condition governing the foul drainage connection from this proposal, to take this directly to NSTW rather than via the connection point proposed. The appellant gave a detailed rebuttal over the need for such a condition in closings. On the basis of this, I am satisfied that such a condition would not meet the test of necessity, particularly given that STW has statutory duties and powers to separately ensure adequate foul drainage arrangements for new developments at nil detriment to existing users.

Highways and access

39. Subject to conditions and obligations, which include improved crossing points along Hempsted Lane, the implementation of a Travel Plan and a new cycle/footway link to the A430, the local highway authority (LHA) is content with the proposals. The only detailed matter forming part of this outline application is the new access to the development onto Hempsted Lane. The details shown in drawing number P19105-00-03A meet current access standards, including road width, visibility splays (based on actual vehicle speeds) and junction spacing. There would be a further fine tuning of these details at the delivery stage, including any required through the Road Safety Audit process.
40. The scheme has been the subject of a Transport Assessment (TA), with further technical details provided during negotiations with the LHA. Factoring in background growth and committed development in the area, the TA found the amount and distribution of new trips arising from this proposal, most recently reduced to 185 dwellings, would be accommodated within existing highway network capacity, including that of the signalised junction from Hempsted Lane onto Secunda Way.
41. Interested parties were concerned over the additional traffic running into the village along Hempsted Lane. This is a historic road but of reasonable width for two-way traffic and with footways to at least one side from Secunda Way.

Where there is on-street parking or reduced widths, this dampens average traffic speeds and, accordingly, Hempsted Lane can accommodate the further development without adverse highway safety impacts.

42. Other than in the exceptional instance of a road closure, most vehicular traffic would enter and leave the site from Secunda Way. Beyond the proposed site entrance, Hempsted Lane would have the capacity to safely accommodate the additional use engendered by this proposal. There would be enhancements to this through the crossing points at Court Close and Hinton Close provided through this scheme. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither circumstance would arise as a result of this proposal.
43. The Framework also advises that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.
44. Hempsted itself has a limited range of services, including a post office and convenience store and a primary school that is currently over-subscribed. The scheme would help support the village shop, post office and primary school. However, the appeal site is on the edge of the Gloucester conurbation, of which Hempsted forms a part, where there are a wide range of services and facilities accessible from this site, including by public transport, walking or cycling. Even if places are unavailable at the Hempsted school, there are a good range of other primaries within the acceptable two-mile walking distance of the appeal site. The proposal would provide a new pedestrian and cycle connection to the A430 Secunda Way. Here there are crossing points to the other side, providing access to a pedestrian/cycle route into the city centre alongside the canal. There are bus stops on Secunda Way which provide access to a reasonably frequent service to the city centre.
45. Subject to relevant conditions and obligations, the scheme would integrate suitably with its wider surroundings, provide safe and legible connections via walking, cycling and public transport and benefit from adequate on and off-site transport infrastructure, so as not to have an unacceptable impact on highway safety nor a severe impact on the network. There would be no conflict with JCS policies SD4, INF1 and INF6, or the Framework, in these regards.

Education

46. Interested parties had raised concerns regarding the lack of pupil capacity at Hempsted primary school. However, I rely on the position of Gloucestershire County Council, as local education authority. This is addressed in its consultation response of 30 May 2022. It explains why in this case a secondary 11-16 education phase contribution is required, but not one for the Hempsted Primary school and the Linden Primary Planning area the scheme impacts upon.
47. This recognises that the nearest primary school in Hempsted is regularly over-subscribed but that there is forecast space in the wider planning area, where

there are 11 primary schools within the acceptable two-mile statutory walking distance of this proposal. The response notes that there are a number of developments expected to produce a significant cumulative yield which would be applied to some of the schools listed and the wider Gloucester area, where the Council would expect to allocate spare capacity on a first come first served basis. It would appear to me that, through other development contributions, there is the capacity to accommodate the primary place demand from this proposal and so the County Council education planners seek only developer funding for secondary provision in this case.

Pipelines

48. I am satisfied that fuel pipeline apparatus would be unaffected by the proposed development and could be accommodated, with relevant easement distances, within the open space in DFP Revision D.

Noise

49. The appellant identified noise from traffic as an impact on the scheme¹⁰. Some of the dwellings would require mitigation measures to ensure satisfactory noise levels internally and within gardens. The eventual layout and distance to Secunda Way would determine the extent of noise mitigation required. This could be provided in various ways, including construction measures, glazing specification, ventilation, fencing and the siting of homes and garden areas. Such measures could be governed by a condition and addressed at the detailed design stage. This would ensure the proposal complies with JCS policies SD4 and SD14, in terms of a noise environment that afforded satisfactory residential living conditions.

Living conditions of existing residents

50. In bringing about change, from open farmland to housing, it is inevitable the development will impact upon existing residential living conditions. A limited number of residential properties immediately adjoin the site, notably on Rea Lane and the southern side of Hempsted Lane. On Rea Lane, the properties would be separated from the housing by an open space buffer shown on DFP Revision D. Some rear and side gardens on Hempsted Lane would abut directly onto the appeal site. However, separation distances, window positions, dwelling heights and site levels can be determined at the reserved matters stage to address outlook, privacy and access to daylight/sunlight for existing dwellings.

51. Through reserved matters approval, a detailed scheme could avoid material harm to the living conditions of surrounding residential occupiers and, in this respect, satisfy JCS policies SD4 and SD14 and emerging GCP Policy A1.

Habitats Regulations Assessment

52. The appellant submitted a technical report¹¹ to inform an assessment of this proposal under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), to which I have had regard.

¹⁰ Gladman Developments Ltd Land at Hempsted Lane, Gloucester Noise Assessment Report Wardell Armstrong January 2020

¹¹ Gladman Developments Ltd Land off Hempsted Lane, Gloucester Ecological Impact Assessment Wardell Armstrong May 2022 – Appendix 8

53. This report considers the potential for likely significant effects (LSE) from this proposal on Cotswold Beechwoods Special Area of Conservation (SAC), Walmore Common Special Protection Area (SPA)/Ramsar site and Severn Estuary SPA/SAC/Ramsar site, in-combination with other development proposals and allocations. This has been informed by evidence¹² underpinning the emerging GCP, as well as visitor surveys and recreational mitigation strategies.
54. I agree with the report's conclusion that there would be no direct impacts on any European sites and, due to distance, no indirect impacts due to either noise or lighting. The Stage 1 assessment screened out LSE as a result of changes to air quality, water quality and water levels, as well as recreational impacts on Walmore Common SPA and the Severn Estuary SAC/SPA/Ramsar site.
55. A pathway for LSE was identified for Cotswold Beechwoods SAC, relating to an increase in recreational pressures from this proposal in-combination with the site allocations set out in the emerging GCP and neighbouring authorities' plans. In the absence of a wider mitigation strategy, which is currently being developed by the Council, a precautionary approach was adopted and appropriate measures assessed against emerging GCP Policy E8.
56. Mitigation will comprise the public open spaces shown in DFP Revision D, which can be used by new and existing residents. This would offset any increased recreational pressure on Cotswold Beechwoods SAC. Subject to the provision of this on-site recreational open space, deliverable through a combination of reserved matters, conditions and obligations, I am able to conclude the proposal would have no adverse effects on the integrity of any surrounding European sites.

Planning Obligations

57. The obligations made in the UU include providing 20% of the residential development as affordable housing. Financial contributions to the City Council are secured towards local sports provision. There is an obligation to pay a fee to the City Council towards monitoring the UU. Financial contributions to the County Council are secured towards improved crossing points along Hempsted Lane, library facilities, secondary education and, similarly, a monitoring fee. There is an undertaking to pay a deposit or bond to assure the carrying out of the required Travel Plan and a separate fee for monitoring this. Lastly, there is an obligation covering the provision and future management of the on-site public open space and amenity areas, including the informal open space, landscaping, a local equipped area for play (LEAP), a neighbourhood equipped area for play (NEAP), a Multi-Use Games Area (MUGA) and outdoor gym equipment.
58. I have considered the obligations made against the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations 2010. The CIL compliance statements provided have assisted me with this process. The obligations made in the UU each meet the required tests and I consider them to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development.

¹² Habitat Regulations Assessment Revised Screening and Appropriate Assessment Report, Enfusion, 2019

The Benefits of the Scheme

59. The development would provide up to 148 market and 37 affordable dwellings. This would support the Government's general objective to boost the supply of housing. To this end, paragraph 74 of the Framework requires local planning authorities identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, which in this case would be measured against the requirement set out in the JCS.
60. The main parties have agreed the components of housing land supply. These are the minimum JCS requirement of 718 dwellings per annum for 2011 – 2031, a 5% buffer applied in line with Framework paragraph 74, lapse rates and windfall allowances as set out in the JCS and a shortfall of 1,975 dwellings accrued since the plan start date. On this basis, the main parties agree that, for the purposes of this current appeal, the Council can demonstrate a maximum deliverable housing land supply of 4.41 years. I agree this represents a significant shortfall of at least 569 dwellings. The benefits of the scheme towards helping to meet this shortfall, and thus boosting housing supply and addressing affordability, are thus given significant weight.
61. Further to this, the 20% affordable housing secured through the UU would help the estimated 30% of Gloucester households unable to buy a home on the market. This is an additional social benefit to which I attach a further degree of significant weight, particularly given the appellant's track record for the delivery of homes approved within a relatively short period.
62. The scheme would provide quite significant benefits to the local economy, which derive mainly from the construction works and future household expenditure. This is rather than from New Homes Bonus, CIL and Council Tax receipts, which generally mitigate the proposal's effects and reflect an increased demand on public services.
63. There would be moderate environmental benefits available to the wider community from water quality and run-off betterment and the BNG. The ample open space and green infrastructure provided by the scheme, including the provision of a LEAP, NEAP and MUGA, provide benefits that overflow to the wider community and which provide further moderate social benefits.

Overall Planning Balance

64. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, in this case the HCA, paragraph 202 of the Framework requires this be weighed against its public benefits. There are significant public benefits deriving from this scheme, as outlined above. The level of heritage harm would be towards the lower end of a scale of less than substantial and very clearly outweighed by these public benefits.
65. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. Under footnote 8, the lack of a five-year housing land supply deems the policies most important for determining this appeal out-of-date. This would mean allowing the appeal unless, under paragraph 11 d i., the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Under footnote 7, such Framework policies include those relating to designated heritage assets. However, because the scheme's public benefits would

outweigh the less than substantial harm to the HCA, following the application of paragraph 202 of the Framework, this would not amount to a clear reason for dismissing this appeal.

66. Therefore, it is the so-called tilted balance in paragraph 11 d ii. which applies, meaning allowing the appeal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole. The adverse impacts specifically addressed in the Council's original PRfR have largely been overcome, apart from that derived from a conflict with the spatial strategy contained in JCS policies SP1, SP2 and SD10.
67. Policy SP1 establishes the housing requirements for the three constituent authorities for the plan period of 2011-2031, which for Gloucester is at least 14,359 new homes to be delivered within existing urban areas and urban extensions. Policy SP2 distributes this housing, with at least 13,287 dwellings of Gloucester's need to be met within its administrative boundary. Policy SD10 then applies to areas outside the urban area of Gloucester and restricts housing on non-allocated land such as this appeal site. Because on adoption of the JCS there had been an acknowledged shortfall in housing supply against its requirements, now even greater, Policy REV1 required an immediate partial review to address this. This has been delayed and is now caught up as part of a full JCS review, which remains at an early stage.
68. I find there to be limited harm from the conflict with the JCS spatial strategy. This is due to the appeal site being immediately adjacent to Gloucester, which along with Cheltenham is the focus for growth in Policy SP2, and thus well-related to it both physically and through accessibility to the wide range of services and facilities provided. Furthermore, the proposal would help address the JCS housing land supply shortfall and support the housing requirement for Gloucester within the administrative boundary of the city.
69. The adverse impacts of allowing the appeal are confined in this case to the setting aside of a generally preferred plan-led approach to large-scale housing provision and a less than decisive degree of landscape and heritage harm. These would be insufficient to significantly and demonstrably outweigh the benefits identified, when assessed against the Framework policies as a whole. The Framework's presumption in favour of sustainable development therefore applies which, as a material consideration, would indicate this appeal be decided otherwise than in accordance with the development plan.

Conditions and conclusion

70. The conditions suggested by the Council meet the tests set out in paragraph 56 of the Framework. I consider them to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have applied these, along with the reasons given, with some minor amendments, mainly for improved clarity and succinctness. Subject to these conditions, and for the reasons set out above, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Williams of Counsel, instructed by Christien Lee of Gladman Ltd.

He called

Christien Lee BSc (Hons) MCD MRTPI (Gladman) - planning policy and balance

Nigel Weeks BSc F.Con.E of Stirling Maynard – highways

Clive Self MA (Urb Des) Dip LA CMLI of CSA Environmental – landscape

Lorna Goring BSc Hons PGDip (Building Conservation & Regeneration) ACIfA, of Wardell Armstrong – heritage

Greg Chamberlain BSc (Hons), MSc, MCIWEM, C.WEM, CEnv, CSci of Wardell Armstrong – ecology

Malcolm Walton BSc MCIEH AMIOA of Wardell Armstrong – odour

Matt Travis BSc (Hons), MSc, MCIWEM, C.WEM, CEnv, CSci of Enzygo – drainage

Victoria Richardson, Assistant Planner of Gladman Ltd. – conditions

FOR THE LOCAL PLANNING AUTHORITY:

Ruchi Parekh of Counsel, instructed by Jeremy Patterson, Principal Planning Lawyer at One Legal - Gloucestershire

She called

Paul Instone BSc(Hons) DipTP MRTPI - Director, Applied Planning Ltd. - planning policy and balance

Stephen Hawley, Highway Development Management Team Leader at Gloucestershire County Council – highway and access matters

Stuart Ryder BA (Hons) CMLI - Director of Ryder Landscape Consultants Ltd. – landscape

Ullin Jodah McStea MSc in the Conservation of Historic Buildings - Principal Conservation Officer Gloucester City Council – heritage

Dr Paul Beckett BSc (Hons) MSc DPhil CSci MCIEEM MIEnvSc MIAQM MEWI, Director of Phlorum environmental consultancy – odour

David Lesser BSc (Hons) FDSc, Sustainable Drainage Engineer, Gloucestershire County Council – drainage

Nick Chadwick MEng CEng MICE, Environmental Consultant to Gloucester City Council – drainage

Gary Spencer LLB(Hons), Town Planning Solicitor, Gloucester City Council – planning obligations

Bridgette Boucher FCILEx, Senior Lawyer – Team Leader, Gloucestershire County Council – planning obligations

INTERESTED PARTIES:

Councillor Paul Toleman Gloucester City Council

Rob Mills Hempsted Residents Association (HRA)

Grant Bowden HRA

Alan Lomax Local resident

S Pritchard Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

ID 1 Opening submissions on behalf of the appellant.

ID 2 Opening submissions on behalf of the Council.

ID 3 Hempsted Residents Association’s photograph of flooding at the lower part of the appeal site and either side of the adjacent water course.

ID 4 Hempsted Residents Association’s photograph of on-street car parking leading up to the primary school entrance.

ID 5 Hempsted Residents Association’s photograph of on-street car parking adjacent to the post office.

ID 6 Results dated 14 July 2022 of a Freedom of Information request by Hempsted Residents Association to Gloucestershire County Council over S106 developer contributions made in this area.

ID 7 List of suggested conditions agree between the Council and appellant.

ID 8 Schedule and location point map of odour complaints compiled by Hempsted Residents Association.

ID 9 Response by Severn Trent Water dated 12 August 2022 to email from the Council dated 6 July 2022 regarding foul drainage arrangements for the proposal.

ID 10 Email from Severn Trent Water replying to that from the Council of 8 August 2022, confirming latest odour assessment to be robust.

ID 11 Screenshots of Facebook pages associated with odour reporting in Hempsted.

ID 12 Appellant’s photograph of Hempsted Residents Association site notice in place in April 2022 requesting details of odour complaints.

ID 13 CIL Compliance Statements prepared by Gloucester City Council and Gloucestershire County Council.

ID 14 Copy of engrossed UU and accompanying summary of obligations.

ID 15 Certified copy of UU dated 8 September 2022.

ID 16 School Places Strategy 2021 – 2026 Gloucestershire County Council March 2021.

ID 17 Closing submissions on behalf of the Council.

ID 18 Final submissions on behalf of the appellant.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. *Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.*
- 2) Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission. *Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.*
- 3) The development hereby permitted shall be begun either before: (i) the expiration of two years from the date of this permission, or (ii) before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. *Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.*
- 4) The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan ref. GM10710-020; Proposed Site Access Arrangements ref. P19105-00-03A. *Reason: To define the scope of the permission.*
- 5) The development hereby permitted shall provide no more than 185 dwellings and no dwellings shall be located in the odour zone hatched blue in plan CSA/6036/107. *Reason: To define the scope of the permission and to secure acceptable residential living conditions.*
- 6) Notwithstanding the submitted Design and Access Statement and Development Framework Plan, prior to the submission of any reserved matters a Design Principles Document (DPD) shall be submitted to and approved in writing by the local planning authority. The document shall include the following:
 - (a) the principles for determining the design, form, heights and general arrangements of external architectural features of buildings;
 - (b) the principles of the hierarchy for roads and public spaces;
 - (c) the potential arrangement of car parking;
 - (d) the principles for the design of public realm;
 - (e) the principles for the layout of green infrastructure, including access to public open space, location and general arrangements of play area.

All reserved matters shall accord with the approved DPD. *Reason: To guide subsequent reserved matters applications in order to achieve a high quality of design.*
- 7) The first reserved matters application submitted pursuant to condition 1 shall include the submission of a Market Housing Mix Statement to the local planning authority for its written approval, setting out the dwelling sizes, types and tenures to be provided on site. It will address the needs of the local area and of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market

Assessment. The development shall be implemented in accordance with the approved Market Housing Mix Statement. *Reason: To contribute to mixed and balanced communities and a balanced housing market.*

- 8) Notwithstanding the submitted details, the reserved matters submitted pursuant to condition 1 above shall include details of existing and proposed ground levels and finished floor levels of the buildings relative to the boundaries of the application site. The development shall be carried out in accordance with the approved details. *Reason: To protect the amenity of neighbouring properties and to ensure that the proposed development does not have an adverse effect on the character and appearance of the area.*
- 9) Any reserved matters submitted pursuant to condition 1 relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details. *Reason: In the interests of visual amenity.*
- 10) The reserved matters submitted pursuant to condition 1 shall provide full details of both hard and soft landscaping and shall include the following:
 - (a) positions, design, materials and type of boundary treatments to be erected;
 - (b) hard landscaping materials;
 - (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
 - (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
 - (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
 - (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
 - (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
 - (h) a timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details. *Reason: In the interests of visual amenity.*

- 11) Prior to the commencement of the development hereby approved, including all preparatory work, a scheme for the protection of the retained trees and hedgerows in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the local planning authority. The TPP and AMS should include details of the following:
- (a) location and installation of services/utilities/drainage;
 - (b) details of construction within the root protection area of, or that may impact upon, any of the retained trees;
 - (c) specifications for the installation of boundary treatment works;
 - (d) a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
 - (e) a specification for scaffolding and ground protection within tree protection zones;
 - (f) tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area;
 - (g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- All works shall be carried out in accordance with the approved details.
Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.
- 12) No demolition or development shall start within the site of the proposal hereby approved until a Written Scheme of Investigation (WSI) of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the local planning authority. The WSI shall include an assessment of significance and research questions; and
- a) the programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) provision to be made for analysis of the site investigation and recording;
 - d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) provision to be made for archive deposition of the analysis and records of the site investigation;
 - f) nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which may be lost.*

- 13) All demolition and development shall take place in accordance with the WSI. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition 12, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured. *Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which may be lost.*
- 14) The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 47 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level. *Reason: In the interests of highway safety.*
- 15) The development hereby approved shall not be occupied until the site access works shown on drawing P19105-00-03A have been constructed and completed. *Reason: To ensure the safe and free flow of traffic onto the highway.*
- 16) Notwithstanding the details submitted, the development hereby approved shall not commence until drawings of access for pedestrians and bicycles onto Hempsted Lane and A430 Secunda Way have been submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until those works have been constructed in accordance with the approved details. *Reason: To ensure the safe and free flow of traffic onto the highway.*
- 17) Before first occupation, each dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification. *Reason: To promote sustainable travel and healthy communities.*
- 18) No individual dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided for it in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The bicycle parking shall thereafter be maintained for this purpose. *Reason: To promote sustainable travel and healthy communities.*
- 19) None of the dwellings hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall thereafter be implemented and updated as approved. *Reason: To promote sustainable forms of access to the development and reduce private motorised vehicle movements.*
- 20) Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include:

- a) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) any temporary access to the site;
- c) locations for loading/unloading and storage of plant, waste and construction materials;
- d) methods of preventing mud and dust being carried onto the highway;
- e) arrangements for turning vehicles;
- f) arrangements to receive abnormal loads or unusually large vehicles;
- g) a highway condition survey;
- h) methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The approved CMP shall be adhered to throughout the construction period of the permitted development. *Reason: In the interests of highway safety.*

- 21) Floor levels should be set a minimum of 300mm above the 1% Annual Exceedance Probability (AEP) Fluvial 50% AEP Tidal model flood level including the 70% climate change allowance of 11 m above Ordnance Datum (Newlyn). *Reason: To protect the development from flooding.*
- 22) There shall be no temporary storage of any materials, including soil, within that part of the site liable to flood, as defined by the ground level of 10.5m Above Ordnance Datum (Newlyn) (mAOD(N)). Nor shall there be any dwellings located, or permanent raising of ground levels on ground below the 11m AOD(N) contour shown on the ground level survey drawing referenced Topo_01_2D within Appendix 1 of the Enzygo Flood Risk Assessment dated December 2019. *Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.*
- 23) The intercept swales along the northern boundary of the site shall be fenced off from property gardens and shall be maintained as designed for the lifetime of the development. Accordingly, these should be included on the surface water drainage/SuDS management and maintenance plan. *Reason: To ensure the intercept swales fulfil their intended function for the lifetime of the development.*
- 24) The development hereby permitted shall not be commenced until detailed plans for surface water drainage works have been submitted to and approved in writing by the local planning authority. The information submitted shall be in accordance with the principles set out in the Technical Note by Enzygo dated 11 August 2022 (ref CRM.1132.021.HY.R.002.A - Outline Drainage Strategy). The submitted details shall include:
 - information about the design storm period and intensity;
 - methods employed to delay and control the surface water discharged from the site;
 - measures taken to prevent pollution of the receiving groundwater and/or surface waters;

a timetable for implementation.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 25) Prior to the occupation of any dwelling, surface water drainage works shall have been implemented in accordance with details that have been approved in writing by the local planning authority under condition 24. Implementation will include the provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. *Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding for the lifetime of the development.*
- 26) Notwithstanding the details submitted, any reserved matters submitted pursuant to condition 1 shall be accompanied by details of the proposed disposal of foul water flows. No dwelling hereby approved shall be first occupied until the foul water drainage scheme for that dwelling has been implemented in accordance with the approved details. *Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*
- 27) Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the retained stream (including SuDS to avoid polluting the stream), pond, hedgerows and trees, nesting birds, bats (including bat sensitive lighting plan showing lux levels), badgers, great crested newts, common toads, hedgehogs, water voles and otters. All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats. *Reason: In the interests of biodiversity.*
- 28) Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall expand on the enhancement measures outlined and recommended in Section 7 of the Ecological Impact Assessment dated May 2022 prepared by Wardell Armstrong, and shall include details of:
- a) a monitoring regime for a minimum period of ten years to ensure habitats establish well and animal shelters remain in good state;
 - b) the person(s)/organisation responsible for created habitats;
 - c) habitat enhancements for water voles, bats, birds, reptiles, amphibians and hedgehogs;
 - d) the means to demonstrate at least a 10% Biodiversity Net Gain.
- All works shall be carried out in accordance with the approved LEMP. *Reason: In the interests of biodiversity.*
- 29) Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods Special Area of

Conservation (SAC) and Cotswold Commons & Beechwoods Site of Special Scientific Interest shall be submitted to and approved in writing by the local planning authority. The HIP shall include reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and its local environment and how to avoid negatively affecting it. Two copies of the HIP shall be provided to each household prior to the occupation of each dwelling.

Reason: In the interests of biodiversity.

- 30) No development including site preparation shall commence until a detailed site waste management plan (SWMP) has been submitted to and approved in writing by the local planning authority. The SWMP shall include:
- a) the specific types and amount of waste materials forecast to be generated during site preparation and construction phases;
 - b) measures to minimise waste, maximise on-site re-use and recycling and recycling of any wastes unusable on-site and to reduce the overall amount of waste sent to landfill;
 - c) the proportions of recycled content used in construction.

The SWMP shall be implemented as approved. *Reason: To ensure waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.*

- 31) No development above-ground shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This shall include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. These details shall be implemented as approved. *Reason: To ensure waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 – Waste Reduction.*
- 32) No development shall take place until details of the mitigation measures to achieve compliance with BS8233:2014, over recommended internal and external noise levels for occupiers of the new dwellings, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, with mitigation measures completed to any dwellings prior to occupation. *Reason: In the interests of residential amenity.*
- 33) Prior to commencement of any development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include
- a) site access/egress;
 - b) staff/contractor facilities and travel arrangements;
 - c) dust mitigation;
 - d) noise and vibration mitigation;

e) mitigation of the impacts of lighting proposed for the construction phase;

f) measures for controlling leaks and spillages, managing silt and pollutants;

g) plans for the disposal and recycling of waste.

Development shall take place only in accordance with the approved CEMP. *Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance.*

- 34) During the construction phase (including preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site on Sundays, Bank or Public Holidays or outside the following times: Monday-Friday 0800-1800, Saturday 0800-1300. *Reason: To protect the living conditions of surrounding residents.*
- 35) No development shall commence until an Employment and Skills Plan (ESP) has been submitted to and approved in writing by the local planning authority. The ESP shall be adhered to throughout the implementation of the development and to the timetable agreed. *Reason: To create learning and employment opportunities for local people.*
- 36) A scheme for detailed site investigation shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment (Phase I Geo-Environmental Report ref. CRM.1132.021.HY.R.002.A). The investigation and risk assessment scheme shall be compiled by competent persons and designed in accordance with the most recent land contamination risk management published by Government. The detailed site investigation and risk assessment shall be undertaken in accordance with the approved scheme and a written report of the findings produced and approved in writing by the local planning authority prior to the commencement of development. *Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptor.*
- 37) Where the site investigation required by condition 36 identifies remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted for approval to the local planning authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. Following the completion of the measures identified in the approved remediation

scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and shall be approved by the local planning authority prior to the occupation of any dwellings. *Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

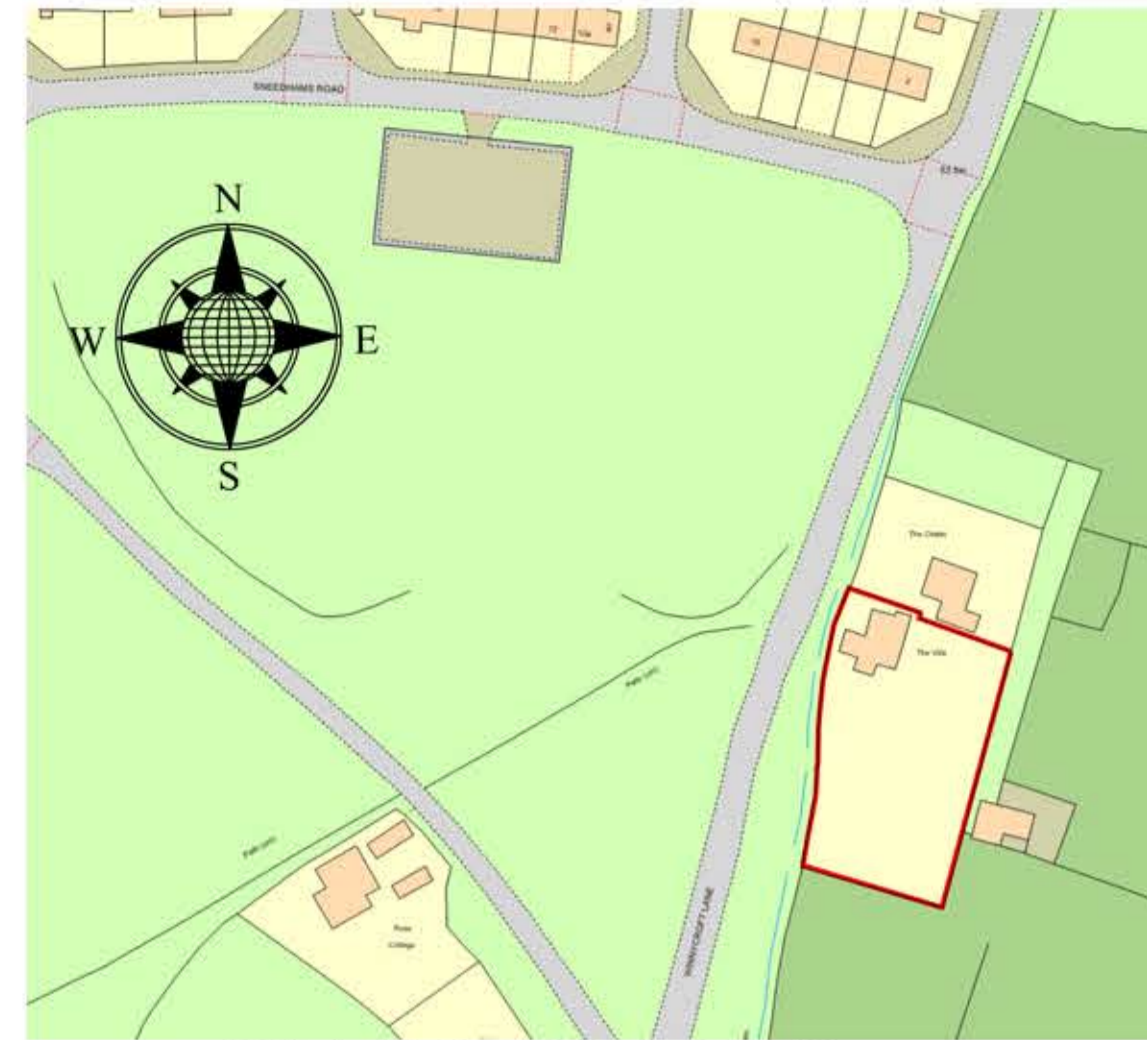
- 38) Any contamination found during construction not previously identified must be reported in writing to the local planning authority immediately. An investigation and risk assessment shall then be undertaken and where necessary a remediation scheme prepared to the written approval of the local planning authority. Following the completion of any measures identified in the approved remediation scheme, a validation report shall be prepared to the written approval of the local planning authority prior to the occupation of any buildings. *Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*
- 39) Prior to the occupation of any dwelling within a phase or area of reserved matters, details of external lighting to public areas shall be submitted to and approved in writing by the local planning authority. The details shall include:
- a) light sensitive areas and/or dark corridor safeguarding areas
 - b) a description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - c) a description of the luminosity of lights and their light colour including a lux contour map;
 - d) the location and where appropriate the elevation of the light fixings;
 - e) methods to control lighting control, such as timer operation and passive infrared sensors.
- All external lighting shall be installed and thereafter maintained in accordance with the specifications and locations set out in the approved details. *Reason: In the interests of character and appearance and biodiversity.*
- 40) The development shall be carried out in such a way that 25% of all dwellings are constructed to Building Regulations Category M4(2) standard, and 5% of all affordable dwellings are constructed to Category M43(b) standard. *Reason: To ensure that the development meets the identified need in the area.*
- 41) The development hereby permitted shall ensure all dwellings meet Nationally Described Space Standards. *Reason: To ensure that the development meets the identified need in the area.*



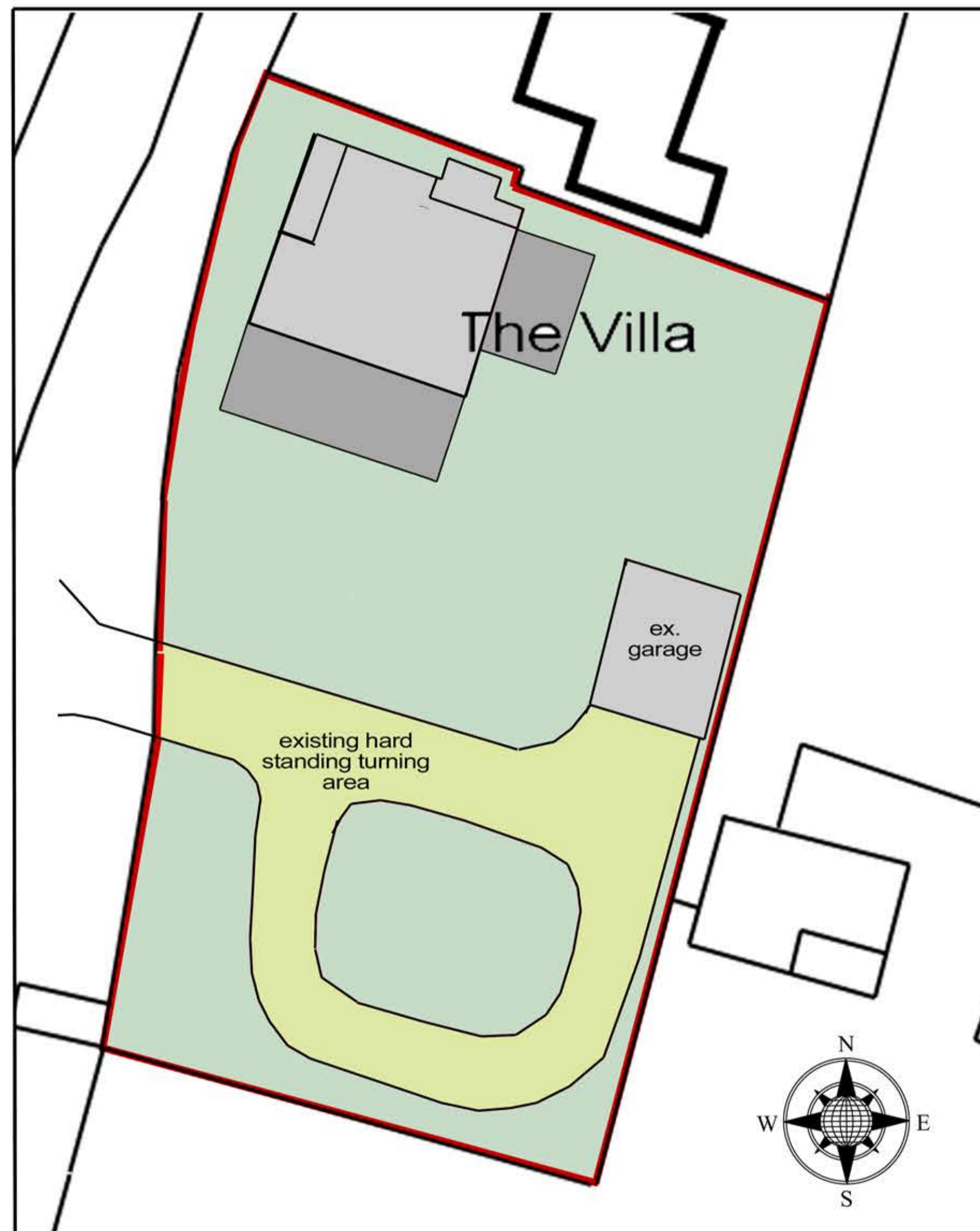
ZESTA PLANNING LTD

Planning & Development Consultancy

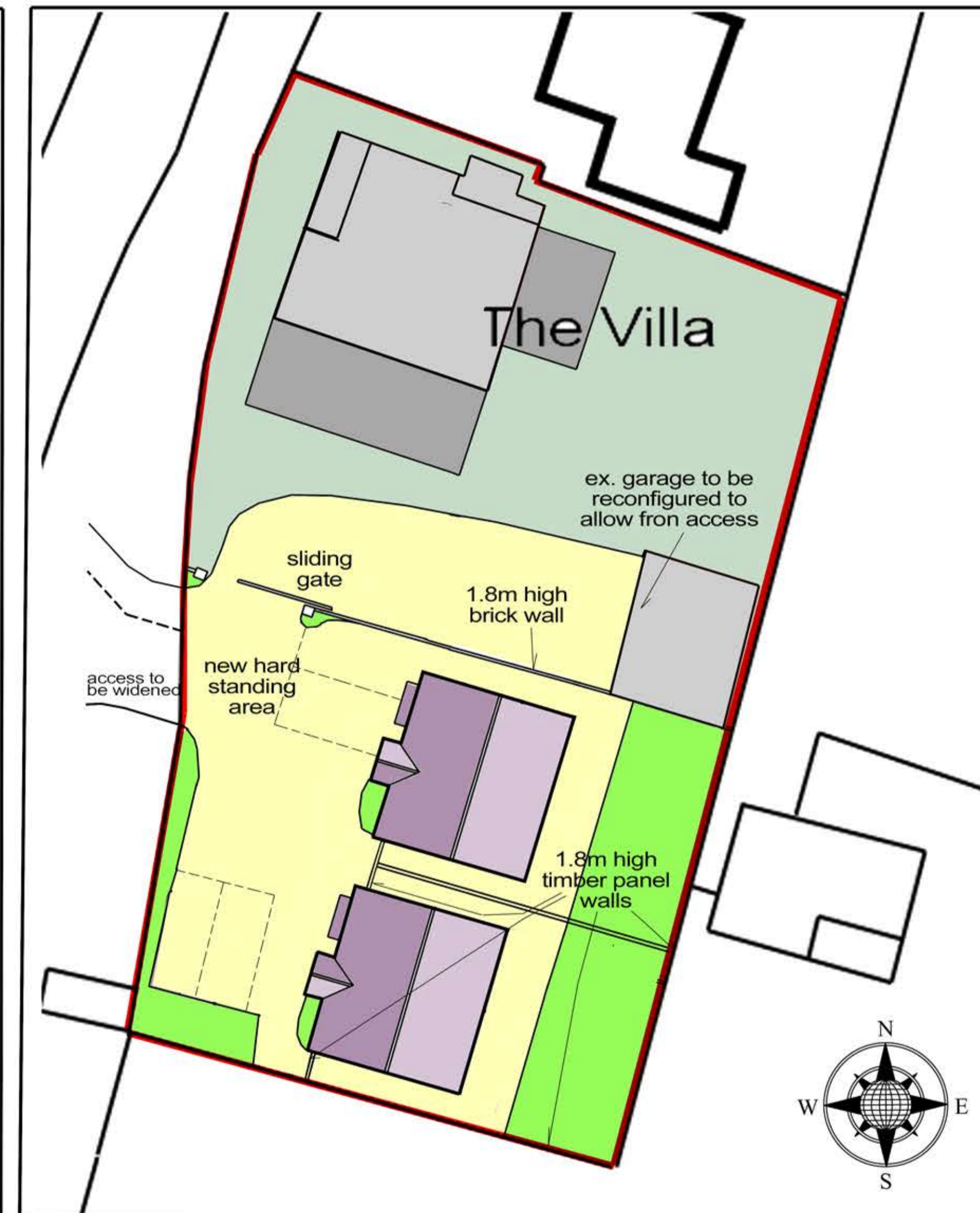
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SITE PLAN 1:1250



EXISTITNG BLOCK PLAN 1:200



PROPOSED BLOCK PLAN 1:200

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Client
 MR AND MRS JENNER

Job Title
 PROPOSED DEVELOPMENT
 OF 2 HOUSES ON THE
 GROUNDS OF THE VILLA
 WINNYCROFT LANE
 GLOUCESTER

Dwg Title
 EXISTING AND
 PROPOSED PLANS

Scale

Date

Dwg No.