

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	21 July 2020
Site Location:	Land To The East of Horsbere Drive Longford GL2 9BY
Application No:	19/01098/FUL
Ward:	Innsworth
Parish:	Innsworth
Proposal:	Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping.
Report by:	Victoria Stone
Appendices:	Site Location Plan Site Layout Plan Proposed Elevations – Block A Proposed Elevations – Block B Indicative Street Scene Plan Proposed Bike and Bin Stores – Block A Proposed Bike and Bin Stores – Block B
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a vacant parcel of land to the north of Longford Lane and to the east of Horsbere Drive in Longford (**see attached location plan**). The site is situated within the new residential development at Longford.
- 1.2. The Secretary of State granted outline planning permission in July 2008, following a Public Inquiry, for residential development comprising up to 570 dwellings, community uses, a local centre comprising a mix of retail uses and associated physical infrastructure and open space, ref: 05/00883/OUT. An extension of time for submission of reserved matters was subsequently granted in May 2013, ref: 11/00385/FUL. The application site was identified in the approved Longford Masterplan as part of a local centre to provide services and facilities for new residents.
- 1.3. The site itself is rectangular in shape, consists of an area of rough grassland and covers approximately 0.31 hectares.
- 1.4. Residential properties border the site to the south-east; to the north-east is the new primary school, Longford Park Primary Academy, and to the north-west across Horsbere Drive are four recently constructed retail units. The site is bound to the south by Longford Lane.

- 1.5. This application is submitted in full and seeks permission for the construction of two apartment buildings comprising a total of 33 dwellings. The apartment blocks would be three storey in height and would have elevations facing onto Longford Lane, Horsbere Drive and Clock Tower Road. The Design and Access Statement sets out the appearance of the proposed apartment buildings is to provide *'a traditional residential form while expressing a contemporary design notion.'*
- 1.6. The development proposed is to be delivered as a 100% affordable housing scheme. The mix would consist of 6 x one bedroom units and 27 x two bedroom units.
- 1.7. Vehicular access to the development would be via Whitefield Crescent. A pedestrian link is proposed to run through the site which would connect to Horsbere Drive. A total number of 33 car parking spaces are proposed, set within a courtyard arrangement. New planting is also proposed to be incorporated into the development.
- 1.8. Since the application was first submitted, the proposal has been subject to revisions which have primarily sought to reduce the overall massing and scale of the two apartment buildings in response to officer concerns. A new notification and consultation period has been carried out.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
05/00883/OUT	Outline planning application for residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space.	ALLOWED AT APPEAL	03.05.2007
11/00385/FUL	Residential development (C3), Community Uses (D1), Local Centre comprising A1, A2, A3, A4 and A5 and associated physical infrastructure and open space (Extension of time of planning ref: 05/1145/0883/OUT).	PERMITTED	17.05.2013
13/01231/APP	Reserved matters submission for part of Phase 1 for the development of 291 dwellings and associated landscaping and infrastructure in respect of application 11/00385/FUL.	APPROVAL	01.07.2014
15/00814/APP	Reserved matters approval for part of Phase 2 for the residential development of 107 units at Longford Lane, Gloucester, with associated landscape and infrastructure (Outline planning permission 11/00385/FUL).	APPROVAL	18.04.2016

16/00474/APP	Reserved matters for the development of part of the Local Centre pursuant to permission ref: 11/00385/FUL.	APPROVAL	13.06.2018
16/00853/FUL	Erection of 197 dwellings with associated works.	PERMITTED	14.08.2017
18/00133/PRE	Residential development – Two possible proposals (11 and 30 dwellings).	N/A	21.02.2019
19/00097/PRE	Erection of apartment block (affordable housing).	N/A	21.08.2019

3.0 RELEVANT POLICY

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

National guidance

- 3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) and National Design Guide (NDG)

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

- 3.3. Policies SP1, SP2, SD3, SD4, SD6, SD9, SD10, SD11, SD12, SD14, INF1, INF2, INF4, INF6, INF7

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

- 3.4. Policies RCN1, RCN2

Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)

- 3.5. Policies RES2, RES5, RES12, RES13, DES1, NAT1, ENV2, RCN1, RCN2, COM2, TRAC1, TRAC9.

Churchdown and Innsworth Neighbourhood Plan 2018 - 2031

- 3.6. Policies CHIN1, CHIN2, CHIN3, CHIN8, CHIN9, CHIN11, CHIN12, CHIN14
- 3.7. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.8. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

Original Scheme Advanced

- 4.1. **Innsworth Parish Council** – Oppose any development other than that originally agreed. Agree with Longford Parish Council's comments but also refer to conflict with the Neighbourhood Development Plan and in particular policies CHIN1-3.

4.2. **Longford Parish Council** - Object for the following reasons:

- Land was allocated as a local centre providing services and facilities to the new development as per the approved permission (11/00385/FUL). The change of its use to residential will be detrimental to the residents in the area with the loss of local retail, office and community use leading to more car journeys to distance services and hence more pollution;
- Loss of employment opportunities in the area;
- Highway safety concerns;
- Design reasons of the masterplan are still very much relevant;
- Open aspect of into the development creates a welcoming vista, the introduction of two towering apartment blocks would create an imbalance in the framed entry to the development and be out of keeping with the rest of the development;
- Inadequate car parking planned – contrary to policy CHIN1 of the NDP;
- Overdevelopment of the site will create an impact to surface water drainage.
- Amended scheme does not address original concerns.

4.3. **County Highways** – No objection subject to recommended planning conditions.

4.4. **Highways England** – Offer no objection.

4.5. **Lead Local Flood Authority** – No objection subject to a recommended planning condition.

4.6. **County Minerals and Waste Officer** – No objection subject to a recommended condition to secure details of the provision for facilitating the recycling of waste generated during the occupation phase.

4.7. **Strategic Housing & Enabling Officer** – This proposal is supported.

4.8. **Urban Design Officer** – Objects for the following reasons:

- Its loss as retail, employment or community use would be disappointing and would have a negative effect on the overall quality of the new place that has been created at Longford. Long term this area will see significant residential growth and without the facilities to serve them we risk creating very unsustainable developments where people have to drive to access facilities;
- Bin and bike store by Block B are incongruous in the street scene.

4.9. **Ecologist** – With consideration of the proposed measures intended to avoid or reduce effects, it can be determined that the proposed development is not expected to have a significant adverse effect on the integrity of the Cotswolds Beechwood SAC, Severn Estuary SPA/SAC/Ramsar and the Walmore Common SPA/Ramsar site, either alone or in combination with other plans or projects.

4.10. **Natural England** – No objection, subject to appropriate mitigation being secured.

- 4.11. **Severn Trent** – No objections subject to a planning condition to secure foul and surface water drainage details.
- 4.12. **Environmental Health Officer (Noise/Light)** – No objections.
- 4.13. **Environmental Health Officer (Air Quality)** – No objections subject to the incorporation of mitigation measures.
- 4.14. **County Archaeologist** – No archaeological investigation or recording needs to be undertaken in connection with the development.
- 4.15. **County Economic Growth and Strategic Planning** – A full contribution towards Early Year provision in the Longlevens Primary Planning Area and a full contribution towards Secondary education in the Gloucester Secondary Planning Area is required.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2. A total of 175 objections to the original and revised schemes have been received. The comments are summarised as follows:
- Lack of parking would inevitably lead to displacement onto local highway leading to pedestrian safety concerns, particularly given the close proximity of the local school;
 - Exacerbate existing inconvenient parking on the estate;
 - Adversely increase traffic generation - already congested on local roads;
 - Vehicular access off Whitefield Crescent will severely impact on the residents' amenity along Whitefield Crescent – the access was proposed to be off Horsbere Drive;
 - The buildings would be oppressive and will harm the experience when entering the new estate;
 - Harmful impact upon neighbouring amenity – overbearing, overshadowing and overlooking;
 - Design and scale of the proposal is not appropriate for this location;
 - Adverse impact upon visual quality of the locality;
 - Architectural elements of the design and scale will have a negative impact on the character of the neighbourhood;
 - Overdevelopment of the site;
 - Insufficient local infrastructure to serve the occupiers (Doctors Surgeries, Schools and Hospitals);
 - Design looks hideous and would be an eye sore on the corner of this land;
 - Cramped development;

- Flats opposite a shop would cause anti-social behaviour;
- Density not appropriate in this location;
- Contravene regulations to outside recreation space required on the estate;
- Design resembles warehouses at Gloucester docks, not appropriate for the site context;
- Land should be used for a community use as approved;
- Increase air and noise pollution;
- Development involves the loss of a green, open space;
- Development would cause the local school to become oversubscribed;
- Transport Assessment is inadequate because it uses wrong data set (Kingsholm);
- Method for establishing parking provision is inaccurate;
- Marketing of land for commercial use too highly priced for local businesses;
- Location on the 'gateway' of the development is not suited to this size of building;
- Proposed buildings would dwarf the buildings in close proximity;
- Creation of such a high density and overbearing addition in this gateway location would ruin the sense of place, permeability and damage the reasonable design the wider site benefits from as it stands;
- No attempt to create a net biodiversity gain;
- Block of social housing goes against the aims of interspersing affordable housing amongst the community;
- Concern development would exacerbate flooding;
- No communal garden areas proposed;
- Development would create more opportunity for crime;
- Bin stores close to current properties would cause an odour nuisance.
- Amendments does not reduce the impact the development would have on the local area;
- Reducing the number of proposed flats is still an unacceptable use for the land.

5.3. One comment in support of the **original scheme advanced** has been received. The comment is summarised as follows:

- Variety in the properties designed in this space;
- Utilises the topography well;
- Important to offer affordable homes;
- Area is perfect for affordable market;
- Additional homes will make best use of the local bus service.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Of direct relevance to this application is the Churchdown and Innsworth Neighbourhood Plan 2018-2031 which is formally part of the Development Plan having been 'made' at the full meeting of Tewkesbury Borough Council on 30th June 2020.
- 6.3. A further material consideration is the Pre-Submission Tewkesbury Borough Plan to 2031, which was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of Development

- 7.1. In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.

- 7.2. As set out above, outline planning permission was granted for the land, as part of a major housing development at Longford in 2008. An extension of time was subsequently granted in May 2013, ref: 11/00385/FUL. The Masterplan, Phasing and Design Code approved as part of the outline consent identified the site, alongside a parcel of land to the west of Horsbere Drive, as land which would provide a local centre to serve the Longford development as well as the wider community; however the planning permission contained a condition which required reserved matters applications to be submitted on or before 17 May 2016. No reserved matters application was advanced on this particular parcel of land therefore planning permission no longer exists on the site and it effectively reverts back to agricultural use.
- 7.3. The application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map. In addition, whilst accepting the policies of the emerging TLP can only be afforded moderate weight, depending on the extent to which there are unresolved objections, the application site also fall within the defined settlement boundary for Longford as shown on the Housing Maps of the emerging TBP.
- 7.4. Policy SD10 of the JCS states that within the JCS area new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. Housing development will be permitted at sites allocated for housing through the development plan, including Strategic Allocations and allocations in district and neighbourhood plans. Although the site doesn't form part of a Strategic Allocation, the JCS acknowledges it forms part of an existing housing commitment.
- 7.5. The applicant has submitted evidence to demonstrate that the site has been actively marketed since March 2017 for a commercial use. A letter from EJ Hales Chartered Surveyors, dated 3rd June 2019, provides a summary of the marketing. The letter sets out the land was fully marketed to local, regional and national agents together with targeting potential retail occupiers. Similarly the land was marketed to local, regional and national development companies. An on-site marketing board was installed. The general feedback suggested that the existing local centre on the opposite side of Horsbere Drive, which contains a convenience store as well as three additional units, was sufficient provision for the general marketplace in the area. Furthermore, the size of the plot was considered too small when taking account the size of many of the leading food retail companies and the site was not considered to be suitable for many smaller food retailers due to reasons including insufficient catchment or passing traffic.
- 7.6. Notwithstanding this, and some concerns raised by the local community there is no change of use proposed and the current application for housing must therefore be considered on planning policy merits in relation to what is being applied for; that is the erection of two apartment blocks for 33 dwellings. As mentioned above, the application site forms part of an identified 'Existing Housing Commitment' in the JCS Proposals Map and is located in the defined settlement boundary for Longford in the emerging TBP thus would accord with Policy RES2 of the emerging TBP. As such, the principle of housing at this site is considered acceptable.
- 7.7. Whilst as set out above the proposal is in accordance with policy SD10, it remains the case that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Furthermore, whilst the Churchdown and Innsworth NDP was recently adopted, the provisions of paragraph 14 of the NPPF which provides that in some circumstances there is only a requirement to demonstrate a three year supply of deliverable housing sites do not apply as the NDP does not contain policies and allocations to meet identified housing needs.

- 7.8. For this reason, the tilted balance at paragraph 11 of the NPPF is engaged and the presumption is that planning permission should be granted unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the NPPF as a whole.

Design and Visual Amenity

- 7.9. Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 130 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area and the way it functions.
- 7.10. The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-design places in the form of ten characteristics; one of which is the context. The NDG provides that well-designed development should respond positively to the features of the site itself and the surrounding context beyond the site boundary and that well-designed new development needs to be integrated into its wider surroundings, physically, socially and visually.
- 7.11. This advice is echoed in JCS policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.12. Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019) states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 7.13. Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan states that proposals for new development should contribute towards the local distinctiveness of Churchdown and Innsworth. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character.
- 7.14. The application proposes two apartment buildings, each three storey in height, with a maximum ridge height of 12 metres. Both buildings would incorporate gable projections with differing ridge and eaves height in an attempt to reduce the overall mass and bulk of the buildings. Further some window openings would be set in the eaves. Due to the layout and positioning of the buildings, the elevations would front onto Longford Lane, Horsbere Drive and Clock Tower Road. The Design and Access Statement sets out *"The proposed design can be said to use a traditional residential form while expressing a contemporary design notion through the use of modern window and door fittings, brick detailing to accentuate areas and create a variation to the surface. A secondary material of cement-based board would be introduced to highlight communal areas."* The applicant contends in the submitted 'Character Assessment', that it is *"not the intention to copy the appearance of the local surroundings, but to borrow from it and enhance the positive aspects. Therefore, it is the*

intention to produce a crisp, clean design elevationally whilst reacting sensitively to the design cues of the buildings in and around the site.”

- 7.15. National Design Guidance sets out, amongst other things, well-designed places should integrate into their surroundings so they relate well to them and are influenced by and influence their context positively. As such it is essential to consider the site context. The application site is bordered by two storey residential dwellings to the south-east; to the east lies the new primary school, Longford Park Primary Academy. The school building is a contemporary modern style, predominantly single storey with a double-height hall; two wings of the building have double curved roofs and the walls are finished with a palette of materials. On the opposite side of Horsbere Drive there are four recently constructed retail units. These are also single storey, with two different roof forms and finished in timber and render. This building provides a modern design approach which is considered to complement the primary school to the north of the site contributing to a sense of place. Further afield, the properties on the opposite side of Longford Lane and to the north-west consist of mainly two storey brick built properties.
- 7.16. Given the site context, the development proposed, by virtue of the overall scale and the resulting bulk and massing would fail to integrate and relate well to the surroundings. The buildings due to the sheer size would not be of a scale and density appropriate to the site and thus it would fail to respect the character of the site and its surroundings and would fail to contribute positively to the sense of place envisaged for this part of the wider Longford development. Further, the buildings would be overbearing upon the street scene when considered in relation to the scale and type of the surrounding built form and therefore would become a dominant feature to the detriment of the locality failing to provide an adequate sense of arrival.
- 7.17. Whilst it is recognised of course that the original permission for the wider Longford development has elapsed, the original design strategy for this parcel of land never intended to have such dense form of development. Moreover, the intensity of the proposed development, due to the significant footprint and mass of the two buildings on a relatively small parcel of land would result in the development appearing ‘cramped’. In addition, the architectural detailing of the elevations, in particular the two elevations which would face Whitefield Crescent, and would be highly visible from the surrounding highway network, would be lacking in any visual interest and poor architectural quality. These two expansive elevations have been designed in that manner to prevent any overlooking issues to the neighbouring properties along Whitefield Crescent however this has resulted in a bland utilitarian appearance of those two elevations. It is noted there are three storey properties within the wider development site however these are smaller in scale, have a different design style and most importantly are set within the development, not in such a prominent location.
- 7.18. Given the above, the development would not be an appropriate scale, type and density to the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design. This weighs heavily against the proposal in the overall planning balance.

Landscaping

- 7.19. The NPPF sets out that to achieve well-design places, planning decisions should ensure that developments, inter alia, have appropriate and effective landscaping. Policy SD4 reiterates this advice by setting out that new development should ensure that the design of landscaped areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design.

- 7.20. The Design and Access Statement states “All landscaping is intended to provide an attractive and sustainable public realm. New tree and hedges will be planted to further strengthen the different boundaries within the site. New planting will be incorporated into the site to further integrate the units with the surrounding environment. Soft landscaping, plants and low hedgerows have been used to break up areas of hard standing, as well as offer privacy for the accommodation proposed on the ground floor.”
- 7.21. The Masterplan, Phasing and Design Code for the Longford development sets out that “the main entrance to the site will be lined with hedges and formal tree planting to frame a vista to a focal point at the heart of the community hub.” Based on the information submitted the development would include some planting along the roadside boundary of Horsbere Drive, Clock Tower Road and Whitefield Crescent however the proposal only includes one tree to be planted along Horsbere Drive. Comments have been sought from the Council’s Landscape Officer and Tree Officer on the acceptability of the proposed landscaping of the site and an **update will be provided at Planning Committee.**

Residential Amenity

- 7.22. In respect of the impact of the development upon residential amenity, paragraph 127 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.23. The building shown as ‘A’ on the submitted proposed site plan would be located to the north-west of the nearest property along Whitefield Crescent, No 10. The proposed building would sit in a linear position with the existing properties, albeit the width of the proposed building would extend beyond the width of the neighbouring property. A distance of metres approximately 10.8 metres would be maintained from the boundary with the neighbouring property. The height of the nearest part of the building would be approximately 10.2 metres. All the windows above ground floor proposed on this facing elevation are shown to be obscure glazed to prevent any direct overlooking issues to the rear private space of the immediate neighbouring property. Given the linear relationship, the favourable orientation, the satisfactory separation distance between the proposed building and the existing property along Whitefield Crescent and the mitigation measures incorporated (obscure glazed and lower ridge height), on balance it is considered **Building A** should be able to be accommodated on the site without undue detriment to neighbouring amenity.
- 7.24. The proposed development would introduce a bike store and bin store adjacent to the boundary with No.10 Whitefield Crescent. This building would be single storey therefore would not cause any harm in respect to overbearing or overlooking. Concerns have been raised over potential odour issues from the bin store upon neighbouring amenity. Whilst the Environment Health Officer has raised no objections in relation to air quality the comment makes no reference to the bin stores therefore further comments have been requested on this particular matter. The same applies for the relationship between the bin store and the neighbouring amenity for **Building B. Members will be updated at Committee.**

- 7.25. The building shown as 'B' on the submitted proposed site plan would be located to the north of the existing properties, No.2-8 Whitefield Crescent. These properties are apartment blocks and have very little, if any, private garden space. At its' closest point (north-east end) **Building B** would be approximately 13.7 metres from the boundary with the neighbouring properties, though the main part of the building would be approximately 17 metres from the boundary. The ridge height of the main section of the building would be approximately 11.6 metres. All windows above ground floor proposed on the elevation facing the existing properties are again shown to be obscure glazed; these are either secondary windows or would serve a bathroom. The existing properties have windows facing onto the site, though these appear to be bathroom windows. Given the separation distance between '**Building B**' and the nearest properties along Whitefield Crescent it is considered that the building could be accommodated on the site without adverse harm to neighbouring amenity.
- 7.26. Turning to the amenity of the future occupiers of the flats the relationship between the two buildings need to be considered. At its closest point a distance of approximately 16 metres would be maintained between the two buildings; at its furthest point this would be increased to 34 metres. Whilst the windows aren't shown to be obscure glazed on the two facing elevations which would only be 16 metres apart, the design of the internal layout configuration would allow for a number of the windows to be obscure glazed to prevent any direct overlooking. The main part of the two buildings, being 34 metres apart is considered a satisfactory separation distance to ensure no adverse impact from overlooking would be created. In light of this assessment it is considered the development as proposed could be accommodated without compromising the amenity of the future occupiers of the units.
- 7.27. The development does not propose any communal areas however the development would incorporate small pockets of grassed areas, and bins stores and bikes stores would be provided outside of the buildings. Given the location of the site close to the open space and sports facilities secured as part of the wider Longford development and the surrounding countryside in this instance the limited outdoor space within the application site is considered acceptable.
- 7.28. Policy SD11 of the JCS states that new housing should meet and where possible exceed appropriate minimum space standards. Emerging Policy DES1 (Housing Space Standards) of the pre-submission TBP requires all new residential development to meet the Government's nationally described space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The development proposes 6 x one bed two person units and 27 x two bed three person units. In accordance with the guidance in the National Described Space Standards all of the one bed units would meet the minimum space standards. As set out in the space standards a two bed, three person unit should have a minimum gross internal floor area and storage of 61 square metres. Based on the information submitted twelve of the 27 two bed units would fail to meet the minimum standards, though only marginally (range from 2.3 sqm to 0.1 sqm). Given the marginal shortfalls in respect of the space standards, it is not considered that this matter on its own would justify refusal.

Access and Highway Safety

- 7.29. The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policies RES9 and TRAC9 of the emerging TBP state that proposals need to make provision for appropriate parking and access arrangements. Policy CHIN1 of the Churchdown and Innsworth Neighbourhood Plan sets out parking standards for the provision of off-road parking for new residential development, where possible; 1-bed dwellings should provide 1 off-road car parking space; 2-bed dwellings should provide 2 off-road car parking spaces. It also encourages the provision of off plot visitor parking at a ratio of 0.25 per dwelling.
- 7.30. The application is supported by a Transport Statement (TS), prepared by Cotswolds Transport Planning. The TS concludes that the proposed development, in highway and transportation terms is acceptable. A new vehicular access would be via an extension of Whitefield Crescent, which is a 5.1m wide residential, single carriageway access street, and is subject to a 30mph speed limit. The application site proposes five pedestrian/cycle accesses; alongside the vehicular access off Whitefield Crescent; two off Horsbere Drive and two off Clock Tower Road. A total of 33 unallocated parking spaces would be provided on-site. To confirm the level of car parking provision would be suitable to accommodate the likely car ownership levels and overall parking demand, an analysis of car ownership levels in the local area was undertaken.
- 7.31. Gloucestershire County Council (GCC) have been consulted as the Local Highway Authority and assessed the proposed development in terms of public transport facilities, access, trips and parking. The Highway Authority have raised no objections to the development subject to the recommendation of a number of conditions. The Highway Authority conclude that the traffic movements resulting from this development would not be expected to have a severe impact on the safety or operation of the local highway network, the principle of access as a continuation of Whitefield Crescent would be acceptable and that a safe and suitable access could be achieved.
- 7.32. Concerns have been raised by the local residents and both Longford and Innsworth Parish Council about the proposed parking provision and the method used for calculating the requirement. The total number of parking spaces that would be required for a development of this nature, having regard to Policy CHIN1 would be 68 (including 8 visitor spaces). The current proposal includes less than half of that number (33).
- 7.33. The Highway Authority commented before the NDP was made and confirmed they have no objection to the assessment conducted to ascertain the number of parking spaces needed and those proposed. Nevertheless, it is noted that the applicant used Kingsholm Ward in the City of Gloucester as a proxy to establish expected levels of car ownership. Officers have significant doubts that this is an appropriate comparator, in particular given that, whilst the Ward boundary does abut the Tewkesbury Borough boundary at its northern extremity, large areas of the ward lie in close proximity to Gloucester City Centre and the City's rail and bus stations.

- 7.34. The emergence of Policy CHIN1 as a development plan policy late in the application process is unfortunate timing. However, given the real concerns of the local community which have led to the policy in the first place, and the number of objections to the current application on parking grounds, it is not considered that the proposed development would be served by sufficient levels of car parking. It is therefore not considered that the applicant has demonstrated that there would be sufficient parking to serve the development. This could lead to displacement of vehicles onto surrounding roads which would mean that the development would not function well and would be harmful to the character of the wider area, causing disruption on local roads, especially given the proximity of the site to the primary school. This would be contrary to paragraphs 102 and 127 of the NPPF 2019 and Policy TRAC9 of the Pre-submission Tewkesbury Borough Plan (October 2019) and weighs against the proposal in the overall planning balance.

Drainage and Flood Risk

- 7.35. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. JCS Policy INF2 advises that development proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change. It also requires new development to incorporate Sustainable Urban Drainage Systems (SUDS) where appropriate to manage surface water drainage. This is reflected in emerging TBP policy ENV2. Policy CHIN12 of the Churchdown and Innsworth Neighbourhood Plan states that due to the levels of flood risk in Churchdown and Innsworth, development proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network through the use of effective modern solutions.
- 7.36. The site is located within Flood Zone 1 and is therefore at a low risk from flooding. However, due to the size of the site, the application is supported by a Flood Risk & Drainage Statement. This report concluded that site infiltration tests have been carried out and these indicate that infiltration would be a viable means of stormwater management for part of the site. This would be provided in a partial infiltration system and partial discharge directly to the existing stormwater sewerage infrastructure which was approved as part of the wider development site, planning reference 16/00853/FUL. Gloucestershire County Council Lead Local Flood Authority (LLFA) were consulted on the application and have raised no objection to the proposed development.
- 7.37. In terms of foul drainage, this would be provided in a new system which would connect to the existing private foul system in Clock Tower Road. Severn Trent have confirmed they have no objections to the proposals subject to securing drainage plans for the disposal of surface and foul flows.

Ecology

- 7.38. The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the emerging NAT1 states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

- 7.39. As part of the application a Preliminary Ecological Appraisal (PEA), prepared by Focus Ecology Ltd was submitted. The application site is identified as being within a zone of influence around the Cotswolds Beechwood Special Area of Conservation (SAC) and the Alney Island LNR, land functionally linked to the Severn Estuary Special Protection Area (SPA), both of which are European sites. As submitted the development could, in combination with other residential development in the Borough, have potential significant effects on the SAC and mobile species outside the SPA boundary European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). A Habitats Regulations Assessment (HRA) assesses the impacts from planning application specifically upon European designated sites. Both the Council's Ecologist and Natural England requested an Appropriate Assessment was carried out, under the provisions of the Habitats Regulations.
- 7.40. Policy NAT1 of the emerging TBP states that proposals that are likely to have a significant effect on an internationally designated habitats site (either alone or in combination with other plans or projects) will not be permitted unless a Habitats Regulations Assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. An Appropriate Assessment was carried out on behalf of the applicant and reviewed by the Council's Ecologist and Natural England. Both consultees concluded that with consideration of the proposed measures intended to avoid or reduce effects, it can be determined that the proposed development is not expected to have a significant adverse effect on the integrity of the SAC and SPA, either alone or in combination with other plans or projects. A planning condition would be required to secure the proposed mitigation measures. The Council's Ecologist also recommended conditions, should permission be granted, to secure a satisfactory lighting plan following consultation with the project ecologists and an Ecological Enhancement Plan.

Open space and play facilities

- 7.41. The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. JCS Policy INF4 provides where new residential development will create or add to, a need for community facilities, it will be fully met as on-site provision and/or as a contribution to facilities or services off-site. JCS Policies INF6 and INF7 support this requirement. Saved Local Plan Policy RCN1 requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population on sites of 10 dwellings or more.
- 7.42. The outline consent for the wider Longford development included 3.2ha together with an associated car park on a further 0.2ha of formal public open space and 12.5ha of Farmland Meadow for informal recreation. The formal open space approved includes a combination of equipped areas such as a LAP, LEAP, MUGA and Skate Park, together with one senior sports pitch and two junior pitches. Given the occupiers of the proposed new units would have access to these facilities within close proximity of the site, in this instance, it seems reasonable to not require any further contributions towards open space and play facilities.

Community Infrastructure Levy/Section 106 obligations

- 7.43. The Community Infrastructure Levy (CIL) Regulations allow local authority to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in Regulation 122 of the CIL regulations. These tests are as follows:
- 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.
- 7.44. As a result of the regulation, Local Authorities and Applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.45. The NPPF sets out that LPAs should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS sets out that on sites outside of strategic allocations, a minimum of 40% affordable will be sought, should be provided on site and should be seamlessly integrated and distributed throughout the development scheme.
- 7.46. JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, new development should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

Affordable Housing

- 7.47. Policy SD12 of the JCS requires a minimum of 40% affordable housing on sites of this nature. Paragraph 10 of the policy provides that the viability of a site may enable additional levels of affordable housing to be delivered above the 40% requirement, and that the JCS Authorities will negotiate with developers to find an appropriate balance to deliver affordable housing and infrastructure needs.
- 7.48. As mentioned previously the applicant states that the development is proposed to be delivered as a 100% affordable housing. The Council's Housing Enabling Officer supports the proposal and confirmed that there are currently 1801 people in the Borough on the housing register of which 110 have expressed a preference for Longford. The proposed scheme would help meet some of this need. This benefit should be afforded significant weight.

- 7.49. The applicant has agreed to enter into a Section 106 agreement to secure the 100% affordable housing but only if the Local Planning Authority views this as a more beneficial material consideration and with an appropriate reason to do so relative to the tests in the NPPF. Whether the provision of affordable housing outweighs the harms identified elsewhere in the report is of course a matter for the decision-maker however the provision of 100% affordable housing has implications in respect of viability, in particular respect of education contributions, which is discussed below.

Education/Libraries

- 7.50. Following consultation with Gloucestershire County Council (GCC), it has been advised that the proposed development would give rise to the following pupil yields and would require the following contributions to mitigate the impact:

Pre-school: 8.10 = **£122,237.10**

Secondary: 5.40 = **£105,246.00**

- 7.51. GCC have advised that a full contribution to expand/extend/improve suitable Early Years day-care provision in the Longlevens Primary Planning Area is required. Current forecasts suggest there is adequate space capacity at the closest primary school to absorb the numbers arising from the development therefore it is difficult to justify a primary contribution at this time, but it is noted that the school will not be able to accommodate children arising from this development in all year groups. There is no catchment secondary school, Barnwood Park School is the closest non-selective school, forecasts show it will be at capacity; and given the multiple developments currently under construction within the Gloucester Secondary Planning Area, GCC have asked for a full secondary contribution to address the need for places arising from the development naming Barnwood Park and/or Gloucester Secondary Planning Area.
- 7.52. In terms of libraries, GCC have advised that the scheme would generate a need for library resources at Longlevens Library and a contribution of £6468 is therefore required to make the application acceptable in planning terms.
- 7.53. The applicant has raised concerns about the appropriateness of the proposed obligations and whether they can be required through s106 given that the Council has adopted CIL (even though a 100% affordable scheme as proposed would not be liable to pay CIL).
- 7.54. CIL Amendment Regulations which came into force on 1 September 2019 made a number of important changes to the operation of CIL and s106 obligations. Amongst other matters, Regulation 123 of the CIL regulations has been removed in its entirety which removes the restriction on pooling funds for a single infrastructure from more than five s106 obligations. It also allows both CIL and s106 contributions to be secured for the same infrastructure project although the aforesaid tests (Regulation 122) continue to apply.
- 7.55. Specific intentions or committed expenditure of CIL (arising from whichever developments), may be relevant in considering whether mitigation of a specific development by way of s106 obligations will be required from a specific site when considering the tests set out in the CIL regulations. The Council's regulation list published in respect of regulation 123 still remains the Council's infrastructure list (that is the list of infrastructure projects or types of infrastructure which it intends will be or may be wholly or partly funded by CIL), until it is replaced by an annual infrastructure funding statement.

- 7.56. The current list provides the infrastructure projects or type that may be wholly or partly secured through CIL, which includes education, will be those which are not directly related to directly related to an individual development and that infrastructure that meets the CIL Regulation 122 tests
- 7.57. In this particular case, officers consider that the infrastructure required by the county council is directly related to the needs arising from the development proposed. Therefore, officers consider that the requested education and library contributions are justified in the context of the tests set out in the CIL Regulations and the obligations would be lawful.

Viability

- 7.58. Policy INF7 of the JCS sets out that where there is a concern about viability in relation to the provision of on/off site infrastructure, an independent viability assessment will be required. Guidance in the Planning Practice Guidance (PPG) states that where up-to-date policies have set out the contributions expected from the development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.
- 7.59. Notwithstanding, and without prejudice to the applicants position regarding the principle of whether planning obligations can be secured in addition to CIL, following the request from GCC for a financial contribution towards education and library provision the applicant engaged Alder King to undertake a Financial Viability Assessment (FVA) to assess the viability of being able to provide the contributions being sought from GCC. In accordance with national guidance the Council instructed RCA Regeneration Ltd (RCA) to carry out an independent viability assessment and review of the submitted FVA.
- 7.60. The FVA report from Alder King contained three appraisals; a policy compliant scheme with 40% affordable housing; a 100% open market scheme with S106 and CIL costs; and a 100% open market without S106 but with CIL. On the basis of the assessment by Alder King all three appraisals showed the schemes would not be viable RCA agree with this conclusion.
- 7.61. However, as set out above the applicant seeks to deliver a 100% affordable scheme and has asked the Council to give this additional weight in the planning balance. Therefore, RCA undertook an assessment of the proposed scheme for 100% affordable housing. Based on this assessment, it was concluded that the 100% affordable scheme could afford to pay the education and library contributions and remain viable. This is because the applicant would receive grant funding from Homes England to deliver the scheme as affordable housing, and because as a wholly affordable housing scheme, the scheme would be exempt from CIL. This would also reduce disposal fees and the developer's expected return.
- 7.62. In this case the developer is proposing 100% affordable housing and invites the Council to give that proposal significant weight in the determination of the application. The applicant considers an appraisal of the scheme proposed to be delivered (100% affordable) should not be taken into account because the planning permission being sought is for a policy compliant scheme (40%affordable housing) and that *"the delivery of the affordable housing is just the end result. Therefore, the viability should be assessed as such"*. However, policy SD12 of the JCS is flexible and aims to provide the most sustainable form of development on a site, to find an appropriate balance to deliver affordable housing and infrastructure needs. In this case, the applicant's proposal to deliver 100% affordable housing would allow for the required education/library contributions. The absence of agreement to secure 100% affordable housing and the education and library contributions therefore weighs against the

proposal in the overall planning balance and would be contrary to guidance in the NPPF, and Policies INF4, INF6 and INF7 of the JCS.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70(2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2. On the basis the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the supply of housing are out of date. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas of assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.3. There are no NPPF policies for the protection of areas or assets of particular importance which apply in this case and therefore, it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Benefits

- 8.4. The development would contribute towards the supply of housing, and affordable housing in particular, to help meet the objectively assessed need for housing in the Borough in an area where the principle of housing development is considered acceptable. This is of particular relevance given the fact that the Council cannot currently demonstrate a deliverable supply of housing and therefore weighs significantly in favour of the application.
- 8.5. Moderate weight is given to the economic benefits that would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

Harms

- 8.6. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design and this weighs heavily against the proposal.
- 8.7. Furthermore, the applicant has failed to demonstrate that there would be sufficient parking to meet the demand for car parking space arising from the proposed development. This weighs against the proposal.
- 8.8. The applicant is unwilling to enter into a legal agreement to secure a contribution towards education and library provision to mitigate the impact of the proposed development. This weighs against the proposal.

- 8.9. Twelve of the proposed units would fail to meet the minimum technical housing standards as required in the national described space standards and required by Policy DES1 of the emerging TBP. This is required to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. This is a matter which weighs against the development though it would not justify refusal on its own.

Neutral

- 8.10. The proposal should, subject to satisfactory details and the imposition of appropriate planning conditions, be acceptable with regard to highway safety, residential amenity, drainage and ecological impact.

Overall Conclusion

- 8.11. The benefits set out above are not underestimated. However for the reasons set out above, and in particular the concerns raised in respect of the poor design quality, the absence of sufficient car parking provision and lack of developer contributions to mitigate the impact of the development it is considered that the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.12. It is therefore considered that the proposed development would not constitute sustainable development in the context of the NPPF as a whole and the application should be refused.

REASONS:

1. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale and the resulting bulk and massing, would not be of an appropriate scale, type and density and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the site and the surrounding area. It therefore follows the development would fail to represent high good design. Accordingly the proposed development would be contrary to guidance in Section 12 of the National Planning Policy Framework, guidance in the National Design Guide, Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Plan 2018-2031 and Policy RES5 of the Pre-submission Tewkesbury Borough Plan (2019).
2. In the absence of dedicated parking provision, the proposal would be likely to displace/direct parking to residential roads in the wider area. The absence of sufficient parking to serve the development would mean that the development would not function well and would be harmful to the character of the wider area contrary to Policy CHIN1 of the made version of the Churchdown and Innsworth Neighbourhood Plan 2018 – 2031, Policy TRAC9 of the Pre-submission Tewkesbury Borough Plan (October 2019) and paragraphs 102 and 127 of the NPPF 2019.
3. In the absence of an appropriate planning obligation, the proposed development does not make provision for the delivery of education and library infrastructure and therefore the proposed development would be contrary to Policies IN4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031.
4. In the absence of an appropriate planning obligation, the application does not provide housing that would be available to households who cannot afford to rent or buy houses available on the existing housing market. As such, the proposed development conflicts with SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017).

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.