

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

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| Committee: | Planning |
| Date: | 15 February 2022 |
| Site Location: | Land At Horsbere Drive Longford |
| Application No: | 21/00880/OUT |
| Ward: | Innsworth |
| Parish: | Innsworth |
| Proposal: | Outline application for residential development of 24 apartments and associated operations (access reserved for future consideration). |
| Report by: | Victoria Stone |
| Appendices: | Site Location Plan Site Layout Plan Landscape Concept Plan Cross Section Plan A-A Cross Section Plan B-B Proposed Front Elevation – Block A Proposed Rear Elevation – Block A Proposed Side Elevation 1 – Block A Proposed Side Elevation 2 – Block A Proposed Front Elevation – Block B Proposed Rear Elevation – Block B Proposed Side Elevation 1 – Block B Proposed Side Elevation 2 – Block B Proposed Front Elevation – Block C Proposed Rear Elevation – Block C Proposed Side Elevation 1 – Block C Proposed Side Elevation 2 – Block C |
| 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 site itself is rectangular in shape, consists of an area of rough grassland and covers approximately 0.31 hectares, excluding the access road. The land has open boundaries onto footpaths to the north and west with the south-eastern boundary enclosed by close boarded fencing. This fencing forms the boundary to the gardens of dwellings on Whitefield Crescent Road.
- 1.3** 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 recently constructed retail units. The site is bound to the south by Longford Lane.
- 1.4** The site is not subject to any landscape, heritage or ecological designations.
- 1.5** The application is made in outline with only access reserved for subsequent approval. The application as originally submitted was made in outline with all matters reserved for subsequent approval. However, in accordance with Part 3, Article 5(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, officers considered that due to the circumstances of the case, the application ought not to be considered separately from all of the reserved matters and therefore requested details of the Scale, Layout, Appearance and Landscaping. In this case, the circumstances relate to whether the development of two blocks of flats at the application site would be acceptable given planning permission was refused at the site in July 2020 for the construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping, planning reference 19/01098/FUL.
- 1.6** This application seeks permission for the construction of two apartment buildings comprising a total of 24 apartments associated works.
- 1.7** The proposed development would deliver a mix of open market and affordable tenures. The application was submitted on the basis the proposals would enable the provision of 40% affordable housing, provided as eight apartments in a single block for Affordable Rent onsite with the remaining affordable contribution via a financial contribution in lieu of on-site provision.
- 1.8** The development would provide 15 x one bedroom units and 9 x two bedroom units, in two apartment blocks. The blocks would be between two and three storey in height and would have elevations facing onto Longford Lane, Horsbere Drive and Clock Tower Road. The palette of materials used for the external elevations would be informed from the retail centre and the primary school. The density would be 77 dwellings per hectare.
- 1.9** Whilst access is a matter reserved for future consideration, under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. It is proposed that the vehicular access to the site from the public highway would be provided via Whitefield Crescent. A pedestrian link is proposed to run through the site which would connect to Horsbere Drive. A total number of 40 car parking spaces are proposed, set within two separate courtyards, one serving each unit.
- 1.10** The submitted Landscape Concept Plan shows how landscaping would be incorporated on the site.

- 1.11** As mentioned above, the application site lies within the new residential development at Longford. 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.
- 1.12** Planning permission for the construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping was refused on this site in July 2020, reference 19/01098/FUL. It was refused because the Council considered, given the context of the site and its surroundings, the development 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 was also refused due to the absence of an appropriate planning obligation to make provision for the delivery of essential social and community infrastructure. As such, in light of this, one of the key matters for consideration is whether this proposal overcomes the refusal reasons on the previous application. In this respect, the application differs to the previously refused scheme in that the number of apartments proposed has been reduced to 24, the number of parking spaces has increased, changes to the proposed landscaping and by introducing two storey elements into the built form with an overall reduced maximum building height.

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 | APPROVAL | 01.07.2014 |

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| | infrastructure in respect of application 11/00385/FUL. | | |
| 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 |
| 19/01098/FUL | Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping. | REFUSED | 22.07.2020 |

3.0 RELEVANT POLICY

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

3.1 National guidance

National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and National Design Guide (NDG).

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

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD3 (Sustainable Design and Construction)
- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)

- Policy SD11 (Housing Mix and Standards)
- Policy SD12 (Affordable Housing)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)
- Policy INF4 (Social and Community Infrastructure)
- Policy INF6 (Development Contributions)
- Policy INF7 (Developer Contributions)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

- Policy RCN1 (Outdoor Playing Space)
- Policy RCN2 (Provision of Sports Facilities)

3.4 Main Modifications Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019) (MMTBP)

- Policy RES2 (Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy DES1 (Housing Space Standards)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy NAT5 (Cotswolds Beechwoods)
- Policy ENV2 (Flood Risk and Water Management)
- Policy HEA1 (Healthy & Active Communities)
- Policy RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- Policy RCN2 (New Sports and Recreational Facilities)
- Policy RCN3 (Allotments and Community Gardens)

- Policy COM2 (Broadband Provision)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

Churchdown and Innsworth Neighbourhood Development Plan – 2011-2031

3.6 Other relevant policies/legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

4.1 Innsworth Parish Council – Awaiting comment.

4.2 Longford Parish Council – Object to the proposal for the following reasons:

Local Centre

Land was allocated as a local centre providing services and facilities to the new development. The use as 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 distant services and hence more pollution.

Loss of employment opportunities in the area.

JCS supports the view that all new development taking place in small towns and villages supported their roles as local hubs for community facilities and services.

Not reasonable to expect anyone with reduced mobility or reliance on public transport to travel 3 miles by public transport to access shops and services when the residents have chosen to live in this development with the expectation of a local centre providing those services.

Loss of this site as a local centre will have a significant impact on the overall development.

Current retail units are thriving, and additional units would add strength to this location as a local centre.

Design

Masterplan for the development (11/00385/FUL) showed that the community hub was

central to the development and the relatively low-level heights of the school and local centre would ensure the connection with the farmland beyond.

The design reasons for the outline consent and masterplan are still relevant.

Open aspect of the access into the development creates a welcoming vista, the introduction of 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 which are in the main two-storey houses.

Affordable Housing

Insufficient level of affordable housing proposed.

The affordable units would be clustered in one block, which would create inequality between the two blocks and lacks integration with the wider community.

Car Parking

Inadequate car parking planned for the apartment blocks, contrary to Policy CHIN1 of the NDP.

Flood Risk

Surrounding development had been planned with this site being open space and overdevelopment of this site will create an impact to surface water drainage.

- 4.3 National Highways** – Offer no objection.
- 4.4 Natural England** – Further information is required.
- 4.4 Severn Trent Limited** – No objections subject to conditions.
- 4.5 County Highways** – No objection subject to conditions.
- 4.6 County Council Archaeologist** – No archaeological investigation or recording need be undertaken.
- 4.7 County Council Minerals and Waste Planning Officer** – No objection subject to conditions.
- 4.8 County Developer Contributions Investment Team** – No contributions required.
- 4.9 Environmental Health Officer (Noise)** – Due to noise from the surrounding road network and the adjacent commercial activity a noise assessment, together with any necessary mitigation measures is required – this could be secured via condition.
- 4.10 Environmental Health Officer (Air Quality)** – No adverse comments.
- 4.11 Housing Strategy & Enabling Officer** – Objects to the proposal advanced by the applicant, suggests a revised tenure and mix.
- 4.12 Urban Design Officer** – Objects to the application.

4.13 Landscape Advisor – Objects to the application.

4.14 Community and Place Development Officer – Not seeking any contributions as the provision for open space, play and sport is well catered for in the vicinity.

5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

5.2 57 representations objecting to the application have been received. The comments are summarised below:

- No need for more housing.
- Land should be used for commercial/community use as it was intended.
- Community infrastructure is required to bring the community together.
- Success of commercial properties opposite the site demonstrates more public amenities is needed.
- Development does not make provision for the delivery of essential social and community infrastructure.
- Building will be a complete eye sore and would obstruct views – it would dominant the gateway to a lovely estate.
- Have a negative visual impact – ruin the open view of the well-designed school.
- Flats would be shoe-horned on the site – over-development of the site.
- Scale of the building would not be in-keeping with the surrounding properties.
- Design would be completely out of character with the local area.

- Design principles make no reference to taking into consideration the nearby buildings on the Horsbere Mews development.
- Appearance/Style of the buildings would be completely out of place – it looks like the quays not a village suburb.
- Social/Affordable housing is not integrated within the development – owners will feel very segregated and not part of the community.
- No housing provision for the ageing population.
- Proposal would cause flooding – flood water would be displaced to the school and surrounding houses.
- Development would have a harmful impact on surrounding residential amenity – reduction in light/overlooking/overshadowing.
- Increase in noise and air pollution.
- Development would overlook the school's playground – safeguarding issues.
- More housing would exacerbate the existing street parking which would compromise pedestrian safety – particular at times when children are going to and leaving school.
- Development would lead to congestion on the surrounding roads.
- Access onto Whitefield Crescent would be harmful.
- Would create further issues for emergency access to the estate.
- Emergency and refuse vehicles unable to access the properties.

- Method to establish car ownership is not reflective of the local area.
- Harmful to local wildlife.
- Loss of valued green space.
- Area is in danger of being overdeveloped.
- Insufficient local infrastructure such as the highway, schools and doctor's surgeries to cope with the development.
- Development would increase antisocial behaviour in the area.
- Inaccurate submission information.

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.
- 6.3** The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4** A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

- 6.5** Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.6** The relevant policies are set out in the appropriate sections of this report.
- 6.7** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

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, the application site falls within the defined settlement boundary for Longford as shown on the Housing Maps of the emerging MMTBP.
- 7.4** In respect to the loss of the land for use as a local centre, whilst the applicant hasn't submitted any evidence to demonstrate that the site has been actively marketed for a commercial use as part of this application, evidence was submitted in support of the previously refused application for a similar scheme, reference 19/01098/FUL, albeit this was submitted by a different applicant. This evidence set out that the site had been actively marketed since March 2017 and a letter from EJ Hales Chartered Surveyors, dated 3rd June 2019, provided 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. The Council accepted this position on the previously refused scheme and officers consider it still relevant to this application.

- 7.5** Notwithstanding the above, 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 24 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 MMTBP thus development of this site would accord with Policy RES2 of the emerging TBP. As such, the principle of housing at this site is considered acceptable.

Five Year Housing Land Supply

- 7.6** The latest Tewkesbury Borough Five Year Housing Land Supply Statement, published in November 2021, set out that the Council could demonstrate a 4.35 year supply of deliverable housing sites. However, it has recently become apparent that this statement had in error included three housing schemes within the Twigworth Strategic Allocation (SA) as part of Tewkesbury's supply. In fact, the supply from the Twigworth SA contribute to Gloucester City's needs and therefore must be deducted from Tewkesbury's deliverable supply. This is not an error that had been in previous five year housing land supply statements. This has the effect of reducing the (April 2021 base) five year housing land supply to **3.83** years.
- 7.7** On the basis therefore that the Council cannot at this time demonstrate a five year supply of deliverable housing land, the Council's policies for the provision of housing should not be considered up-to-date in accordance with footnote 7 of the NPPF and in accordance with Paragraph 11 of the NPPF the presumption in favour of sustainable development (the 'tilted balance') applies. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, permission should be granted unless: d) i. the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; 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. This will be assessed below.
- 7.8** Members will be aware of the appeal decision at Ashmead Drive in which the Inspector concluded that the Council could demonstrate a 1.82 year supply and the subsequent High Court judgment. The Judge found that the Gotherington Inspector had not erred in law in arriving at that conclusion not to take previous oversupply into account in determining that appeal.
- 7.9** Appeal decisions are not binding precedents however. That the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations is, in officers view, in the context of the plan-led system, is the correct approach. This is because not taking into account those houses that have already been delivered during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area would serve to artificially increase the plan-led housing requirement.

- 7.10** It is noteworthy that, in his judgment, the Judge made it clear that it was not for him to make policy, *“The question of whether or not to take into account past oversupply in the circumstances of the present case is... a question of planning judgment which is not addressed by the Framework or the PPG and for which therefore there is no policy”*. He went on- *‘No doubt in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements’*.
- 7.11** More recently the Council has received two appeal decisions following public inquiries where the issue of ‘oversupply was also debated. In an appeal at Coombe Hill, the Inspector noted that taking into account *‘past performance exceeding the annual average of the plan’s requirement... seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns.’*
- 7.12** In another appeal decision for a scheme at Alderton, the Inspector arrived at a similar conclusion, saying that *‘Nonetheless, in my judgement, the Council’s method of taking account of an over-supply against the annual requirement is not be [sic] an unreasonable one.... To continue to require 495 homes a year when the past over-supply would indicate a lesser requirement, would, it seems to me, be to ‘artificially inflate’ the housing requirement. I am not convinced, having accepted this position, that the appellant’s argument that the supply is as low as 2.08 years is robust.’*
- 7.13** Officer’s advice is therefore that a 3.83 year supply can be demonstrated at this time. Nevertheless, as set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites and the presumption in favour of sustainable development is therefore engaged in this case.

Design and Visual Amenity

- 7.14** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable 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, creates 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 134 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National Model Design Code.
- 7.15** 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.
- 7.16** 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.

- 7.17** Policy RES5 of the emerging MMTBP 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.
- 7.18** Further, Policy CHIN2 of the adopted Churchdown and Innsworth Neighbourhood Development 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.
- 7.19** The application proposes two apartment buildings which would incorporate a combination of two and three storey sections. The buildings would have a maximum height of 10 metres for the three storey elements, which would be 2 metres lower than the maximum height of the buildings proposed under the refused proposal, and 8 metres for the two storey element. The depth of the buildings would be between 7-8 metres. 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 (DAS) sets out *"The proposed apartment blocks have been designed to ensure they respond to the context of the site and its surrounding. Consequently, the bulk and massing will be of an appropriate scale with building depths between 7-8 metres which reflect that of buildings seen elsewhere in the area."* In terms of the appearance of the apartment blocks the DAS states *"the key elevations treatments will be incorporated at the junction of Longford Lane and Horsbere Drive and Close Tower Road roundabout to enhance key views along these routes to ensure an attractive gateway to this area."* On the proposed external materials, the DAS states *"Materials recommended for use within the development should consist of the materials used in the Retail Centre and School to create a comprehensive gateway to the development."*
- 7.20** 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 (para.40). As such it is essential to consider the site context. The application site is located on the eastern side of Horsbere Drive, a tree lined avenue leading into the development. The 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 and incorporate 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, though there are some three storey dwellings to the north of the Clock Tower roundabout and on other areas of the estate.

- 7.21** Given the site context, despite the reduction in the overall height compared to the previously refused proposal, officers consider the development proposed would still, by virtue of the overall scale and the resulting bulk and massing and the uninspired and bland appearance, fail to integrate and relate well to the surroundings. The buildings, due to the 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 and would create an unbalanced form at the entrance into the estate when considered in relation to the scale and type of the retail units on the opposite side of Horsbere Drive. As such it would become the dominant feature to the detriment of the locality failing to provide an adequate sense of arrival which should “*frame’ the access into the site*” as required by the approved Masterplan for the Longford development.
- 7.22** Whilst it is recognised 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 and the significant level of car parking and the lack of open space and landscaping would result in the development appearing ‘cramped’ and it would represent over-development of the site.
- 7.23** In terms of the appearance, the architectural detailing is uninspired, generic and lacks any sense of character or identity. There appears to be a general lack of consideration for the elevation details, for example the fenestration details are unimaginative. As such, even with the use of different materials and finishes, the two apartment blocks would appear bland, they certainly can’t be described as beautiful, which is expected in accordance with the NPPF. Further, given how prominent this site is from all the surrounding roads, their introduction would be harmful to the visual quality of the locality. It is noted there are other 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.
- 7.24** Given the above, whilst appreciating the reduction in the overall height and adding variety in building height would reduce the bulk and mass to a certain extent, it doesn’t go far enough and therefore the concerns raised with the previously refused proposal remain applicable. The development would not be an appropriate scale, type, density and appearance 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 create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve. This weighs heavily against the proposal in the overall planning balance.

Landscaping

- 7.25** 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 of the JCS 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. Policy CHIN3 of the Churchdown and Innsworth NDP states that new residential development proposals should include a range of green features appropriate to the size and scale of the development.
- 7.26** A Landscape and Visual Impact Appraisal (LVIA) accompanies the application. The LVIA concludes that the site is considered to have an overall low landscape sensitive and medium low visual sensitivity to change. The report continues by stating that the *“greatest loss through development of the site is that of the openness that is provided by the undeveloped state of the site and that proposals for development should therefore be of a size and scale which is consistent with the existing local built form and reflective of desirable emerging local character whilst reflecting the importance of the gateway location and its capacity for a prominent landmark building.”* For the reasons set out in the Design and Layout section of the report above, officers consider the development would not be consistent with the existing local built form nor would it reflect the importance of the gateway location. As such officers consider the development proposed would be contrary to the guidance in the submitted LVIA.
- 7.27** In terms of the landscape strategy proposed, the Council’s Landscape Advisor finds the proposal unacceptable. She considers, amongst other things, that the car parking would dominate the open spaces; the existing trees to the site frontage along Horsbere Drive would be impacted by the new apartments; there would be little room for much meaningful planting, including to the Longford Lane frontage, especially with the change in levels; and the proposed planting scheme would not be sufficient to soften the impact of the apartment blocks as they will be over dominant and not in keeping with the surrounding style of development. This failure to provide a satisfactory level of landscaping goes hand in hand with the concerns raised in respect to the scale and size of the development on the site and emphasises the harm. This counts against the proposal in the planning balance.
- 7.28** The Council’s Tree Officer is currently reviewing the proposed development in terms of the impact upon the existing trees along the boundary to Horsbere Drive therefore **an update will be provided at Planning Committee.**

Residential amenity

- 7.29** In respect of the impact of the development upon residential amenity, paragraph 130 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 and emerging Policy RES5 of the MMTBP 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.

- 7.30** The building shown as **A** on the submitted plans would be located to the north-west of the nearest property along Whitefield Crescent, No 10. The layout has been designed so that the car parking would be sited between building **A** and the nearest property. As such a distance of approximately 28 metres would be maintained from the rear elevation of the closest part of the apartment block to the boundary with the neighbouring property. Given the separation distance and the favourable orientation it is considered Building **A** should be able to be accommodated on the site without undue detriment to the amenity of occupiers of the existing properties.
- 7.31** The second apartment building shown as **B** and **C** on the submitted plans would be located to the north of the existing properties, No.2-8 Whitefield Crescent. These existing properties are maisonettes and have very little, if any, private garden space. At its' closest point building **B** would be approximately 20 metres from the boundary with the neighbouring properties, though this part of the building would be two storey in height, the three storey element would be approximately 40 metres from the boundary. Given the separation distance between building **B** and **C** 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.
- 7.33** Turning to the amenity of the future occupiers of the flats the relationship between the two buildings needs to be considered. The two apartment blocks would be slightly off-set and no windows are proposed in the north facing side elevation of block **A**. As such, it is considered the development as proposed could be accommodated without compromising the amenity of the future occupiers of the units.
- 7.34** The development does not propose any communal areas however the development would incorporate small pockets of grassed areas and bins 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 for residential amenity value within the application site is considered acceptable.
- 7.35** 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 emerging MMTBP 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. Whilst this is not currently an adopted policy, the applicant has confirmed all the proposed apartments would meet or exceed the national space standards.
- 7.36** The site borders Longford Lane and Horsbere Drive and the commercial units on the opposite side of Horsbere Drive are in close proximity to the site. The NPPF states at Paragraph 185 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Policy SD14 of the JCS seeks to protect health and environmental quality and provides that development should not create or exacerbate conditions that could impact on human health. Should permission be granted a condition is recommended to secure a noise assessment, together with the necessary noise mitigation measures.

Access and Highway Safety

- 7.37** 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. Emerging policies RES5 and TRAC9 of the emerging MMTBP 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.
- 7.38** The vehicular access would be from the internal road system within the adjacent residential development, off Whitefield Crescent. Pedestrian access would be provided through the proposed development from east to west enabling direct access for residents to the bus stops on Horsbere Drive and the Local Centre. In terms of the parking provision, 40 car parking spaces and 4 motorbike spaces would be provided and sheltered cycle parking would be available for all residents.
- 7.39** The application is supported by a Transport Statement (TS) which concludes that the site is well located to existing facilities which are within a few minutes' walk and regularly bus services are accessible from the bus stop immediately outside the development to access facilities within Gloucester and further afield. The report also found that safe and suitable access can be achieved for all users, and that the traffic generated from the proposed development would not have a 'severe' impact on the operation and safety of the surrounding local highway network.
- 7.40** Gloucestershire County Council, as Local Highway Authority (LHA) have assessed the proposed development in terms of location, access, highway impact, car parking and cycle parking. The LHA conclude that, based on the analysis of the information submitted, there would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no justifiable grounds on which an objection could be maintained.
- 7.41** National Highways have also assessed the proposed development and conclude that they do not consider that the application would result in a severe or unacceptable impact on the strategic road network therefore they raise no objection to the proposal.
- 7.42** Concerns have been raised by the local residents and Longford Parish Council about the proposed parking provision. The total number of parking spaces that would be required for a development of this nature having regard to the requirements of Policy CHIN1 of the Churchdown and Innsworth NDP, would be 39 (including 6 visitor spaces). As such the level of parking provision would accord with the requirements set out in the NDP. The LHA have also confirmed the level of parking proposed accords with the present parking standards as set out in the Manual for Gloucestershire Streets (July 2020) Addendum – October 2021.

Drainage and Flood Risk

- 7.43** 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 and 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 MMTBP policy ENV2.
- 7.44** The site is located within Flood Zone 1 and is therefore at a low risk from flooding. A Drainage Statement accompanies the application. This statement sets out that the strategy is to discharge surface water into the surface water sewer in the Clock Tower Road. This network has a controlled outfall to the Horsbere Brook and storage provided through a balancing pond and was designed to accommodate surface water from a development on this site. The design of this wider network was based on a proportion of the site being made impermeable and this proposal is for less impermeable area so there will be no issue in accommodating surface water into this network. The details of the onsite surface water network have not been provided, however, they can be attained through a detailed drainage condition, should permission be granted. Gloucestershire County Council Lead Local Flood Authority (LLFA) have raised no objection to the proposed development.
- 7.45** In terms of foul drainage, foul water is proposed to drain via new gravity drains/sewers laid within the application site and connecting to the existing manhole. Flows would then be taken within the infrastructure sewers by gravity to the existing Severn Trent Water pumping station located on the former Longford Treatment Works, north of the Horsbere Brook. Severn Trent Water have raised no objections to the proposed works.

Biodiversity

- 7.46** 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. Emerging Policy NAT1 of the MMTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.47** As part of the application an Ecological Assessment (EA) was submitted. This report concluded that through the implementation of the safeguards and recommendations the development would avoid any significant impact on any designated sites for nature conservation, trees and other natural features. The potential presence of protected species is acknowledged and measures to safeguard these have been put forward, whilst those habitats of ecological importance have been identified and measures recommended to ensure their protection. The Council's Ecological Advisor is currently reviewing the EA therefore **an update on this will be provided to Members.**

- 7.48** 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. Policy NAT1 of the emerging MMTBP 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 (HRA) has concluded that the proposal will not adversely affect the integrity of the habitats site. A Briefing Note providing additional information for the Habitats Regulation Assessment has recently been submitted and is currently being reviewed by Natural England and the Council's Ecological Advisor. **Accordingly, an update on this matter will be provided to Members.**
- 7.49** In addition to the above, emerging Policy NAT1 of the MMTBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. Locally defined ecological networks identified in Local Nature Recovery Strategies will be the primary focus for landscape scale net gain delivery. The reasoned justification for Policy NAT1 sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Information contained within the Ecological Appraisal sets out that the proposed development would achieve a net enhancement to biodiversity however no details of the percentage of net gain has been provided. Ongoing discussions are currently taking place with the applicant regarding this matter and therefore **an update will be provided at Planning Committee.**

Market Housing Mix

- 7.50** Policy SD11 of the JCS requires all new housing development to provide an appropriate mix of dwellings sizes, types and tenures in order to contribute to mixed and balanced communities and a balanced housing market. Development should address the needs of the local area and should be based on the most up to date Strategic Housing Market Assessment.
- 7.51** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence based to inform the housing mix on residential applications. This report states that in Tewkesbury 3% of new market dwellings should be one bedroom properties, with 13% having two bedrooms, 54% containing three bedrooms and 29% having four bedrooms or more.
- 7.52** In this application the proposal only includes one bedroom and two bedroom properties therefore wouldn't be in strict conformity with the evidence in the LHNA. However, given the apartment nature of the proposed development one bedroom and two bedroom units are considered to be the most appropriate form of development and therefore this imposition is considered acceptable, in this instance.

Affordable Housing

- 7.53** The NPPF sets out that Local Planning Authorities should set policies for meeting affordable housing need on development sites. Policy SD12 of the JCS requires a minimum of 40% affordable housing on developments outside of the JCS Strategic Allocations; where possible affordable housing should be provided on-site and calculated requirements should be rounded to the nearest whole unit.

7.54 The applicant originally proposed eight apartments in a single block for Affordable Rent onsite with the remaining affordable contribution via a financial contribution in lieu of on-site provision. The Council's Housing Strategy and Enabling Officer objected to this proposal and recommended an affordable housing scheme which would be acceptable. The applicant has reviewed this suggestion and agreed to the scheme. Should permission be granted, this obligation, along with details of the clustering, would need to be secured via a legal agreement.

Education, Library and Community Provision

7.55 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, 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. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. 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. Policy SA1 sets out that infrastructure should be provided comprehensively across the site taking into account the needs of the whole Strategic Allocation. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

7.56 Gloucestershire County Council as Local Education Authority (LEA) have been consulted and confirmed that places for education provision would not be requested in this case as the number of qualifying dwellings falls below the threshold of 10.

7.57 In terms of libraries, Gloucestershire County Council have advised that a contribution towards local Library infrastructure is not required in this case because the total number of dwellings proposed is below the threshold of 25 dwellings.

7.58 The Council's Community and Place Development Officer has confirmed that because the provision for open space, play and sport is well catered for in the vicinity through the recent Whittington Park/Horsbere Mew Development a contribution towards off-site sports provision would not be necessary to make the development acceptable in planning terms.

Section 106 obligations

7.59 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

7.60 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 reasonable related in scale and kind to the development.

7.61 Requests have been made by consultees to secure the following contributions:

- 40% Affordable Housing
- £1,752 towards recycling and waste bin facilities.

In addition, a planning obligation may be required to secure off-site habitat enhancements to ensure the development would provide at least 10% biodiversity net gain. **An update on this will be provided to Members at Planning Committee.**

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. There are no clear reasons for refusal arising from NPPF policies for the protection of areas or assets of particular importance 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

8.3 The development would contribute towards the supply of housing, both market and affordable housing 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 in favour of the application.

8.4 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

8.5 Given the context of the site and its surroundings, the development as proposed would not be an appropriate scale, type, density and appearance to the site and its setting and therefore would fail to respond positively to, and respect the character, appearance and visual amenity of the locality. It therefore follows the development would fail to create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve. This weighs heavily against the proposal in the overall planning balance.

- 8.6 In line with the above, due to the scale of the building, the quantum of the housing development proposed and therefore the resulting requirement to provide the level of car parking as shown, the built form would dominate the site. As such there would be insufficient space on the site for meaningful landscaping. This counts against the proposal in the planning balance.

Neutral

- 8.7 It has been established through the submission documents that subject to securing satisfactory measures by the imposition of appropriate planning conditions and planning obligations, the development would not give rise to unacceptable impacts in relation to flood risk and drainage, residential amenity, or any noise pollution. It is noted that at the time of writing the report there are outstanding matters related to the impact of the development upon the existing trees and ecology which need to be resolved. Should, following the resolution of this matters, any further benefits/harm(s) is/are identified, **a new balancing exercise will be carried out and an update will be provided at Planning Committee.**

Overall conclusion

- 8.8 The benefits of the proposed development are not underestimated. However, for the reasons set out and taking account of all the material considerations and the weight to be attributed to each one, it is considered that the identified harm would significantly and demonstrably outweigh the benefits in the overall planning balance.
- 8.9 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.

REFUSAL REASONS:

1. Given the context of the site and its surroundings, the development as proposed, by virtue of the overall scale, the resulting bulk and massing and uninspired and generic appearance, would not be an appropriate scale, type, density and appearance for 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.

In addition, due to the scale of the building, the quantum of the housing units proposed and the resulting requirement to provide the level of car parking as shown, the built form would dominate the site which would result in there being insufficient space on the site for meaningful landscaping. As such the development would appear cramped and would represent overdevelopment of the site.

It therefore follows the development would fail to create a high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve.

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 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy CHIN2 and CHIN3 of the adopted Churchdown and Innsworth

Neighbourhood Plan 2018-2031 and emerging Policy RES5 of the Main Modifications Pre-submission Tewkesbury Borough Plan (2021).

2. In the absence of an appropriate planning obligation, the proposed development does not make provision for the delivery of recycling and waste bin facilities 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.
3. 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 Policy SD12 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 -2031 (December 2017) and emerging Policy RES12 of the Main Modifications Pre-submission Tewkesbury Borough Plan (2021).

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 the 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.