

## Planning Committee

<b>Date</b>	17 October 2023
<b>Case Officer</b>	Frank Whitley
<b>Application No.</b>	23/00044/OUT
<b>Site Location</b>	Land at Horsbere Drive, Longford
<b>Proposal</b>	Residential development of up to 21 apartments, associated infrastructure, ancillary facilities, open space and landscaping with all matters reserved (amended description).
<b>Ward</b>	Innsworth
<b>Parish</b>	Innsworth
<b>Appendices</b>	Site location plan Illustrative layout amended Apartment Block A elevations Apartment Block A floor plans Apartment Block B elevations and floor plans Illustrative streetscene Landscape context plan
<b>Reason for Referral to Committee</b>	Outline application for the erection of 10 or more residential units
<b>Recommendation</b>	Delegated Permit

### Site Location



## 1. The Proposal

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- 1.1** This application seeks outline planning permission for a residential development of up to 21 apartments, associated infrastructure, facilities, open space and landscaping. All matters (Appearance, Means of access, Landscaping, Layout and Scale) are reserved for future consideration. The application therefore seeks to establish whether the principle of development for up to 21 apartments within the identified site boundaries is acceptable.
- 1.2** The application has been accompanied by a suite of drawings, however, with the exception of the location plan, all plans at this stage are illustrative and the matters as outlined above would be subject consideration at the reserved matters stage if this outline planning permission were to be granted.

## 2. Site Description

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- 2.1** The application comprises an area of residual, disused land on the corner of Horsbere Drive, and Clock Tower Road. The site measures approximately 35m x 70m and is bounded to the east by the residential development on Whitefield Crescent. To the north is Longford Park Primary Academy and on the opposite side of Horsbere Drive, a row of shops which includes a Co-op supermarket.
- 2.2** The site is grassed and has open boundaries onto the tarmac public footpaths of Horsbere Drive and Clock Tower Road. The eastern boundary is partly defined by a dilapidated timber panel fence immediately beyond which are Nos 2,4,8,10 Whitefield Crescent. On the western boundary, there is bus stop, street lighting and a row of immature trees which are to be retained.
- 2.3** While the site is relatively flat, it is however set at a lower level to Longford Lane to the South.
- 2.4** The site is not subject to any landscape, heritage or ecological designations.

## 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
05/00883/OUT	Outline planning application for residential development (C3), Community Uses (D1), local centre comprising classes A1, A2, A3, A4 and A5 and associated physical infrastructure and open space	appeal allowed	3.7.08
11/00385/FUL	Residential development (C3), Community Uses (D1), local centre comprising classes A1, A2, A3, A4 and A5 and associated physical infrastructure and open space (Extension of time of planning ref: 05/0883/OUT).	permit	17.5.13
16/00058/MINOR	Residential development (C3), Community Uses (D1), local centre comprising classes A1, A2, A3, A4 and A5 and associated physical infrastructure and open space (Extension of time of planning ref: 05/11485/0883/OUT).	permit	15.8.16

19/01098/FUL	Construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping.	refuse	22.7.2020
21/00880/OUT	Outline application for a residential development of 24 apartments and associated operations (access reserved for future consideration).	refuse	16.2.22

**3.1** This application follows two previous applications.

**3.2** The first, scheme was a Full application for 33 apartments which was refused at planning committee in July 2020 for reasons of scale, bulk and massing.

**3.3** The second application was an Outline application for 24 apartments with matters of access reserved (21/00880/OUT). This was refused, at planning committee in February 2022 for the following 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).*

**3.4** The current application for 21 units seeks to address the above reasons for refusal.

## **4. Consultation Responses**

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

### **4.1 Longford Parish Council- objection**

#### **In summary:**

- Land was approved for services and facilities under planning application 11/00385/FUL. Application represents erosion of local centre requirements
- Will lead to more car journeys, pollution and less employment in area
- JCS supports provision of infrastructure
- Masterplan of 11/00385/FUL showed low level of school and local centre ensured connection with farmland beyond. Three storey apartment blocks would create an imbalance and would not be in keeping with rest of development, mainly two storey houses.
- Affordable housing distribution not made clear.
- 40% requirement of affordable housing is 8.4 units. There should be no financial contribution in lieu.
- Insufficient car parking
- Surface water drainage impacts

### **4.2 Tree/ Landscaping - objection**

#### **In summary:**

- Development 'squeezed' into site
- Views from lower windows of Block B facing Longford Lane would be straight into sloping bank
- Screening effects from trees in streetscene drawings exaggerated
- Parking dominant

### **4.3 Urban Design- express concerns**

#### **In summary:**

- support overall
- scale and the height of development appears appropriate
- insufficient provision for walking and cycling,
- lack of ground level amenity space could be addressed by fewer units
- parking dominant
- limited sunlight on ground floor apartments facing Longford Lane

### **4.4 Natural England- no objection subject to conditions and S106 obligations**

### **4.5 Ecology- no objection subject to conditions**

In summary, development is likely to meet Biodiversity Net Gain requirements

### **4.6 Community and Economic Development- no objection**

### **4.7 National Highways- no objection**

### **4.8 County Planning Section S106 Monitoring Officer- no objection**

Education: No contribution required

Libraries: No Contribution required

- 4.9 Housing and Enabling Officer-** no objection
- Section 106 required.
  - Affordable units should include balconies and/ or at ground floor level terraced private space.
- 4.10 County Council Highways Officer-** no objection subject to conditions
- 4.11 Environmental Health- (amenity and air quality)** no objection subject to conditions
- 4.12 Severn Trent Water –** no objection
- 4.13 Lead Local Flood Authority (LLFA) and Tewkesbury BC drainage–** no objection subject to conditions
- 4.14 Waste Services -** objection  
Further details required in respect of waste vehicle access and bin collection points

## **5. Third Party Comments/Observations**

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- 5.1** Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.
- 5.2** Approximately 140 objections have been received in response to the consultations. The comment raised are summarised below:
- Not in keeping with existing development
  - Loss of light, more noise
  - Lack of need for more housing
  - Parking and traffic congestion, blocked roads for emergency services
  - Should be left as Green Belt
  - Lack of doctors and dentists and school at near capacity
  - Drainage infrastructure at capacity
  - Too much development locally
  - Site should be used for infrastructure serving local area
  - Risk of more flooding
  - Flats are out of character
  - Urging people to use bicycles doesn't work
  - Flats would be an eyesore due to height and size
  - Doctors surgery should be built instead, community centre, green or community area
  - Contrary to NPPF, JCS, TBC and Neighbourhood plan policies
  - Harm to amenity during construction
  - Road safety risk because close to primary school
  - Balconies overlooking school fields is unacceptable
  - Reduce visibility for drivers on road
  - Better alternative would be development to boost local economy
  - Overdevelopment
  - Would attract unwelcome occupants
  - Will put pressure on limited disabled parking spaces
  - Should not be allocated for residential development
  - Loss of village feel

- No explanation of how affordable housing would be distributed through development
- Would attract more anti-social behaviour and crime
- Not contributing to net-zero targets
- Area needs families to grow the community rather than single occupants

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

### **6.2 National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

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

Policy SP2 (Distribution of New Development)  
 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 INF5 (Renewable Energy/Low Carbon Energy Development)

### **6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022**

Policy RES2 (Settlement Boundaries)  
 Policy RES5 (New Housing Development)  
 Policy RES12 (Affordable Housing)  
 Policy RES13 (Housing Mix)  
 Policy DES1 (Housing Space Standards)  
 Policy TRAC9 (Parking Provision)  
 Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)  
 Policy ENV2 (Flood Risk and Water Management)  
 Policy HEA1 (Healthy & Active Communities)  
 Policy TRAC1 (Pedestrian Accessibility)  
 Policy TRAC2 (Cycle Network & Infrastructure)  
 Policy TRAC3 (Bus Infrastructure)

### **6.5 Churchdown and Innsworth Neighbourhood Development Plan (CHINDP)**

Policy CHIN1: Parking to support residential development  
 Policy CHIN2: Layout and appearance of residential development  
 Policy CHIN3: Environmental considerations in the design of residential development  
 Policy CHIN9: Provision for wildlife in new development  
 Policy CHIN11: Blue infrastructure  
 Policy CHIN12: Flood mitigation  
 Policy CHIN14: Pedestrian and cycle movement routes

## **7. Policy Context**

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- 7.1** 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.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** 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.

## **8. Evaluation**

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### ***Main Issues***

- Principle of Development
- Scale, Character and Appearance
- Waste and Recycling
- Residential Amenity
- Highways and Parking
- Drainage and Flooding
- Affordable Housing
- Ecology
- Other matters

### ***Principle of Development***

- 8.1** The application site formed part of an outline scheme ref 05/0883/OUT for a major housing development approved in 2008. The approved Masterplan, Phasing and Design Code 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.
- 8.2** No reserved matters application came forward, though the outline planning permission was renewed by way of application no.11/00385/FUL, approved on 17 May 2013. Condition 2 of the decision notice for 11/00385/FUL required reserved matters applications to be submitted within three years, that being by 17 May 2016. No reserved matters application was submitted in respect of the land and the consent has subsequently lapsed.
- 8.3** Officers note the concerns regarding site's provisions for community related development. However, planning permission no longer exists for a community use at the site. As a result, there is no current requirement to deliver a community related development on the site and no realistic prospect (given opportunity was not taken up in the 8 years whilst the permission was live or since) that such a use would be delivered. The application therefore stands to be determined on its own merits.

- 8.4 The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 8.5 The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes.
- 8.6 Policy SP1 (The Need for New Development) of the JCS states that provision will be made for 35,175 new homes, within existing urban areas through District Plans, existing commitments, urban extensions, and strategic allocations.
- 8.7 Policy SP2 (Distribution of New Development) of the JCS amongst other things, states that dwellings will be provided through existing commitments, development at Tewkesbury town, in line with its role as a market town, smaller scale development meeting local needs at Rural Service Centres and Service Villages.
- 8.8 Section 3 (Housing) of the adopted TBP explains that Longford is an 'Urban Fringe Settlement' of Gloucester, rather than falling within the settlement hierarchy of Tewkesbury Borough. According to the adopted TBP, urban fringe settlements are considered sustainable settlements possessing a good range of services and good accessibility to Gloucester and Cheltenham.
- 8.9 Map No.20 of the adopted TBP Policies Maps, indicates the settlement boundary of Longford within which the application site is located.
- 8.10 Policy RES2 (Settlement Boundaries) of the adopted TBP states (amongst other settlement types), the principle of residential development in urban fringe settlements is acceptable, subject to meeting other relevant policy requirements.
- 8.11 Officers consider that the application site is suitable for residential development in principle under the provisions of SP1, SP2 (of the JCS) and RES2 (of the TBP). The 'tilted balance' in favour of sustainable development according to paragraph 11 of the NPPF does not need to be engaged to establish the principle of acceptable residential development in this location.
- 8.12 The principle of new residential development on the application site is considered acceptable and in accordance with the NPPF, the adopted JCS and adopted TBP.

### ***Scale, Character and Appearance***

- 8.13 The NPPF at Chapter 12 seeks to achieve well-designed places. Policy SD4 of the JCS seeks to ensure design principles are incorporated into development, in terms of context, character, sense of place, legibility and identity. These requirements closely align with the requirements of the National Design Guide. Policy RES5 of the TBP seeks to ensure proposals are of a design and layout which respect the character, appearance and amenity of the surrounding area.
- 8.14 Policy CHIN2 of the made 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.



- 8.15** Although the application is in outline with all matters reserved, the application has nevertheless been supported by indicative plans to demonstrate how a development of up to 21 apartments could be accommodated within the site. The plans show how the apartments could be accommodated in two separate apartment blocks. The illustrative scheme shows how 'Block A' to the north and 'Block B' to the south could comprise a total of 12 x 1 bedroom and 9 x 2 bedroom apartments respectively. The applicant has also advised that 40% of the proposed apartments would be affordable.
- 8.16** The indicative plans also demonstrate how there could be active principal elevations onto Longford Lane to the south and Clock Tower Road to the north. In addition, the development could provide a frontage onto Horsebere Drive, and provide pedestrian/cycle only access, between the two apartment blocks and linking to Whitefield Crescent. The main vehicle access would be via the existing Whitefield Crescent. This vehicle and pedestrian/cycle access could lead into a parking court providing 35 parking spaces.
- 8.17** The development as shown on the indicative drawings would be a combination of three and two storeys, with a maximum height of 8.5m for the three storey and 5.5m for the two storey elements. Officers recommend that building height is limited by condition to a maximum of 8.5m (see proposed Condition 22 below). In all other respects the precise design (appearance, layout and scale) would remain to be considered at the reserved matters stage.
- 8.18** The indicative drawings also show how the development could provide landscaped areas at ground level, 'green roofs' and garden roof terraces for additional occupier amenity space.
- 8.19** Generally, the indicative design approach of the apartment blocks is considered well-articulated, and achieves natural surveillance over frontages, without dominating the street scene. The appearance of the buildings is softened by a mix of materials, green landscaping at ground and upper levels. No concerns have been raised by the urban design consultant regarding scale and massing, though it is suggested that useable ground level amenity space could be improved by a smaller building footprint. A reduction in the number of units would also provide further space for soft landscaping to flourish and avoid any risk of elevations appearing cramped within boundaries. Nevertheless, the details of the scheme remain for future consideration and it is considered that an appropriate layout could be achieved with further thought and at the reserved matters stage.
- 8.20** The proposed use of shared roof gardens is supported and reflects the National Design Guide where there is recognition of sustainable benefits including water management, biodiversity as well as amenity space. Some concerns are raised that over reliance on shared amenity space could result in limited private amenity space, and it is suggested that more generous balconies are provided, thereby compensating for shared roof top space which may not be accessible to occupiers with mobility issues. It is therefore considered that an appropriately designed scheme of up to 21 dwellings could realistically be achieved.

### ***Waste and Recycling***

- 8.21** Policy RES5 (New Housing Development) requires new developments to make provisions for the efficient and effective high quality household waste collection services.

- 8.22** According to the Design and Access Statement, it is envisaged that for apartments adjacent to Longford Lane and Horsbere Drive, refuse collection would take place from either Whitefield Crescent or Horsbere Drive. Apartments backing onto Horsbere Drive and Clock Tower Road would be serviced from Clock Tower Road.
- 8.23** Officers note that Waste Services have objected to the development, citing concerns regarding waste and recycling storage and inadequate information regarding access routes for occupiers and refuse vehicles.
- 8.24** In response, Officers advise there is no requirement at the outline stage, particularly where all matters are reserved, for plans to show bin storage locations and collection points and these details would need to be demonstrated in an appropriate manner at the reserved matter stage.
- 8.25** Notwithstanding, the applicant has submitted a Waste Minimisation and Management Plan. Paras 4.24-4.30 explain intended disposal and recycling arrangements for occupiers. Occupants would be entitled to kerbside collections and the developer would ensure that each apartment would have all the necessary containers within a communal storage facility. In Officers' opinion there is sufficient certainty of the development being able to achieve bin storage and collection in accordance with Policy RES5 such that refusal of the application on these grounds would be unjustified at this time.

### ***Residential Amenity***

- 8.26** Policy DES1 (Housing Space Standards) of the TBP confirms the adoption of the Government's nationally described space standards. Minimum floor areas for each of the apartments proposed are 39sqm for one bedroomed, and 50sqm for two bedroomed respectively. All apartments are intended to exceed minimum space standards.
- 8.27** Amongst other requirements, Policy SD4 of the adopted JCS states that new development should, *'...enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space.'*
- 8.28** Policy SD10 states that. *'...residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment.'*
- 8.29** Shared amenity space for all apartments is considered adequate, though as noted above, concerns have been raised that private amenity space is insufficient as illustrated.
- 8.30** In response to the issue of shared versus private amenity space, the applicant's agent has responded by confirming there would be 180sqm of communal garden space accessible direct from apartments and not to the general public. Further the agent has emphasised the benefits of the 'central boulevard' between the two blocks which has the potential to be used as a semi-private courtyard, subject to detailed designs at the reserved matters stage.
- 8.31** The applicant's agent points out that balconies are currently 1m deep and is willing to accept a condition requiring their extension to 1.5m deep so that these could provide improved outdoor amenity space for future occupiers.

- 8.32** A further concern raised by consultees is the amenity of occupiers of the ground floor apartments of Block B, where they face Longford Lane. The application site is set lower than the highway, therefore ground floor occupiers would face a bank, with potential loss of sunlight. In response, the applicant has commented that windows are sufficiently set back from the bank and in any event are south facing, so maximising daytime sunlight. Officers take note of the concerns raised, though do not consider that residential amenity would be adversely affected to the extent refusal would be warranted. Nevertheless, layout and associated impacts remain to be considered at the reserved matters stage.
- 8.33** Policy SD14 of the adopted JCS states new development must cause no harm to local amenity including the amenity of neighbouring occupants. In this regard, there is potential to overlook neighbouring dwellings from upper-level apartments and from roof garden space. Risks particularly relate to the rear windows and small garden spaces of Nos 2,4,6,8 Whitefield Crescent, and to a far lesser extent No.10, whose side gable would face the development. The roof garden space of Block A as shown on the indicative drawings would could be separated from the boundary of Nos 2-8 Whitefield Crescent by a distance of 26m. Similarly the Block B roof garden space would be separated from the boundary of No10 Whitefield Crescent by a similar distance. Officers consider the separation distance demonstrated would be sufficient to reduce the risk of amenity harm to an acceptable level and that this separation distance is better than typically found in new housing developments. Furthermore, there would be potential for further mitigation by careful management of boundary treatments should this be required as part of the consideration of any reserved matters application.

### ***Highways and Parking***

- 8.34** The NPPF at Chapter 9 seeks to promote sustainable transport.
- 8.35** Policy INF 1 (Transport Network) requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Chapter 10 of the adopted TBP states that an efficient and safe transport system is critical to the success of the Borough and the quality of life of its residents and visitors.
- 8.36** Section 10 of the adopted TBC (Transport and Accessibility) sets out policies for pedestrians (TRAC1), cycle network (TRAC2) and bus infrastructure (TRAC3).
- 8.37** Policy CHIN1 (Parking to Support Residential Development) of the CHINDP seeks to achieve one and two parking spaces for every one bedroomed and every two bedroomed dwelling respectively.
- 8.38** In terms of layout, concerns remain, for example that the development is vehicle dominant and comprises excessive dedicated carparking. Instead, more emphasis could be placed upon pedestrian and cycle routes. At the same time though, the development seeks to comply with the CHINDP which requires adequate parking to reduce the risk of on-street parking. Compliance with Policy CHIN1 would equate to the provision of at least 30 carparking spaces in the development.
- 8.39** Accepting the layout plans are indicative, the proposal comprises 35 spaces. The applicant has emphasised that the additional five unallocated spaces are for visitor parking.

- 8.40** On balance, and taking into account that matters of layout are indicative, Officers consider that appropriate parking provision is likely to be achievable and within the scope of consideration at this outline stage.

### ***Drainage and Flooding***

- 8.41** The NPPF at Chapter 14 (in part) seeks to meet the challenge of climate change and flooding. Policy INF1 of the adopted JCS and Policy NAT2 of the TBP seek to manage flood risk. The application is accompanied by a Flood Risk Assessment, and consultations have taken place with the Environment Agency, Gloucestershire County Council (as the Lead Local Flood Authority), and Tewkesbury Borough Council's drainage officer.
- 8.42** Policy CHIN11 (Blue Infrastructure) of the Neighbourhood Plan seeks to ensure new development incorporates sustainable solutions to water and flood management, and where possible, enhancing the provision of wetland habitat for wildlife.
- 8.43** The application site is in Flood Zone 1 (lowest risk of flooding) and in an area already served by foul water and surface water sewers.
- 8.44** It is intended the development would connect to the existing public connection on Clock Tower Road. Neither Severn Trent Water nor the Lead Local Flooding Authority has raised any objection.
- 8.45** A condition is recommended to secure and approve an appropriate drainage scheme prior to works commencing.

### ***Ecology***

- 8.46** Chapter 15 of the NPPF seeks to conserve and enhance the natural environment.
- 8.47** Policy SD9 of the adopted JCS (Biodiversity and Geodiversity) states amongst other things that the biodiversity and geological resource of the JCS area will be protected and enhanced in order to establish and reinforce ecological networks that are resilient to current and future pressures. Similarly, the adopted TBP Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) requires amongst other things that proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals.
- 8.48** The submitted ecological assessment concludes there are no adverse impacts upon protected species. During the survey, a small number of common birds used the site for foraging.
- 8.49** A Habitats Regulation Assessment has been submitted in relation to potential impacts upon the Cotswolds Beechwoods SAC. Natural England has raised no objection to the proposal, subject to appropriate mitigation, which includes Strategic Access Management and Monitoring (SAMM) measures and the provision of Suitable Alternative Natural Greenspace (SANG). In combination with the provision of on-site public open space, contributions for SAMM and SANG have been agreed with the applicant and would be secured through the S106. Further, as recommended by the Council's ecologist, residents' packs are to inform new occupiers of the recreational opportunities available to them, the sensitivities of local nature conservation sites.

- 8.50** A Biodiversity Net Gain (BNG) Assessment has been submitted and checked by the Council's ecologist. Overall, the scheme would deliver a 15.7% net gain in habitats and 100% net gain in hedgerows. The scheme would therefore meet BNG requirements.

### ***Affordable Housing***

- 8.51** Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes, and that the needs of groups with specific housing requirements are addressed, in terms of amongst other affordability and tenure.
- 8.52** Policy SD12 of the JCS sets out that outside of the Strategic Allocations a minimum requirement of 40% affordable housing will be sought on developments. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.
- 8.53** The submitted Affordable Housing statement recognises the minimum affordable housing requirement would equate to 8.4 units. The Housing Enabling and Strategy Officer has confirmed the applicant has constructively engaged with the Housing team in preparing an affordable housing proposal set out in the applicant's affordable housing statement reflecting local housing needs.
- 8.54** The applicant proposes to provide eight affordable units on site, plus a commuted sum payment calculated at £30,000 on commencement of development. Officers advise this figure has been accepted by the Housing Team.
- 8.55** Affordable Discounted Market Sale units would comprise 4 x 1 bedroom apartments and 4 x 2 bedroom apartments.
- 8.56** The Council's Housing Strategy and Enabling Officer considers the proposed scheme would be policy compliant and therefore acceptable. This requirement could be secured by way of a Section 106 agreement.

### ***Community Facilities***

- 8.57** Policy RCN1 states that proposals for new residential development shall provide appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities.
- 8.58** No specific contribution has been requested by the Parish Council, nor the Council's Community Team which has been consulted. The Draft Section 106 with agreed Heads of Terms requires submission to the Council a specification for on-site open space prior to the first reserved matters application and not to commence development until approval has been obtained. This is considered appropriate given the scale of development proposed.
- 8.59** In terms of County Council Education contributions, the proposed development falls below the threshold of qualifying dwellings, that being at least 10 dwellings with 2 bedrooms or more. As such Education contributions are not being sought. Similarly the County Council states it has carried out a Site Specific Assessment and no library contribution is required.

## **Section 106 and CIL**

- 8.60** 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.
- 8.61** 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.
- 8.62** The Council's Community and Place Development Officer has confirmed that the Parish would receive up to 25% of CIL receipts which can be used for community infrastructure. No other financial contributions are being sought through the Section 106 agreement route.
- 8.63** The following Heads of Terms have been agreed with the applicant according to consultee requests:

**Affordable Housing:** 8.4 units equating to 8 affordable units on site with a £30,000 commuted sum.

**Public Open Space:** Specification to be agreed prior to reserved matters application being made

**Strategic Access Management and Monitoring (SAMM):** £4,053

**Suitable Alternative Natural Greenspace (SANG):** £10,080

**Refuse and Recycling:** £1,533

### ***Other Matters***

- 8.64** Paragraph 74 requires Local Planning Authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing (5YHLS). Tewkesbury Borough Council currently is unable to identify five years' supply. In these situations, the NPPF presumption in favour of sustainable development applies, according to Paragraph 11. Development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies. This approach is known as the 'tilted balance'.

- 8.65** Notwithstanding the provisions of NPPF Paragraph 11, the location of the application site accords with the Council's housing and settlement strategy as set out in the adopted JCS and adopted TBP. There is no requirement in Officers' opinion to engage the 'tilted balance' to establish the principle of development.
- 8.66** It should be noted the number of apartments has been reduced from previous applications, and this time seeks only to establish the principle of development with all matters reserved, accepting that relatively detailed plans have also been submitted for illustrative purposes only.
- 8.67** Officers do however consider that the Council's 5YHLS position has relevance when it comes to assessing the weight to be attached to adverse design and layout comments. Taken together, these comments collectively point towards either a reduction in the number of apartments or revisions to the design and siting of the blocks in order to remedy identified concerns.
- 8.68** Overall, Officers consider there is sufficient prospect of a policy compliant scheme of up to 21 dwellings coming forward at the reserved matters stage.

## **9. Conclusion**

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- 9.1** Development accords with the housing and settlement strategy of the adopted JCS and TBP. The application site falls within the Urban Fringe Settlement of Longford as set out in Policy RES2 of the adopted TBP where the principle of new residential development is considered acceptable.
- 9.2** To the extent relevant to the application made in outline, Officers consider that issues of scale and massing have been resolved over previous applications and there is sufficient prospect of an acceptable scheme coming forward at the reserved matters stage to comprise development of up to 21 apartments.
- 9.3** It is considered that the proposal would accord with policies of the NPPF, adopted JCS, TBP and the made Churchdown and Innsworth Neighbourhood Development Plan, as outlined above. Therefore, it is recommended that outline planning permission be granted subject to the recommended conditions and completion of a Section 106.

## **10. Recommendation**

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- 10.1** It is recommended that authority be **DELEGATED** to the Development Manager, to **PERMIT** the application, subject to the completion of a Section 106 legal agreement with obligations as set out above.

## **11. Conditions**

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### ***Standard Conditions***

- 1.** Details of the access, appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the development shall be carried out in accordance with the approved details.

Reason: The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 24 months from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

3. The development hereby permitted shall be begun either before:
- (i) the expiration of three years from the date of this permission, or
  - (ii) before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan No. LC.P.1 dated 22.1.21

Reason: In order to define the permission.

5. The development hereby permitted shall provide no more than 21 apartments.

Reason: To define the scope of the permission

#### ***Pre-commencement Conditions***

6. Prior to the commencement of development, including any preparatory work a scheme for the protection of the retained trees and hedgerows, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS should include details of the following:
- (a) Location and installation of services/ utilities/ drainage.
  - (b) Details of construction within the RPA or that may impact on the retained trees.
  - (c) a full specification for the installation of boundary treatment works.
  - (d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
  - (e) a specification for scaffolding and ground protection within tree protection zones.
  - (f) Tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area.
  - (g) details of site access, temporary parking, on site welfare facilities, loading, unloading And storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

Reason: To prevent existing trees from being damaged during construction work and to preserve the amenities of the locality.



7. Prior to the commencement of development, a detailed Sustainable Drainage System (SuDS) Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should be in accordance with the proposal set out in the approved submission (Drainage Statement; LON.LCE.DS.02; September 2022). The SuDS Strategy must include a detailed design and a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

8. Prior to the commencement of development, a detailed site waste management plan shall be submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount of waste materials expected to be generated from the development during site preparation and construction phases and set out what site specific measures will be employed for dealing with this material so as to; - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount of waste sent to landfill. In addition, the site waste management plan must also clearly set out the proportion of recycled content from all sources that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

9. Prior to the commencement of development, provisions for facilitating the management and recycling of waste generated during occupation shall be submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the delivery of local waste management targets. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD3 – Sustainable Design and Construction; adopted Gloucestershire Waste Core Strategy; Core Policy WCS2 – Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and Paragraph 8 of the National Planning Policy for Waste.

10. Prior to commencement of development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Number of vehicle trips and timings
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- Mitigation of the impacts of lighting proposed for the construction phase
- Measures for controlling leaks and spillages, managing silt and pollutants
- Methods of communicating the Construction and Environmental Management Plan to staff, visitors and neighbouring residents and businesses.
- Lighting plan showing light spill in lux levels to ensure that any bat foraging habitat is not unduly illuminated.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in the interests of protecting ecological assets.

11. Prior to the commencement of development, a noise assessment, in line with BS8233:2014 and BS4142:2014+A1:2019, together with any necessary noise mitigation measures shall be submitted to the Local Planning Authority for approval.

No apartment requiring noise mitigation measures shall be occupied until those noise mitigation measures as approved have been implemented. Noise mitigation measures shall be maintained as approved thereafter.

Reason: To ensure appropriate living conditions for future occupiers.

12. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include ecological mitigation and enhancement details as outlined in the submitted Ecological Assessment dated November 2022 and the Biodiversity Net Gain Assessment dated May 2023. Following finalisation of the soft landscape proposals (to be included in the LEMP), the biodiversity metric will need to be updated and submitted to the local planning authority for review to ensure that positive net gain can still be achieved.

Reason: To protect and enhance biodiversity.

13. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

***Prior to Occupation Conditions***

14. Prior to first occupation, a SuDS management and maintenance plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

15. Prior to first occupation, a Resident's Pack shall be produced and left in each apartment, to inform new residents of the recreational opportunities available to them, the sensitivities of local nature conservation sites and how visitors can minimise their impact plus details for becoming involved in the ongoing conservation of these sites. The pack will also provide residents with details of public transport links and foot/cycle paths to encourage the use of other modes of transport to the car. The packs should also advise people how to behave carefully in protected areas so as not to harm wildlife and habitats, e.g. putting dogs on leads during bird nesting season and throughout the year in protected areas. The Resident's Pack should be submitted to the Local Planning Authority for approval prior to occupation, and provided to residents as approved.

Reason: In the interests of preserving and enhancing ecological assets.

16. Prior to the first occupation details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii) Description, design or specification of external lighting to be installed.
- iii) A description of the luminosity of lights and their light colour including a lux contour map.
- iv) A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v) Methods to control lighting (e.g. timer operation, passive infrared sensor)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area and does not harm biodiversity within the site and the wider area.

17. The development shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details to be submitted as part of the Reserved Matters application(s). The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

***Additional Conditions***

18. During the construction phase (including preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the noise climate and amenity of local residents.

19. The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall include details of the materials to be used in the construction of the external surfaces of any building and surface treatments. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

20. Details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include existing and proposed levels, including finished floor levels and a datum point outside of the site. All development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity the visual amenities of the area.

21. Details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include balconies at least 1.5m deep, installed to a minimum of all affordable units.

Reason: To conform with requirements of the adopted adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD4, and the National Design Guide HN1.

22. Details to be submitted as part of the Reserved Matters application(s) in accordance with Condition 1 shall include maximum building height elevations not exceeding 8.5m above existing ground level.

Reason: To conform with requirements of the adopted adopted Gloucester, Cheltenham, Tewkesbury Joint Core Strategy Policy SD4, and the National Design Guide HN1.

23. The landscaping details to be submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:

- (a) positions, design, materials and type of boundary treatments to be erected;
- (b) hard landscaping materials;
- (c) a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in

- ground level, or other works to be carried out, within the canopy spread;
- (d) a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) a written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of any apartment.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity, to ensure the development contributes to a multifunctional network of green infrastructure, delivers ecosystem services for people and wildlife.

## **12. Informatives**

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- 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.
- 2** The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 3** It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
  - Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression, and promoting the Code.

- 4** The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.
- 5** Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.
- 6** The applicant is reminded that written permission for the proposed connection from the current S104 owner must be obtained before a S106 application can be made to Severn Trent Water for the indirect sewer connection.