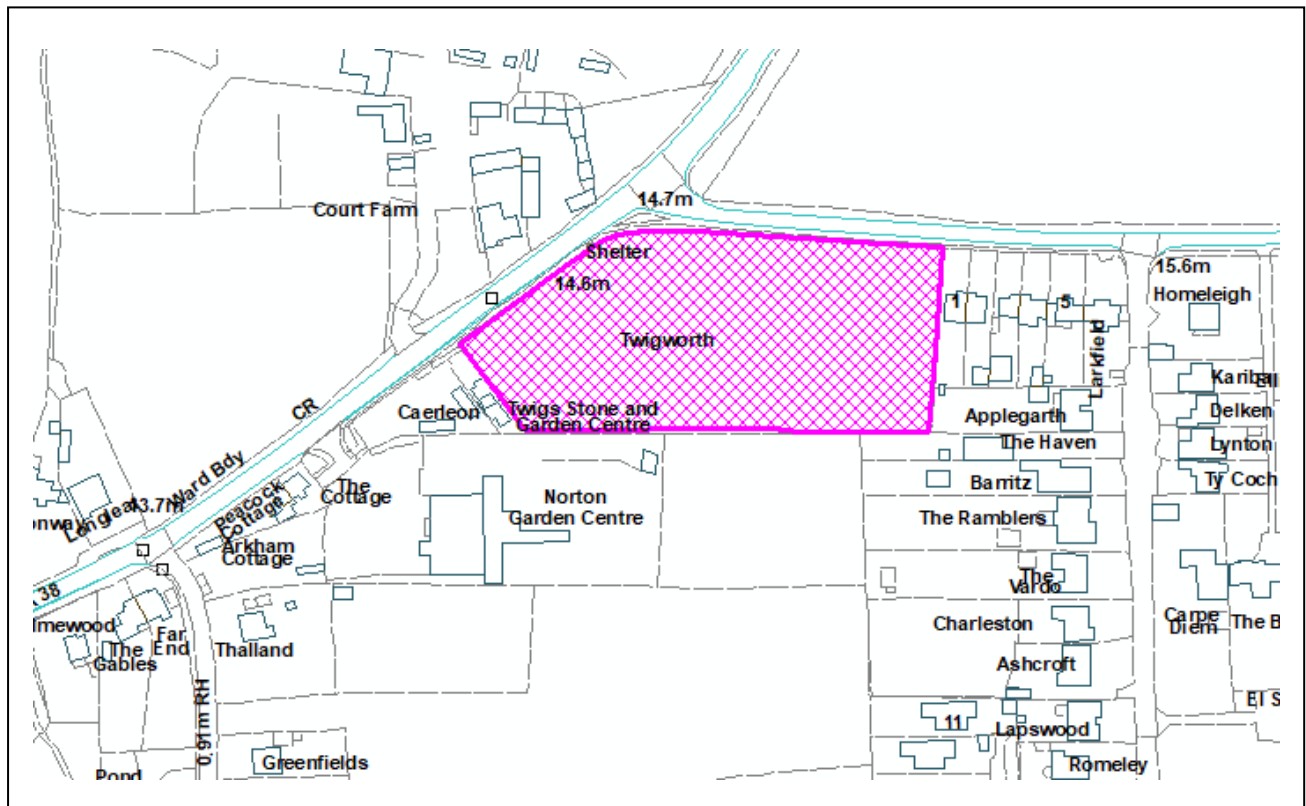


## Planning Committee

<b>Date</b>	20 December 2022
<b>Case Officer</b>	Anthony Foster
<b>Application No.</b>	22/00465/APP
<b>Site Location</b>	Land to the South of Down Hatherley Lane, Down Hatherley
<b>Proposal</b>	Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission 19/00771/OUT for the erection of 32 dwellings.
<b>Ward</b>	Severn Vale South
<b>Parish</b>	Down Hatherley
<b>Appendices</b>	Site Location Plan Site Layout Plan Proposed Street Scene 5 x House type plans
<b>Reason for Referral to Committee</b>	Reserved Matters application for the erection of more than 20 dwellings
<b>Recommendation</b>	Approve

### Site Location



## 1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA8FAKQDJTG00>

- 1.1 Outline planning permission (with all matters reserved except access) was granted in March 2021 for the erection of up to 32 new homes (including affordable housing), access, drainage and other associated works.
- 1.2 This application seeks approval of the remaining reserved matters, comprising Appearance, Layout, Scale and Landscaping pursuant to the outline consent.
- 1.3 The reserved matters proposal would provide 32 dwellings which would be accessed from a central cul-de-sac estate road with the dwellings located either side. The proposal would provide an area of public open space to the northern corner of the site along with an attenuation basin and landscaping throughout the site.
- 1.4 While details in respect of several other conditions have also been submitted with this application, these have not been considered at this time and would need to be formally discharged through a separate 'Approval of Conditions' application.

## 2. Site Description

- 2.1 This application relates to a parcel of land located immediately to the south of Down Hatherley Lane at its junction with the A38 (**See Site Location Plan**).
- 2.2 The site comprises an arable field covering 1.17 hectares and is predominantly level, sloping approximately 1m in an east to west direction. The site is bound along its north and northwestern boundaries by a native hedge with a large veteran oak tree towards the junction of Down Hatherley Lane with the A38. The eastern boundary comprises sporadic vegetation while the southern boundary consists of mature trees and hedge planting. A 2m high timber fence runs along the south-western boundary.
- 2.3 The site borders existing residential properties to the east and south-western boundary. Norton Garden Centre, which includes a small area of scrubland, borders the southern boundary. Down Hatherley Lane runs along the northern boundary and the A38 runs along the western site boundary.
- 2.4 The site is not subject to any landscape designations however the site contains a large, mature Oak tree which is subject to a Tree Preservation Order TPO (ref: TBC/TR/9). The Grade II Listed Buildings at Court Farm (Court Farmhouse and the Barn) are located to the north west of the site on the opposite side of the A38.

### 3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
19/00771/OUT	Erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters are reserved for future consideration except access.	CONSEN	21.1.2022
22/00106/CONDIS	Application for approval of details subject to conditions (9 protection of the retained trees, 10 Drainage System (SuDS) Strategy, 12 disposal of foul water flows, 13 Construction Ecological Management Plan (CEMP), 14 Landscape Ecological Management Plan (LEMP), 16 Site Waste Management Plan, 17 Recycling of waste, 22 Provision of bus stop facilities), of the planning application ref number 19/00771/OUT	PENDING	
22/00158/CONDIS	Application for approval of details subject to Condition 21 (Construction management/method plan) of the planning application ref number 19/00771/OUT	PENDING	

### 4. Consultation Responses

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

4.2 **Down Hatherley Parish Council** - Object for the following reasons:

- These proposals must unquestionably be judged totally unsafe in the absence of the fundamental requirement for a credible drainage plan for the site.
- The Parish Council has long argued that the Environment Agency's flood-maps of the area are way out of date, leading you as the Planning Authority to make flawed decisions.
- No part of this proposed development is in Twigworth. It is entirely within the parish boundary of Down Hatherley. Unless and until the developer correctly identifies the site, and all the supporting documents are amended to reflect the correct geographical location, surely the application cannot be determined and should be rejected.
- We have also repeatedly provided evidence of the creaking nature of the sewage and waste water infrastructure, channelled via the ancient Ash Lane bottlenecked pumping station. The system struggles to cope and has failed in the recent past resulting in houses on Ash Lane being inundated with a toxic mixture of sewage and floodwater. The Parish Council has consistently argued that no further houses should be added to this already overloaded system unless it is modernised and upgraded to deal with the additional waste.
- The proposed development is not in Twigworth. If and when these houses are built, the Parish Council would wish to integrate the new residents into the community of Down Hatherley. The entirely inappropriate name does little to enhance this aim.

**Twigworth Parish Council** - Object for the following reasons:

- The functionality of A38 culvert remains uncertain. There does not seem to be evidence that this culvert is indeed capable of discharging into the Hatherley Brook (by the old school at the southern end of Twigworth)
- Secondly, this culvert has principally been for water on the road and pavements, and from gardens along the A38. The new developments are now discharging into the culvert and it has a finite volumetric capacity limit, less when the Hatherley Brook is in flood and at high level. When the culvert is overloaded, there does not seem to be a strategy for when the Hatherley Brook is already in flood and this additional run-off flows back into people's properties. Therefore any further developments will exacerbate the situation.

**Norton Parish Council** – No comments.

Strategic Housing and Enabling Officer – No objections

Gloucestershire Highways – No objections

Lead Local Flood Authority – No objections

Environmental Health Officer – No objections

Tree Officer – No objections

Gloucestershire Minerals & Waste – No objections

**5. Third Party Comments/Observations**

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

**5.2** The application has been publicised through the posting of a site notice for a period of 21 days and the immediate neighbours notified directly by letter.

**5.3** A total of 6 objections have been received. These comments are summarised as follows:

- The road, sewage and drainage infrastructure are not capable of coping with an extra 32 houses.
- The proposed site is directly by an accident black spot on the junction of the A38 and another 60 to 100 vehicles will obviously increase this danger and congestion
- The drainage proposal, does not address the realities of the site. The water table is very high, the site partially floods every winter, and it receives water draining off from the field to the north. The road here flooded and blocked in 2020 and gets partially flooded regularly in heavy rains. The application has no solution to water running on to the site.

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

### **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 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 INF6 (Infrastructure Delivery)
- Policy INF7 (Developer Contributions)

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

- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES5 (New Housing Development)
- Policy RES12 (Affordable Housing)
- Policy RES13 (Housing Mix)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC1 (Pedestrian Accessibility)
- Policy TRAC2 (Cycle Network and Infrastructure)
- Policy TRAC9 (Parking Provision)

### **6.5 Neighbourhood Plan**

Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031

## **7. Policy Context**

**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 2011 to 2031 (2022) (TBLP) and a number of 'made' Neighbourhood Development Plans.
- 7.3 The relevant plan policies in the consideration of this application 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**

### ***Principle of development***

- 8.1 This application seeks approval of the remaining reserved matters, Appearance, Layout, Scale and Landscaping pursuant to original outline planning consent ref 19/00771/OUT.
- 8.2 The principle of residential development at the site has been established through the grant of outline planning permission 19/00771/OUT, which was permitted in January 2022 and it's allocation for housing in the JCS as part of the wider Innsworth and Twigworth Strategic Allocation (Policy A1).
- 8.3 The key issues in relation to this reserved matters application are therefore considered to be:
- Layout, appearance, scale and density;
  - House types;
  - Trees, landscaping and open space;
  - Existing and future residential amenity; and
  - Affordable housing.
- 8.4 In assessing these matters it is also important to consider whether they accord with the Outline Consent and its supporting documents which set out the key principles governing the development of the site, namely: the approved Parameter Plans and the approved Site Wide Masterplan Document (SWMD).

### ***Layout, appearance and scale***

- 8.5 Paragraph 126 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.
- 8.6 Policy SD4 of the JCS advises that new development should respond positively to and respect the character of the site and its surroundings, enhance local distinctiveness and the grain of the locality. Policy INF3 states that where green infrastructure assets are created, retained or replaced within a scheme they should be properly integrated into the design and contribute to local character and distinctiveness.
- 8.7 Policy RES5 of the TBLP states that proposals should be of a design and layout that respects the character, appearance and amenity of the surrounding area and are capable of being integrated within it.

- 8.8** The proposed layout is broadly similar to that illustrated within the original application and seeks to follow the indicative design approach and details within the additional supporting documents for the original application.
- 8.9** At the entrance to the site, dwellings are proposed fronting onto Down Hatherley Lane, providing an active frontage to the road. These front facing buildings would effectively have a dual aspect acting as a focal point for the development. Internally the dwellings are accessed from a central spine road and are largely sited adjacent to the site boundaries.
- 8.10** The proposed dwelling are primarily 2 storey in height with a single bungalow also proposed within the scheme. There is a proposed mix of detached, semi-detached, and small rows of terrace properties. All of the properties have access to private gardens along with off street parking spaces. A number of the larger dwellings would also benefit from a dedicated garage spaces.
- 8.11** Regarding the use of materials across the site, the application indicates a mix of multi-red brick facing brick and a lighter buff multi brick is proposed to be used on alternate properties. Grey weatherboarding is also proposed to some of the units at first floor level to provide a varied palette of materials across the development. All of the units are proposed to have a grey roof finish. The proposed typology of design and the materials proposed would reinforce and integrate with the character and appearance of other properties found within the immediate area.
- 8.12** Landscaped areas are proposed throughout the site softening the internal character of the development. An area of open space would be provided in northwest corner of the site, fronting onto the junction of Down Hatherly Lane with the A38, this would incorporate and protect the existing large veteran oak tree making a feature of the proposed open space. Adjacent to the open space, a dedicated Local Area of Play (LAP) is proposed, the parameters of which were approved under the original outline consent.
- 8.13** The proposed layout includes a potential access point at the southern boundary of the site which would provide a link to the wider Innsworth & Twigworth Strategic Allocation under Policy A1. This is a requirement of Policy SA1 of the JCS to ensure that the deliverability of future development and that the overall Strategic Allocation is cohesive.
- 8.14** Accordingly, it is considered that the proposal would result in a development with an acceptable appearance layout and scale which, subject to compliance with the conditions attached to the original outline approval would result in a high-quality development which would compliment the character of the village as a whole.

### ***Trees, Landscaping and Open Space***

- 8.15** JCS Policy SD6 seeks to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. All applications will consider the landscape and visual sensitivity of the area in which they are to be located and which they may affect. JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high-quality design, providing a clear structure and constitute an integral and cohesive element of the design. JCS Policy INF3 states that existing green infrastructure will be protected in a manner which reflects its contribution to ecosystem services.

- 8.16** A comprehensive landscaping plan and Landscape and Ecological Management Plan has been submitted in support of the application and an area of open space is provided to the north west of the site. This represents the main area of landscaping and open space for the development. The landscaping proposals also makes use of the existing mature tree to the boundary to form as a focal point within the site.
- 8.17** The development proposes areas of informal landscaping, acting as green buffers between the proposed housing and informal areas of public space. Green verges are proposed alongside formal footpaths. Small areas of defensible space are proposed to the property frontages comprising formally laid lawn along with low level shrubs to delineate between the public and private spaces.
- 8.18** Street trees are incorporated along with grass verges to the central access road and new hedge and shrub planting to the frontages of dwellings creating a green streetscape and high-quality public realm. Ancillary hedge planting is proposed to the existing boundaries to strengthen areas where gaps currently exist.
- 8.19** The proposed species of tree and hedgerow planting will comprise native broadleaved species, while the proposed shrub planting will use a variety of mainly non-native species as well as native varieties. Areas of wildflower meadow planting are proposed to the boundaries of the site to provide a verdant appearance with the adjoining sites.
- 8.20** The mix and type of species proposed within the comprehensive landscape proposal will provide improved biodiversity allowing the opportunity for insects, butterflies and bees to thrive. The strengthening of the existing hedgerows provides an improved habitat for nesting birds, to be complimented by the provision of 3 no. bird boxes within the site.
- 8.21** It is considered that the proposed landscaping is appropriate and would provide a high-quality appearance to the development whilst providing improved biodiversity to the site in accordance with Policies SD4, SD6 and INF3 of the JCS.

#### ***Existing and future residential amenity***

- 8.22** Policy SD4 (iii) requires that new development should enhance comfort, convenience and enjoyment through the assessment of the opportunities for light, privacy and external space, and the avoidance of mitigation of potential disturbance, including visual intrusion, noise, smell and pollution. Policy SD14 further requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupiers.
- 8.23** The proposed development would be set away from the site boundaries and nearby development. It is considered that as a result of the design and layout and separation distances there would be no undue impact on the residential amenity of existing residents.
- 8.24** In terms of the proposed layout itself, the dwellings would all have acceptable levels of outdoor amenity space and would not be unacceptably overlooked by adjacent units. Furthermore, there would be sufficient back-to-back distances between the proposed units, which would ensure good standards of amenity are achieved and maintained for future occupiers.
- 8.25** Overall, it is considered that the development would result in acceptable levels of amenity for future residents of the development and the nearby existing residents in accordance with relevant JCS policies.



### ***Housing mix***

- 8.26** Condition 4 of the outline planning permission requires details of the number and size of dwelling to be provided at reserved matters stage. 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.
- 8.27** 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 circa 8% of new dwellings should be one bedroom properties, with 19% having two bedrooms, 49% containing three bedrooms and 24% having four bedrooms or more.
- 8.28** The application proposes 3 no.1 bed properties (9%) 9 no.2 bed Properties (28%), 15 no.3 bed properties (47%) and 5 no. 4 bed properties (13%). While the proposed mix would provide fewer 3 and 4 bed properties this would result in an increase in the smaller, more affordable units. The proposed mix is broadly in accordance with the mix as detailed above.
- 8.29** On balance it is considered the mix of housing proposed would be appropriate and would broadly comply with the requirements of Policy SD11 of the JCS.

### ***Affordable housing***

- 8.30** 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. It follows that where possible, affordable housing should be provided on site and be seamlessly integrated and distributed throughout the development. Affordable housing must also have regard to the requirements of Policy SD11 concerning type, mix, size and tenure.
- 8.31** The provision of not less than 35% affordable housing for the site was secured at outline stage through a Section 106 Agreement, along with the required house sizes and tenure split.
- 8.32** The proposal would provide 11 affordable dwellings as required by the original permission and the affordable mix would provide:
- 1 no. 1 bedroom bungalow,
  - 5 no. 2 bedroom houses,
  - 4 no. 3 bedroom houses and
  - 1 no. 4 bedroom house.
- 8.33** Of this, approximately 70% would be affordable rented and 30% would be shared ownership. The mix and tenure proposed is in line with the completed s106 legal agreement.
- 8.34** The Housing Enabling Officer (HEO) has been consulted and is satisfied with the affordable housing provision and it is considered that this provision would accord with Policies SD11 and SD12 of the JCS.

## **Other Matters**

- 8.35** Concerns have been raised in respect of highways safety and drainage however it should be noted that these matters were assessed at the outline stage and the principle of a residential development has already been established through the allocation of the site and grant of outline planning permission.

## **9. Conclusion**

- 9.1** Considering the details discussed above, it is concluded that the proposal would accord with the outline consent and parameters therein and the proposed development would be acceptable in terms of access, layout, scale, appearance and landscaping.

## **10. Recommendation**

- 10.1** The application is therefore recommended for **Approval** subject to the conditions set out below.

## **11. Conditions**

- 1** The development hereby permitted shall be carried out in accordance with the following documents:

Site Layout - CO-TW-PD 001  
Colour Site Layout - CO-TW-PD 001  
Existing Levels - CO-TW-PD 002  
Materials/Boundary Treatment Plan - CO-TW-PD 020  
Location Plan - CO-TW-PD 030  
Refuse Strategy Plan - CO-TW-PD 050  
Street Scenes - CO-TW-PD 060  
Parking Plan - CO-TW-PD PP  
Site Landscaping - CO-TW-LS 001  
Engineering Layout - TWIG-EN 001  
Surface Finishes Layout - TWIG-EN 002  
Road Setting Out Layout - TWIG-EN 003  
Indicative Proposed FFLs - TWIG-EN 006 A  
Section 278 General Arrangement - TWIG-EN 007  
Pond Sections - TWIG-EN 015  
Refuse tracking - TWIG-EN 016  
Floor Plans & Elevations - EYRE BSP808.PL-01  
Floor Plans & Elevations - DUHIG BSP219.PL-01  
Floor Plans & Elevations - KILBURN CL386.PL-01  
Floor Plans & Elevations - LAWRENCE NSS.CL375.PL-01  
Floor Plans & Elevations - LAWRENCE NSS.CL375.PL-02  
Floor Plans & Elevations - LAWRENCE NSS.CL375-1.PL-01  
Elevations - WILTON CL394-1.PL01  
Floor Plans - WILTON CL394-1.PL02  
Elevations - LACEBY CL397.PL01  
Floor Plans - LACEBY CL397.PL02  
Elevations - Plot 13 LACEBY CL397-1.PL01  
Floor Plan - Plot 13 LACEBY CL397-1.PL02  
Elevations - Plot 14 LACEBY CL397-1.PL01  
Floor Plans - Plot 14 LACEBY CL397-1.PL02

Elevations - WOLLATON CL401-1.PL01  
Floor Plans - WOLLATON CL401-1.PL02  
Elevations - SKELTON CL474.PL01  
Floor Plans - SKELTON CL474.PL02  
Elevations - DAWLISH CL496.PL01  
Floor Plans - DAWLISH CL496.PL02  
Floor Plans - DAWLISH RV501.CL496.PL-01  
Floor Plans - DAWLISH RV501.CL496.PL-02  
Floor Plans & Elevations - SINGLE GARAGE GL01.PL-01  
Floor Plans & Elevations - PAIRED GARAGE GL02.PL-01  
Floor Plans & Elevations - SEDLEY(2) CLM2B4P.PL-01  
Elevations - SEDLEY(3) CLM860.PL-01  
Floor Plans - SEDLEY(3) CLM860.PL-02  
Elevations - STORER STRAND BLO-0342-1.PL-01  
Floor Plans - STORER STRAND BLO-0342-1.PL-02  
Elevations - STORER SORLEY(3) BLO-0343-1.PL-01  
Floor Plans - STORER SORLEY(3) BLO-0343-1.PL-02  
Floor Plans & Elevations - TEMPLETON CLM4(3)1B2P.PL-01

Except where these may be modified by any other conditions attached to this permission.

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

## **12. 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.

### **2 Works on the Public Highway**

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

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

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

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

considered and approved.

- 3 The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.
- 4 Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:
  - Drafting the Agreement
  - Set up costs
  - Approving the highway details
  - Inspecting the highway works

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

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

- 5 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.
- 6 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.