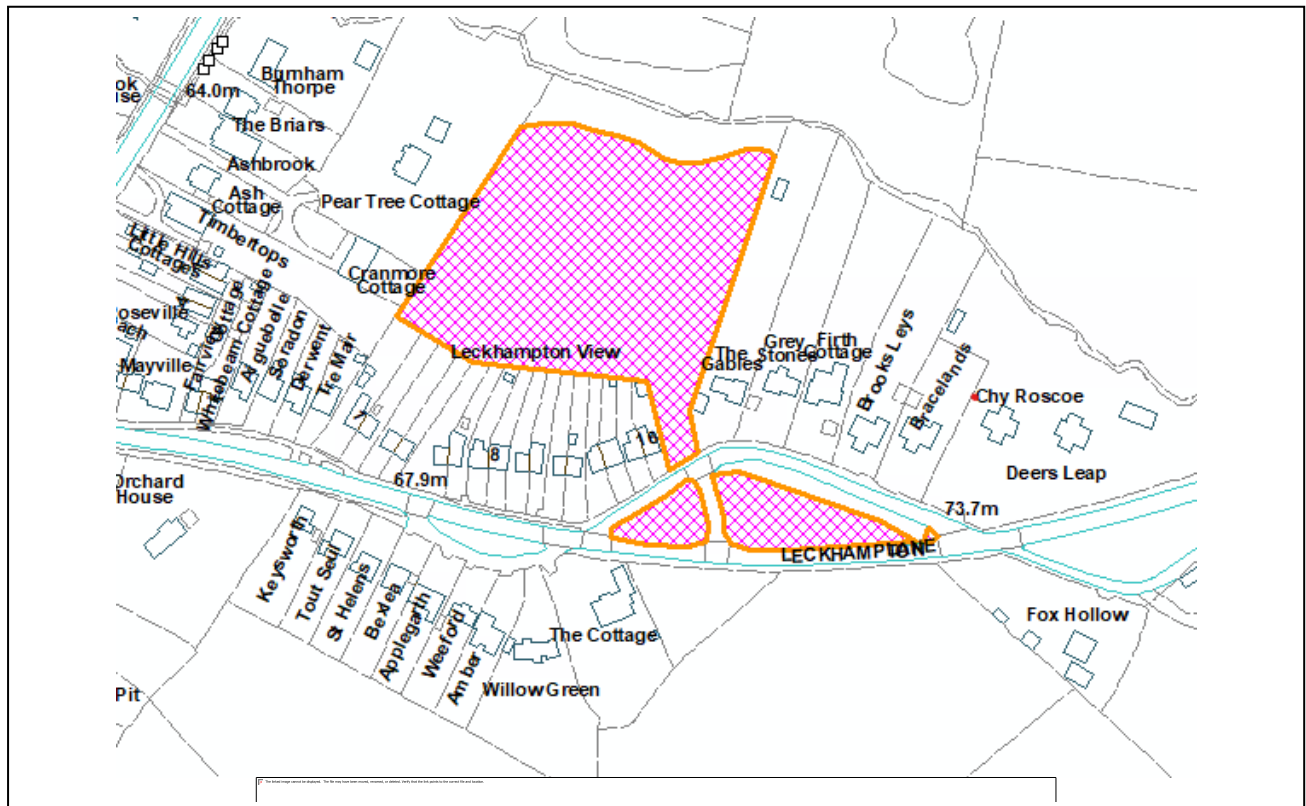


Planning Committee

Date	17 January 2023
Case Officer	Anthony Foster
Application No.	22/00686/FUL
Site Location	Land North Of Leckhampton Lane, Shurdington
Proposal	The construction of 25 dwellings
Ward	Shurdington
Parish	Shurdington
Appendices	419-L01 - Location Plan 419-P03 - Masterplan 419-P04 - Landscape Plan 419-P07 - Housing Strategy 419-P08 - House Type Material 4 x example House types
Reason for Referral to Committee	Full or outline application for the erection of 10 or more residential units
Recommendation	Delegated Permit

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=RD5IGRQDKIS00>

- 1.1** The application seeks full planning permission for 25 residential dwellings along with access, drainage, landscaping, public open space and associated works.
- 1.2** The proposed development would provide a mix of detached and semi-detached, open market and affordable dwellings. Overall, 10 no. of the dwellings proposed would be affordable dwellings which equates to 40% provision across the site. The proposed mix of units compress 1-bed, 2-bed 3-bed and 4-bed dwellings.
- 1.3** The proposed dwellings would be two storeys in height. A palette of materials is proposed to include reconstituted 'Cotswold' stone, brick and render finishes along with a mix of roof tile and slate. The density would be approximately 20.8 dwellings per hectare
- 1.4** Access to the site would be provided to the southeast corner of the site directly onto a side road which connects to Leckhampton Lane.
- 1.5** The proposal seeks to secure and enhance green infrastructure resources at the site, through additional planting. An area of circa 0.25ha of open space would be provided within the development in the form of multi-functional space

2. Site Description

- 2.1** The site is located to the north of Leckhampton Lane, within the village of Shurdington, to the south of Cheltenham. It covers an area of 1.2 hectares and is presently a greenfield site. The site is bounded on three sides by existing residential development with the northern boundary defined by a mature tree belt that runs along the route of the Ham Brook.
- 2.2** The site was formally located within the Cheltenham-Gloucester Green Belt, but on adoption of the Tewkesbury Borough Plan 2011-2031, the land was de-designated, and it is no longer located within the Green Belt. The Green Belt boundary adjoins the site at its northern boundary along the Ham Brook. The Cotswold AONB is located along the southern side of Leckhampton lane to the south of the site
- 2.3** The site is allocated site for housing under Policy SHU2 of the TBP. It is identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
90/95091/OUT	Outline application for residential development. New access	REF	15.01.1991
91/95092/OUT	Outline application for residential development. New access.	REF	09.04.1991
70/00207/OUT	Outline application for residential development. Construction of a new estate road off diverted part of Leckhampton Lane known as the old road. Area: approx 4 3/4 acres. (1,9 hectares).	REF	21.10.1970
73/00310/OUT	Outline application for residential development on 1.93ha. of land. Constrction of new estate road access,	REF	16.01.1974
75/00204/OUT	Outline application for residential development on 1.90 ha. of land.	REF	26.02.1975
76/00223/OUT	Outline application for the erection of five detached dwellings with private car garages. Construction of a new vehicular and pedestrian access.	REF	12.10.1976
77/00387/OUT	Outline application for residential development on 1.98ha of land.	REF	26.04.1977
80/00538/OUT	Outline application for residential development 10-16 dwellings on 1.21 ha. of land. Construction of new estate road access.	REF	02.12.1980
82/00398/OUT	Outline application for the erection of 5-6 dwellings on 0.28 ha. of land. Alteration of existing vehicular and pedestrian access.	REF	02.11.1982
83/00478/OUT	Outline application for the ercetion of three dwellings. Alteration of existing vehicular and pedestrian access.	PER	14.06.1983
84/00535/APP	Erection o three detached dwelling houses with double private car garages. Construction of a new vehicular and pedestrian access.	APPROV	07.06.1984
84/00536/FUL	Erection of a dwelling house (Revised sitting).	PER	30.10.1984
84/00537/OUT	Outline application for residential development on 1.72 ha. of land, including the construction of anew estate road access and method of disposal of foul and surface water.	REF	08.06.1984

4. Consultation Responses

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

4.1 **Leckhampton Parish Council – Object**

- The cumulative impact on traffic volume and congestion on the nearby Shurdington Road (A46) and Leckhampton Lane, the latter being continuous with and conveying much of the traffic to Church Road in Leckhampton village.
- Recent nearby developments and recent or expected proposals impacting these roads.
- Inevitable adverse consequences on quality of life, particulate pollution, noise, carbon footprint, road safety and the wider economy.

4.2 **Shurdington Parish Council – Object**

Impact upon ecology and biodiversity

- The site is of particular relevance to the Roman snail, as it contains scrub, woodland, and hedgerows, and the ecological report does not contain any proposals for mitigating the loss of this habitat.
- The presence of hedgerow, as a Habitat of Principle Importance. The ecological survey reports that the hedgerow is of poor quality and therefore does not fall within the category of "important" hedgerows. It is considered as a native hedgerow it has the potential to provide refuge for the animals currently present on the site and is worthy of greater protection than the survey suggests.
- The site's habitat opportunities for polecats and hedgehogs are worthy of protection. The development would force hedgehogs out of this habitat, and into the nearby Leckhampton Lane, further suggests development would be detrimental.
- Red-flowered cowslip (*Primula veris*) has been found in the area and the rarity of this flower, as well as its utility to insects such as the endangered Duke of Burgundy butterfly, is a persuasive argument for limiting the scope of development.
- Support a reduction in the number of houses to take into account the biodiversity loss the development would cause. An offsite gain does not persuade the Council that the impact is lessened.

Drainage

- The plans reference Ham Brook being used as drainage for the excess water on the development. This brook has flooded multiple times over the past few years, often resulting in property damage to houses that border it. Any increase in water through the course would be extremely likely to cause further flooding, often with the result that flooding occurs on the A46 causing delays on an already congested road.

Highways

- Leckhampton Lane is a well-used, relatively rural road. Shurdington Speedwatch volunteers have noted speeds well in excess of the speed limit with cars routinely recorded in excess of 50mph and in one case over 80mph. Speed limit signs are ineffective and even with police enforcement alongside the Speedwatch volunteers, average speeds are well in excess of the 30mph limit (see letter of representation no.14). The Applicant's speed survey is based on data from a location where traffic conditions are materially different.
- The Applicant's traffic survey is inadequate. Disagree with the Transport Statement's assertion that "the additional traffic would not have a material impact on the safety or operation of the local road network." Leckhampton Lane and the nearby A46 have

already been put under significant pressure due to the construction of the nearby High School, which itself will have a significant impact on the operation of the road.

- The Transport Statement notes that "adequate footways are provided, and the pedestrian network is well established within Shurdington." Do not consider that pedestrian links to the development from the village of Shurdington can be regarded as "adequate." The A46, which pedestrians would have to cross in order to enter the village or catch public transport to Cheltenham, is a dangerous road despite its two pedestrian crossings. Speeding is a continuing issue and without traffic calming measures it cannot be regarded as advisable to cross. Reports from the new development at Brizen Park have shown that residents there do not consider the village to be safe to walk to.

- 4.3 Lead Local Flood Authority – No Objection - Subject to conditions**
 - 4.4 Housing Strategy and Enabling Officer - No objection – subject to securing the affordable units**
 - 4.5 Drainage Engineer – No objection**
 - 4.6 Gloucestershire County Highways – No Objection - Subject to conditions**
 - 4.7 Environmental Health – Public protection – No Objection - Subject to conditions**
 - 4.8 Cotswold Conservation Board – No Objection**
 - 4.9 Severn Trent – No objection**
 - 4.10 Gloucestershire Public Rights of Way – No objection**
 - 4.11 Gloucestershire Community Infrastructure Planning – No objection**
 - 4.12 Ecological Advisor – No objection**
 - 4.13 Landscape Adviser – Awaiting Formal Comment Committee to be updated**
- 5. Third Party Comments/Observations**
-

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** 17 letters of representation have been received from local residents objecting to the scheme on the following grounds:
 - Impact upon the local highways network Leckhampton Lane is already unable to cope at peak times and has issues with dangerous speeding at other times.
 - The junction with Shurdington Road (along with Shurdington Road itself) has struggled to cope for years and causes a major bottleneck, resulting in queuing traffic as far as the Redrow housing estate. This is even worse when other roads in the vicinity have issues.

- Further development along this corridor will have a further negative impact on both local and through traffic.
- Leckhampton Lane increasingly suffers from excess water running as a torrent during heavy rain and the main Shurdington Road very often floods. Taking away more undeveloped land which helps absorb the excess, is only going to make this worse and low lying homes on Leckhampton Lane and Shurdington Road are most at risk.
- The plentiful and diverse wildlife (trees, hedges, birds, field mice, rabbits, foxes and deer) often seen living in this habitat will be wiped out and this loss will be devastating and permanent.
- The proposal is an overdevelopment of the site. The development should be confined to the confines of the village and not within the greenbelt.

5.3 1 letter of representation have been received from local residents supporting the scheme as summarised below:

- It is positive to see that the green area to the north of the development including Ham Brook has been maintained as this is critical in keeping the rural feel of the local area and neighbouring properties.

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

- SP1 (The Need for Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD6 (Landscape)
- SD7 (The Cotswolds Area Of Outstanding Natural Beauty)
- SD9 (Biodiversity and Geodiversity)
- SD10 (Housing Development)
- SD11 (Housing Mix and Standards)
- SD12 (Affordable Housing)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)
- INF6 (Infrastructure Delivery)

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

- SHU2 (Land north of Leckhampton Lane, Shurdington)
- RES5 (New Housing Development)
- RES12 (Affordable Housing)
- RES13 (Housing Mix)
- DES1 (Housing Space Standards)
- NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- NAT3 (Green Infrastructure: Building with Nature)
- ENV2 (Flood Risk and Water Management)
- HEA1 (Healthy & Active Communities)
- RCN1 (Public Outdoor Space, Sports Pitch and Sports Facility Provision)
- TRAC1 (Pedestrian Accessibility)
- TRAC2 (Cycle Network and Infrastructure)
- TRAC3 (Bus Infrastructure)
- TRAC9 (Parking Provision)

6.5 Neighbourhood Plan

None

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), saved policies of 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

Principle of development

- 8.1** The Joint Core Strategy (JCS) sets out the overarching strategy for growth throughout Cheltenham, Gloucester and Tewkesbury up until 2031. It has identified the objectively assessed need for Tewkesbury Borough and the spatial strategy to accommodate that level of development. The JCS identifies key locations for growth and sets out strategic policies to guide future development.
- 8.2** The JCS identifies a settlement hierarchy as the basis for the strategy for delivering growth targets. Policy SP2 of the JCS which relates to the distribution of new development, SP2 (4) says that to meet the Borough's needs, smaller-scale development will be required to meet local needs at Rural Service Centres and Service Villages. Shurdington is identified as a service village within the JCS.

- 8.3** Policy RES1 of the TBP identifies the sites that are allocated for residential development. The application site is allocation SHU2, Land north of Leckhampton Lane, Shurdington and identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.
- 8.4** Site Specific Policy SHU2 of the TBP requires
The proposal should contribute to the wider green infrastructure network, deliver biodiversity net gains and mitigate against increased recreational pressures on the Cotswold Beechwoods Special Area of Conservation
The development should incorporate the suggested mitigation within the Tewkesbury Borough Plan – Assessment of Site Allocation Impacts on the Cotswold AONB (Toby Jones Associates, May 2019)
The proposal should address the relevant site-specific Green Belt mitigation guidelines set out at Appendix 1 of the Part 2 (Partial) Green Belt Review (LUC, July 2017)
Proposals should address the site-specific FRA requirements set out within the Level 2 Strategic Flood Risk Assessment (November 2017).
- 8.5** In terms of the quantum of development on the allocated site, Policy RES1 of the emerging TBP identifies an indicative capacity of 20 dwellings are to be provided. However, this figure is not an upper limit, in fact a Note in this policy clarifies that *'all site capacities are an approximate and detailed design proposals may indicate that greater or fewer dwellings can be accommodated on a site'*.
- 8.6** Therefore, if it can be demonstrated that additional development is sustainable over and above the indicative capacity figure, then it can be considered acceptable.
- 8.7** The principle of this development is therefore acceptable subject to the consideration of Policy SHU2 of the TBP and all other relevant policies in the Local Plan.

Five Year Housing Land Supply

- 8.8** The adopted JCS became five years old on 11th December 2022, therefore as required by para 74 of the NPPF TBC's 5 year housing land supply position has to be reconsidered, based on the standard method of calculation.
- 8.9** As a result of the move to the standard method Tewkesbury Borough Council moved to a single district approach. This has resulted in the addition of the JCS allocations within the boundary of Tewkesbury Borough, where deemed deliverable, which had previously been attributed to meet the housing needs of Gloucester City Council under Policy SP2 of the JCS.
- 8.10** On this basis, as at 11th December 2022, the Council can therefore demonstrate a five year housing land supply of 6.16 years.
- 8.11** It is therefore advised that, as the Council can demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development (or "tilted balance") is not engaged in this case

Design and Layout

- 8.12** The National Design Guide (NDG) addresses the question of how we recognise well-designed places, by outlining and illustrating the government priorities for well-designed 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.
- 8.13** Policy SD4 of the JCS provides that 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.
- 8.14** Criterion 6 of Policy SD10 'Residential Development' of the JCS states the residential development should seek to achieve maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.
- 8.15** Policy RES5 of the TBP states proposals for new housing development should 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.
- 8.16** The development would comprise a mix of housing types of detached and semi-detached dwellings. All of the properties have access to private gardens along with off street parking spaces between adjoining properties. The majority of the dwellings would also benefit from a dedicated garage. Dwellings would be set back from the road behind small, landscaped front gardens. The layout would provide an attractive frontage and good natural surveillance.
- 8.17** The surrounding character of the area has a mixed palette of materials with the majority in the immediate vicinity constructed of beige bricks, renders and stone with some red brick dwellings. The proposed external finish and detailing to the dwellings is modern and contemporary in its design, finish and form. The proposed materials and finish seek to complement the existing character and appearance of the surrounding properties.
- 8.18** Overall, in terms of the architectural approach, this is considered acceptable. Whilst the proposed dwellings would have a more contemporary appearance, they would respect the character and appearance of the surrounding area.

Access and Highway Safety

- 8.19** The NPPF sets out 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. Policy INF1 of the JCS considers that developers provide safe and efficient access to the highway network and permission be granted only where the impact of the development is considered not to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.

- 8.20** Policy RES5 of the TBP states that proposals for new housing development should make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety. Policy TRAC9 of the TBP states that proposals need to make provision for appropriate parking and access arrangements.
- 8.21** The application is supported by a Transport Assessment (TA) and a Travel Plan (TP). The TA establishes the suitability of the proposed increase in vehicular movements from the site utilising the existing access.
- 8.22** A visibility splay assessment has been undertaken to ensure that suitable visibility can be achieved from the site access onto the adjacent Highway.
- 8.23** The application proposes the extension of an existing footpath along the northern side of Leckhampton Lane, which will provide future occupiers with a suitable means of access to the existing services and facilities within the village
- 8.24** It is concluded that the proposed layout is suitable to accommodate servicing vehicles. A refuse vehicle, based on local standards, is able to access the site and undertake two-way working alongside a car along the estate road. Access by a fire tender is achievable in accordance with Building Regulations Part B and a delivery vehicle is able to undertake two-way working with a car, allowing access to all internal dwellings.
- 8.25** The proposal includes 51 off-street parking spaces to serve the development, mainly arranged as tandem parking to the side of dwellings and in front of garages.
- 8.26** A total of 5no. visitor parking spaces are provided within development and on-street parking will be unlikely to occur outside of the development scheme based on the layout of the parking bays and internal roads.
- 8.27** It is considered that the proposal would provide safe and suitable access and that that there would be no unacceptable impact on highway safety or a severe impact on congestion.
- 8.28** The applicant also proposes highways improvements to the triangle parcels of land fronting onto Leckhampton Lane including the provision of formalised parking for public use and improved pedestrian footpaths. This can be secured through the s106 legal agreement
- 8.29** Overall, it is considered that the proposal would conform with JCS Policies and the NPPF which seek to ensure new development meets the need of the area without compromising the safe and satisfactory operation of the highway network

Trees, Landscaping and Open Space

- 8.30** 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. The site is located within the setting of the Cotswold AONB as such Policy SD7 of the JCS is also of relevance.

- 8.31** Policy SHU2 of the TBP requires proposals to contribute to the wider green infrastructure network, deliver biodiversity net gains and mitigate against increased recreational pressures on the Cotswold Beechwoods Special Area of Conservation, and incorporate appropriate mitigation.
- 8.32** The scheme has been designed cognisant of the mitigation measures which are set out in the site-specific Green Belt mitigation guidelines set out at Appendix 1 of the Part 2 (Partial) Green Belt Review (LUC, July 2017). These measures include: development of an appropriate small scale and housing of similar density and style found within the surround area, the development being a maximum of two storeys in height, along with the retention and enhancement of existing trees located along the Ham Brook, which form the northern boundary, to provide a coherent new landscaped, Green Belt boundary.
- 8.33** These measures combined with a fully detailed landscape plan ensure that the development integrates into and enhance the existing landscape character of the surrounding area, AONB and adjoining greenbelt land. The Cotswold Conservation Board is satisfied that the proposed scheme and its mitigative measures are likely to be sufficient to avoid any adverse impacts on the natural beauty of the AONB.
- 8.34** JCS Policy SD4 (iv) requires the design of open space and landscaped areas to be of a high-quality design, proving 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.
- 8.35** The proposal seeks to secure and enhance green infrastructure at the site secured through additional planting, fully detailed within the supporting Hard and Soft Landscape Proposals Plan. Formal Landscape comments are awaited from the Landscape Advisor.
An update will be provided at Committee.
- 8.36** The Green Infrastructure provision on site is focused upon the protection and enhancement of the existing green infrastructure corridor along the Ham Brook at the northern boundary of the site. The scheme has sought to build the green infrastructure provision around this existing feature with new provision linking through the site to the northern boundary.
- 8.37** 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.
- 8.38** 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.
- 8.39** 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.

- 8.40** Policy RCN1 of the TBP requires new residential development to provide appropriate public outdoor space, sports pitches and built sports facilities to meet the needs of local communities. The scheme proposes an area of multi-functional open space circa 0.25 ha in size.
- 8.41** Subject to the receipt of formal landscape comments 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 and SHU2 of the TBP.

Biodiversity

- 8.42** 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 Emerging TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 8.43** The application is supported by a Phase 1 habitat survey. The Site was considered to have potential to support bats, dormouse, Roman snail, badgers, nesting birds, and hedgehog. Surveys found no evidence of Roman snail, dormouse, or reptiles. Reptiles, otter, water vole, and great crested newt were considered unlikely to be present.
- 8.44** The Ecological Appraisal report includes the biodiversity net gain (BNG) calculations using the current DEFRA metric. The BNG calculation indicates a 66.04% net loss of area habitats and a 1799.3% net gain for hedgerows under the proposed development. The report acknowledges that offsite habitat creation or enhancement will be necessary to allow the development to deliver a net gain in area habitats. The applicant proposes to make a suitable financial contribution to ensure the agreed level of biodiversity net gain is achieved, which would be secured through the S106 legal agreement.

Existing and proposed residential amenity

- 8.45** 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.
- 8.46** 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.
- 8.47** 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.

Housing mix

- 8.48** 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.
- 8.49** The Gloucestershire Local Housing Needs Assessment 2019 – Final Report and Summary (September 2020) (LHNA) provides the most up to date evidence base to inform the housing mix on residential applications. This report states that in Tewkesbury 25% of new housing should be one-bedroom properties, with 28% having two bedrooms, 26% containing three bedrooms and 12% having four bedrooms or more.
- 8.50** The application proposes two 1 bed properties (8%), six 2-bed properties (24%), thirteen 3-bed properties (52%), and four 4-bed properties (16%). While the proposed mix provides a greater number of larger 3 & 4 bed units than would be ideal. The Housing Officer raises no objections to the proposed mix of units.
- 8.51** On balance it is considered the mix of housing proposed would be appropriate in this instance and would comply with the requirements of Policy SD11 of the JCS.

Affordable housing

- 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. 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.
- 8.53** The proposal would provide 10 affordable dwellings as required by the original permission and the affordable mix would provide:
- 2 no. 1 bedroom units,
5 no. 2 bedroom houses, and
3 no. 3 bedroom houses
- 8.54** Of this, approximately 70% would be affordable rented and 30% would be shared ownership.
- 8.55** Following the provision of further details the Housing Enabling Officer (HEO) is satisfied with the affordable housing provision and it is considered that this provision would accord with Policies SD11 and SD12 of the JCS.

Drainage and flood risk

- 8.56** Policy INF2 of the JCS requires development proposals to avoid areas at risk of flooding and to minimise the risk of flooding and providing resilience to flooding taking into account climate change.
- 8.57** Site specific policy SHU2, required the development to comply with the mitigation measures set out in the Level 2 Strategic Flood Risk Assessment (SFRA).

- 8.58** The development incorporates a sustainable drainage system which manages surface water run off through capturing water from impermeable surfaces and directing it to attenuation features within the site. The attenuation features have been designed to account for green field run off rates for all storms up to a 1% annual probability plus 70% allowance for climate change. Once attenuated the water will be released at an appropriate rate to the Ham Brook
- 8.59** Both the LLFA and Flood Risk Management Officer raise no objections to the scheme considering that the proposal adequately addresses the requirements of policy SHU2 of the TBP and policy INF2 of the JCS.

Section 106 obligations

- 8.60** 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.
- 8.61** 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.
- 8.62** 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. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.
- 8.63** Requests have been made by consultees to secure the following contributions:
- £125,769.75 towards Secondary school education provision.
 - Secure Affordable Housing Requirement of 10 Units, including that 50% of the affordable units will to meet M4(2) standards of accessibility.
 - S278 Works Highways Improvements to the front triangle including a formalised parking and footpath connection.
 - A Management Plan for Open Space.
 - Secure off-site habitat enhancements (including a financial contribution) to ensure biodiversity net gain including Beechwood SAC.

9. Conclusion

- 9.1** 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.
- 9.2** The site is an allocated site under Policy SHU2 of the Land north of Leckhampton Lane, Shurdington and identified as a 1.2-hectare site with an indicative capacity of 20 dwellings.
- 9.3** The scheme is acceptable in terms of its impact upon the neighbouring special landscape character. The proposal would be served by a safe and suitable access and the residual cumulative impact on the highway would not be severe. The proposal would have an acceptable impact on the character and appearance of the surrounding area and would be acceptable in terms of residential amenity. The proposal would also have an acceptable impact on existing trees to be retained.
- 9.4** It is therefore considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole and it is therefore recommended that the grant of planning permission be Permitted, subject to the completion of a Section 106 Agreement.

10. Recommendation

- 10.1** It is recommended that authority be **DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the outstanding matters referred to in the report and** subject to the completion of a section 106 legal agreement to secure the following:
- £125,769.75 towards Secondary school education provision.
 - Secure Affordable Housing Requirement of 10 Units (50% of the affordable units to meet M4(2) standards of accessibility).
 - S278 Works Highways Improvements to the front triangle to including formalised parking and footpath connection.
 - A Management Plan for Open Space
 - Secure off-site habitat enhancements to ensure bio-diversity net gain including the Beechwood SAC.

11. Conditions

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 419-L01 - Location Plan
- 419-P01 - Constraints Opportunities Plan
- 419-P02 - Tree Shrub Removal Plan
- 419-P03 - Masterplan
- 419-P04 - Landscape Plan
- 419-P05 - Parking Refuse Strategy
- 419-P06 - Drainage Strategy
- 419-P07 - Housing Strategy
- 419-P08 - House Type Material
- 419-P100 - Plot 1 2 Floor Plans
- 419-P101 - Plot 1 2 Elevations
- 419-P102 - Plot 3 Floor Plans
- 419-P103 - Plot 3 Elevations
- 419-P104 - Plot 4 5 Floor Plans
- 419-P105 - Plot 4 5 Elevations
- 419-P106 - Plot 6 7 Floor Plans
- 419-P107 - Plot 6 7 Elevations
- 419-P108 - Plot 8 9 Floor Plans
- 419-P109 - Plot 8 9 Elevations
- 419-P110 - Plot 10 11 Floor Plans
- 419-P111 - Plot 10 11 Elevations
- 419-P112 - Plot 12 13 Floor Plans
- 419-P113 - Plot 12 13 Elevations
- 419-P114 - Plot 14 16 Floor Plans
- 419-P115 - Plot 14 16 Elevations
- 419-P116 - Plot 17 18 Floor Plans
- 419-P117 - Plot 17 18 Elevations
- 419-P118 - Plot 19 Floor plans
- 419-P119 - Plot 19 Elevations
- 419-P120 - Plot 20 Floor Plans
- 419-P121 - Plot 20 Elevations
- 419-P122 - Plot 21 Floor Plans
- 419-P123 - Plot 21 Elevations
- 419-P124 - Plot 22 23 Floor Plans
- 419-P125 - Plot 22 23 Elevations
- 419-P126 - Plot 24 Floor Plans
- 419-P127 - Plot 24 Elevations
- 419-P128 - Plot 25 Floor Plans
- 419-P129 - Plot 25 Elevations
- 419-P200 - Double Garage
- 419-P201 - Single Garage
- 419-P202 - Carport

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.

- 3** No building or use hereby permitted shall be occupied or use commenced until the car/vehicle/motorcycle parking spaces (and turning space) shown on the approved plans drawing number 419 P03, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

- 4** Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):
- a. Site access/egress
 - b. Staff/contractor facilities and travel arrangements
 - c. Dust mitigation
 - d. Noise and vibration mitigation
 - e. Mitigation of the impacts of lighting proposed for the construction phase
 - f. Measures for controlling leaks and spillages, managing silt and pollutants
 - g. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance

- 5** The construction work on the dwellings hereby permitted shall not commence until details of existing and proposed ground levels across the site relative to the adjoining land, together with the finished floor levels of the new dwellings relative to the Ordnance Datum Newlyn have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area or upon residential amenity.

- 6** No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment.

- 7 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

- 8 No dwelling/building shall be occupied until refuse bin storage facilities have been provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

Reason - To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design

- 9 No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:

(i) Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

(ii) Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development.

Reason – To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

- 10 Prior to its/their installation as part of the development hereby approved, a precise specification of the materials and finish for the external walls, doors, windows, roofing and hard landscaping proposed to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the new materials are in keeping with the surroundings and represent quality design

- 11** Prior to the first occupation of any dwelling hereby permitted 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.

- 12** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13** The development shall be carried out in strict accordance with the mitigation recommendations outlined in the approved Construction and Environmental Management Plan (CEMP), and the enhancement recommendations outlined in the Landscape and Ecological Mitigation Plan (LEMP), submitted with this application.

Reason: To ensure proper provision is made to safeguard protected species and their habitats in order to deliver measurable improvements for biodiversity.

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 This planning permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

3 There are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. The future impact of the trees in neighbouring properties upon the proposed properties should also be considered particularly in terms of shading impacts and the potential for tree root related subsidence damage. Further information is available on [Guide-to-Trees-and-the-Law](#)