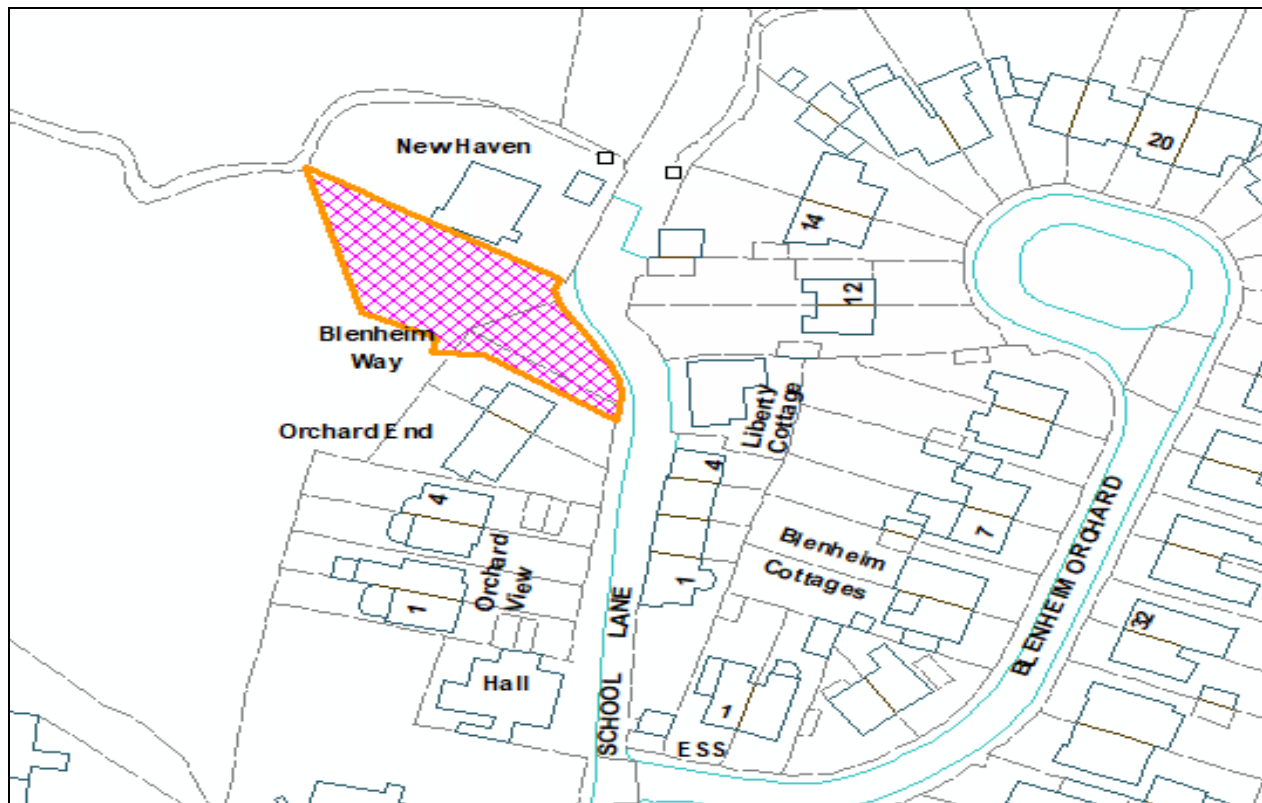


Planning Committee

Date	21 March 2023
Case Officer	Jonny Martin
Application No.	21/00868/FUL
Site Location	Land Adjoining Blenheim Way, School Lane, Shurdington
Proposal	Erection of a single dwelling and associated access
Ward	Shurdington
Parish	Shurdington
Appendices	Site Location Plan 01 Rev P0 Proposed Site Layout 02 Rev P8 Proposed Floor Plans 03 Rev P10 Proposed Elevations 1 04 Rev P6 Proposed Elevations 2 05 Rev P6 Proposed Street Scene 06 Rev P4
Reason for Referral to Committee	Cllr Surman has called the application in to assess highway and parking issues and consideration of the overdevelopment of the lane. The Parish Council has also objected to the proposal.
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=R0B0F1QDHAH00>

- 1.1 This Planning permission is sought for the erection of a two-storey (with attic accommodation) detached dwelling house and a detached double garage to the front.
- 1.2 The proposed dwelling would have a contemporary appearance and the proposed materials would comprise a mix of buff facing brick, zinc cladding, zinc roofing and grey aluminium windows.

Amendments

- 1.3 Since the application was submitted, the following amendments have been made to the scheme:

- The front garage wing has been omitted in favour of a detached garage and reduced height.
- A flat roof single storey wing added to part of the rear elevation.

2. Site Description

- 2.1 The application site comprises a parcel of land to the western side of School Lane which lies between 2 dwellings, Blenheim Way to the south and New Haven to the north. The eastern part of the site lies within the settlement boundary to Sherrington with the remainder of the site being within the open countryside to the west.
- 2.2 The application site is located within the Green Belt.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
T.2398	Erection of pair of semi-detached farm workers cottages. Construction of pedestrian access.	PERMIT	17.07.1956
T.2398/AP	Erection of two semi-detached houses for farm workers.	PERMIT	16.10.1956
05/01336/FUL	Erection of a white PVCu Edwardian conservatory to rear of property	PER	08.12.2005
21/01312/PIP	Erection of a single dwelling.	REF	23.12.2021
APP/G1630/W/22/3291784	Subsequent appeal	ALLOWED	23.08.2022

4. Consultation Responses

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

- 4.1 **Shurdington Parish Council** – objects to the proposal due to the impact on neighbouring amenity, the argument of infill is tenuous, impacts on flooding and the proposal would impact local traffic movements.
- 4.2 **Building Control Officer** – no objection.
- 4.3 **County Highways Officer** – no objection subject to conditions.
- 4.4 **Environmental Health Officer** – no objection.
- 4.5 **Flood Risk & Management Officer** – no objection subject to detailed design condition.
- 4.6 **Severn Trent** - no objections

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 and nine letters of representation have been received objecting as follows:
 - Overdevelopment of School Lane
 - Access and parking concerns
 - Overlooking and loss of privacy
 - Design is out of keeping with the size for the character of the lane
 - Loss of agricultural land

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 SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD4 (Design Requirements)
- Policy SD5 (Green Belt)
- Policy SD6 (Landscape)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD10 (Residential Development)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)
- Policy INF3 (Green Infrastructure)

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

- Policy RES 2 (Settlement Boundaries)
- Policy RES3 (New Housing Outside Settlement Boundaries)
- Policy RES4 (New Housing at other rural settlements)
- Policy RES5 (New Housing Development)
- Policy RES9 (Replacement Dwellings)
- Policy RES11 (Change of Use of Agricultural Land to Domestic Garden)
- Policy LAN2 (Landscape Character)
- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)
- Policy DES1 (Housing Space Standards)

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 This application follows a recent 'Permission in Principle' (PIP) application (21/01312/PIP) for the erection of a single dwelling, which was refused for the following reason:
- 8.2 *"The proposed development does not constitute limited infilling in the village of Shurdington and therefore constitutes inappropriate development in the Green Belt which by definition is harmful to the Green Belt and in the absence of very special circumstances the development is contrary to Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) and the National Planning Policy Framework."*
- 8.3 This application was subject of an appeal which was subsequently allowed (Ref No. APP/G1630/W/22/3291784). The Inspector made the following observations in relation to the principle of development:

"The appeal site comprises a parcel of land on the western side of School Lane, which sits on the outer edge of the village of Shurdington. The eastern part of the appeal site fronts on to School Lane, and forms a small gap within the lane's built-up frontage. The rear of the site includes a small section of agricultural field, the bulk of which runs behind the dwellings on the western side of the lane. The site falls within the Green Belt.

7. The National Planning Policy Framework (2021) (Framework) is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception comprises "limited infilling in villages".

8. Much of the appeal site is located between two existing residential dwellings, being Blenheim Way to the south, and Phoenix Meadow to the north. Blenheim Way comprises part of a ribbon of houses which runs along the western side of School Lane. Phoenix Meadow is the final house on the western side of the lane, but is sited further back than the main ribbon of houses, owing to a bend at the northern end of the lane. Residential housing also runs along the opposite side of the lane. The lane is therefore distinctly residential in character, with a built-up frontage running along the substantive part of each side.

9. Given this location, the proposed dwelling would be flanked on either side by existing dwellings and would also face houses on the opposite side of the road. As a result, it would relate well to the existing pattern of development along the road, assimilating effectively with the wider street scene. When viewed from the more open fields to the west, the proposal would also be read within the context of surrounding residential development, which would again allow it to integrate effectively within the existing built fabric of the village. Given this surrounding context, I consider that the proposed development would constitute infill development, as envisioned by the Framework.

10. Whilst part of the appeal site does extend into the agricultural field to the west of the lane, the plot would broadly align with the curtilage of the neighbouring dwelling, Phoenix Meadow. In turn, an additional dwelling in this location would help form an effective transition between Phoenix Meadow and the ribbon of houses to the south. Given that the appeal site would front on to School Lane (which is within Shurdington), the new dwelling

would also be perceived as part of the built-up fabric of the village, irrespective of any defined settlement boundaries (much like Phoenix Meadow).

11. As the proposal would constitute infill, it would fall within one of the permitted exceptions to development in the Green Belt, and would therefore not be inappropriate. In this regard, the appeal site's location would be suitable for a single residential dwelling. Whilst detail of the proposal would be reserved for the Technical Details Consent stage, the development could conceivably reflect the design parameters of Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011 – 2031) (JCS), which require new development to respond positively to the character of the site and its surroundings, by addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form."

(Emphasis Added)

Principle of development - conclusions

- 8.4** In light of this appeal decision which remains extant, and in accordance with the policies set out above, it is considered that the principle of a new dwelling at this site is acceptable. However, there are other material planning considerations to be considered as set out below.

Green Belt

- 8.5** Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 8.6** Paragraph 149 of the NPPF explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are paragraph 149 (e) which relates to 'limited infilling in villages.'
- 8.7** The proposal is considered to meet exception 149 (e) as confirmed by the Inspector in Appeal Decision APP/G1630/W/22/3291784 and the proposal would not constitute inappropriate development in the Green Belt.

Design and Visual Amenity

- 8.8** Policy JCS Policy SD4 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.
- 8.9** Policy RES 5 of the TBLP requires new housing to 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.

- 8.10** The height of the proposed dwelling is considered to be acceptable as the ridge would be set lower than the neighbouring property at Blenheim Way but higher than the other neighbouring property at New Haven and would result in an appropriate visual transition in the street scene.
- 8.11** The dwelling would be set back from the road. While it would be sited behind the dwelling at Blenheim Way it would however align with the frontage of New Haven and would reflect the informal staggered appearance to the western side of School Lane.
- 8.12** The dwelling would be set away from neighbouring boundaries and would not result in a dominant or cramped appearance when viewed from the street.
- 8.13** Amended plans have been received to replace a dominant 1½ storey front which was considered to be overbearing and out of keeping with the character of the area with a detached double garage with a significantly reduced overall height. This would result in a more sensitive and acceptable relationship with adjoining properties and would reflect the character of the wider street scene.
- 8.14** The proposed palette of materials broadly reflects those of the immediate vicinity and the use of zinc roofing and cladding detail would introduce a contemporary high-quality finish to the development and would create interest to the elevations.
- 8.15** Subject to compliance with conditions it is considered that the proposed development would be result in a high-quality infill dwelling. The proposal has been sensitively designed and would sit comfortably within its surroundings, resulting in a visually attractive building that is sympathetic to the surrounding area and would accord with Policy SD4 of the JCS and RES5 of the TBLP.

Residential Amenity

- 8.16** JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 8.17** The proposal would provide a four bedroom dwelling with a study with a total gross internal area of 245sqm. This exceeds the Nationally Described Space Standards requirement of 124sqm. This ensures that the dwelling will provide acceptable living conditions for any future occupiers. Similarly the proposal would benefit from a generous garden which would be similar in area to that at New Haven.
- 8.18** In terms of overlooking, there would be no side facing windows on the elevation towards New Haven and there is one window at first floor level facing onto Blenheim Way. This window would serve an ensuite and a condition could be added to ensure the window is obscurely glazed. The first-floor balcony to the west elevation has a vertical screen which would prevent direct overlooking of New Haven and would be set a significant distance away from Blenheim Way so as not to adversely impact living conditions.
- 8.19** The proposed dwelling is set away from the neighbouring boundaries and as a result of its siting design and scale would not be overbearing or result in adverse living conditions for the occupiers of neighbouring dwellings. Furthermore, the council's Environmental Health Officer has raised no objection to the proposed development in terms of noise/nuisance.

- 8.20** It is considered that, there would be no adverse impacts in terms of overlooking, loss of light or overbearing effects upon neighbouring properties and the proposal would therefore accord with Policy RES5 of the TBLP and SD4 and SD14 of the JCS.

Drainage and Flood Risk

- 8.21** Policy INF 2, Flood Risk Management, of the JCS explains how development should minimise the risk of flooding, contribute to a reduction in existing flood risk, apply a sequential test for assessment of applications giving priority to land in Flood Zone 1, incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate in the view of the local authority to manage surface water drainage: to avoid any increase in discharge into the public sewer system; to ensure that flood risk is not increased on-site or elsewhere; and to protect the quality of the receiving watercourse and groundwater.
- 8.22** Policy ENV 2, Flood Risk and Water Management, of the TBLP requires all proposals to incorporate sustainable drainage systems where appropriate and proportionate to the scale and nature of development proposed.
- 8.23** As confirmed by the Environmental Agency's Flood Map for Planning, the site is located within Flood Zone 1 and therefore at the lowest risk of flooding and appropriate for new residential development.
- 8.24** In relation to surface water, it is anticipated that soakaways will be adopted for the drainage of surface water. These can be provided either within the site or at the field to the rear, which is within the ownership of the applicant. The County Council Sustainable Drainage Engineer has assessed the proposal and has raised no objection to the proposal subject to a detailed design condition for surface water drainage. This would ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.
- 8.25** Foul drainage would be discharged to the existing sewer network in Shurdington. This is confirmed in the submitted Site Layout Plan. The Wastewater Plan for the site from Severn Trent Water confirms that the sewer that would be connected to is a public foul gravity/lateral drain. The proposed development would not result in a significant increase in the level of foul drainage connecting to the existing sewer network.
- 8.26** Severn Trent drainage officer has reviewed the proposal and confirmed that there would be minimal impact on the public sewerage system and have raised no objections to the proposal.

Access and Highway Safety

- 8.27** Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, 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.

- 8.28** Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 8.29** Access to the site is from School Lane. The design contains a double garage with a turning area in front of the house that would be large enough to incorporate vehicles generated by the development and any visitors. The County Council Highways department has raised no objection to the proposed development.
- 8.30** The applicant has provided a letter which provides preliminary details on how large delivery trucks could access the site through the farm rather than via School Lane. A Construction Management Plan would be required via condition to ensure there is no adverse impact on the local highway during the construction phase.

Community Infrastructure Levy (CIL)

- 8.31** The development is CIL liable because it creates new dwelling(s). The relevant CIL forms have been submitted.

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 Council previously refused a PIP application (21/01312/PIP) on grounds that the development did not constitute 'limited infilling in the village of Shurdington'. However, the decision was subject of an appeal. In allowing that appeal, the Planning Inspector concluded that the proposal would constitute infill and it would fall within one of the permitted exceptions to development in the Green Belt. This permission is extant and it is considered that the site remains suitable for a single residential dwelling.
- 9.3** Given the principle of development is acceptable, officers have considered the other material planning considerations. Amended plans were received which have now overcome concerns in respect of scale and massing of the proposed dwelling and associated impact on neighbouring amenity.

10. Recommendation

- 10.1** It is considered that the scheme as amended and subject to compliance with conditions would result in a high-quality development which would have an acceptable impact on neighbouring amenity, the character of the area and would comply with relevant policies in the plan. It is therefore recommended that authority is **DELEGATED to the Development Management Manager to PERMIT the application subject to any additional/amended planning conditions.**

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 approved documents:

- Site Location Plan 01 Rev P0
- Proposed Site Layout 02 Rev P8
- Proposed Floor Plans 03 Rev P10
- Proposed Elevations 1 04 Rev P6
- Proposed Elevations 2 05 Rev P6
- Proposed Street Scene 06 Rev P4
- Wastewater plan 578689-1
- Design and Access Statement dated June 2021
- Water Management Statement dated 8 July 2021
- Planning Statement dated 8 July 2021

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 The development hereby permitted shall be carried out in accordance with the schedule of materials as detailed within the Design and Access Statement.

Reason: To ensure that materials are in keeping with the existing building and to provide for high quality design.

- 4 No development shall commence until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in Water Management Statement has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed 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 lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby reducing 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

5 Prior to commencement of any development within a Construction 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 (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)
 - 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.

6 The development hereby permitted shall not occupied until soft and hard landscape works have first been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include details of all hard-surfacing materials, proposed planting, proposed boundary treatment to secure the residential curtilage and proposed finished levels or contours.

Reason: In the interests of visual amenity.

7 Details of any new external lighting in connection with this development shall be first submitted to and approved in writing by the local planning authority prior to its installation in the form of a Lighting Strategy Scheme, detailing the location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and wider area

8 If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

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.

9 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 privacy of adjacent properties.

- 10** The building hereby permitted shall not be occupied until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans and car/vehicle parking areas and turning space shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: in the interest of highway safety.

- 11** The building hereby permitted shall not be occupied until the foul water drainage scheme has been installed and shall be managed and maintained thereafter.

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

- 12** The first floor ensuite window on the southern elevation of the dwelling hereby permitted, shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent).

Reason: To protect the privacy of adjacent properties.

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.