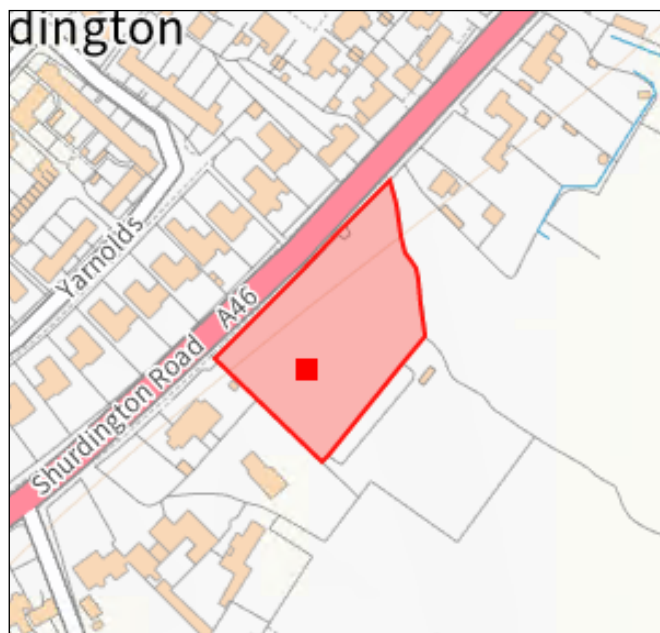


## Planning Committee

<b>Date</b>	19 March 2024
<b>Case Officer</b>	Jonny Martin
<b>Application No.</b>	23/00964/FUL
<b>Site Location</b>	Land Adjacent Shurdington House Stables, Main Road, Shurdington
<b>Proposal</b>	Erection of five detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road.
<b>Ward</b>	Shurdington
<b>Parish</b>	Shurdington
<b>Appendices</b>	<ul style="list-style-type: none"><li>- Site Location Plan 100</li><li>- Proposed Site Plan Layout 300 Rev G</li><li>- Plot 1 Plans and Elevations 301 Rev C</li><li>- Plot 2 Plans and Elevations 302 Rev D</li><li>- Plot 3 Plans and Elevations 303 Rev C</li><li>- Plot 4 Plans and Elevations 304 Rev F</li><li>- Plot 5 Plans and Elevations 305 Rev C</li><li>- Proposed Site Sections &amp; Perspective Views 306 Rev B</li><li>- Garage Plot 2&amp;3 308</li><li>- Garage Plot 4 307 Rev B</li><li>- Soft Landscape Proposals ZES1356-11</li></ul>
<b>Reason for Referral to Committee</b>	Objection from Parish
<b>Recommendation</b>	Permit

### Site Location



## **1. The Proposal**

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Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REJZ8KQDKU200>

- 1.1** The application seeks full planning permission for the erection of 5 No. detached dwellings with associated infrastructure including detached single storey garages, landscaping and construction of two new accesses from Shurdington Road.
- 1.2** The five dwellings are two storey with dual pitched roofs and single storey with green, flat roofed elements. Solar panels are also proposed to each dwelling. Plots 2,3 and 4 have access to a garage each and all plots have off street parking for two vehicles and private rear gardens.  
  
Plot one would provide a 3 bedroom dwelling with a Gross Internal Area (GIA) of 157.8sqm.
- 1.3** The other four plots would each have 4 bedrooms and they range in size from 207.7sqm – 221.6sqm (GIA).
- 1.4** The existing field access will be closed off and two new vehicular accesses would be created, one to serve Plots 1 and 2 and the second to serve the remaining plots. The proposal would provide access and sufficient turning and manoeuvring space to allow for vehicles to enter and exit in a forward gear and would also accommodate larger vehicles such as delivery vehicles.

## **2. Site Description**

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- 2.1** The application site is located off the Shurdington Road and is currently an undeveloped plot between Woodbine Cottage to the north east and Shurdington House Stables and 1 Malvern View to the south west. The site contains unmaintained grassland enclosed by mature hedgerows and trees.
- 2.2** The site is located within the Cotswold National Landscape (Formerly AONB) and is also located within the Green Belt. The site forms a gap within the village of Shurdington with residential development either side of the site in an otherwise built-up frontage. Immediately north-east is a narrow field entrance which continues onto open countryside to the east of the site. There is a public footpath known as Shurdington Footpath 14 adjacent to the field entrance. Beyond this is a continuous row of detached cottages addressing Shurdington Road. To the south-west is a more informal layout of residential development. On the opposite side of the road, to the north west is the main built-up core of Shurdington.
- 2.3** The site is shown on the Environment Agency Flood Map for Planning to be located within Flood Zone 1 and is at lowest risk of flooding. There are no heritage or other planning designations affecting the site.

### 3. Relevant Planning History

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Application Number	Proposal	Decision	Decision Date
89/91711/FUL	Erection of a greenhouse for storage & cultivation. New Access.	PER	27.10.1989
97/00129/OUT	Outline application for residential development	REF	06.05.1997
00/00461/OUT	Outline application for residential development	REF	24.05.2000

- 3.1 Two previous applications for residential development at the site were refused in 1997 and 2000. However, it is important to note that both national and local policy has changed since their determination.
- 3.2 It should be noted that there has been significant change in policy (particularly in respect of green belt development) since that time and this application therefore stands to be determined upon its own merits and in accordance with current local and national planning policy.

### 4. Consultation Responses

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

**Shurdington Parish Council** – Objection:

The last two applications for development in 1997 and 2000 were rejected because it was within the green belt, conflicted with the previous Local Plan and is within the Cotswolds AONB.

Continue to object to development on the Green Belt, AONB

Possible Local Plan conflict as these do not appear to have changed since the previous applications.

**Building Control** – No objections.

**Severn Trent** – No objection subject to further details on the disposal of foul water which can be secured via condition.

**Drainage Officer** – No objection subject to a detailed drainage condition.

**Tree Officer** – No objection to the proposal subject to conditions relating to tree protection, landscape and boundary treatment.

**Landscape Officer** - No objection to the proposal subject to conditions relating to tree protection, landscape and boundary treatment.

**Ecology** – No objection to submitted documentation subject to conditions.

**Newt Officer** – No objection subject to conditions.

**County Highways** – No objection subject to conditions relating to vehicular visibility splays, pedestrian visibility splays, access gates, highway improvements and Construction Management Plan (CMP).

**Cotswold National Landscape Board** – No objections subject to landscaping and lighting conditions.

**Environmental Health Officer** – No objection subject to conditions relating to contaminated land, noise assessment, CEMP and construction hours.

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

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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** The application has also been publicised through the posting of neighbour notifications for an initial period of 21 days. A further consultation period was undertaken following the receipt of amended plans. 12 objection letters have been received in response.
- 5.3** The objection comments are summarised as follows:
- Impact on the Cotswold National Landscape;
  - Pressure on existing services and community facilities;
  - Impact on traffic congestion and highway safety along Shurdington Road;
  - The proposed dwellings are very modern in appearance and are out of keeping with the rest of the village;
  - Plot 5 would impact on neighbouring trees;
  - Substantial fencing needed;
  - Flood risk to adjacent properties;
  - Harm to wildlife;
  - Risk to utilities crossing the application site;
  - The development should not be seen as infill development;
  - No benefit to local wildlife;
  - Overshadowing to neighbouring properties;
- 5.4** The comments and concerns raised by the neighbours will be addressed throughout the officer report.

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

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### **6.1** Statutory Duty

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

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

### **6.2** National guidance

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

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

- SP1 (The Need for New Development)
- SP2 (Distribution of New Development)
- SD3 (Sustainable Design and Construction)
- SD4 (Design Requirements)
- SD5 (Green Belt)
- SD6 (Landscape)
- SD7 (AONB)
- SD9 (Biodiversity)
- SD10 (Residential Development)
- SD11 (Housing mix and Standards)
- SD14 (Health and Environmental Quality)
- INF1 (Transport Network)
- INF2 (Flood Risk Management)
- INF3 (Green Infrastructure)

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

- RES2 (Settlement Boundaries)
- RES3 (New Housing Outside Settlement Boundaries)
- RES5 (New Housing Development)
- RES13 (Housing Mix)
- GRB4 (Green Belt)
- DES1 (Housing Space Standards)
- LAN2 (Landscape Character)
- NAT1 (Biodiversity)
- ENV2 (Flood Risk and Water Management)
- TRAC9 (Parking Provision)

**6.5** Neighbourhood Plan

- None.

**7. Policy Context**

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**7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

**7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), 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 2023 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **8. Evaluation**

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### ***Five Year Housing Supply***

- 8.1** The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites (or a four year supply if applicable). Where local authorities cannot demonstrate a five year supply of deliverable housing sites, Paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date.
- 8.2** Further to the recent Trumans Farm, Gotherington Appeal decision (ref. 22/00650/FUL), and subsequently published Tewkesbury Borough Five Year Housing Land Supply Statement October 2023, the Council's position is that it cannot at this time demonstrate a five year supply of deliverable housing land. The published position is that the Council's five year supply of deliverable housing sites is 3.24 years supply of housing land. Officers consider this shortfall is significant. The Council's policies for the provision of housing are therefore out of date in accordance with footnote 8 of the NPPF.
- 8.3** Paragraph 11(d) of the NPPF therefore applies and states that where policies which are most important for determining the application are out of date, permission should be granted unless: i) the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

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

- 8.4** In order to further sustainability objectives and in the interests of protecting the countryside, the housing policies of the JCS set out a development strategy for the Borough. Strategic Policies SP1 and SP2 of the JCS set out the scale and distribution of development to be delivered across the JCS area in the period to 2031.
- 8.5** Policy SD10 of the JCS states that new housing will be planned in order to deliver the scale and distribution of development set out in Policies SP1 and SP2. Para 4. of SD10 is relevant to this application where, since being in a rural area, housing development on other sites will only be permitted where:
- It is for affordable housing on a rural exception site in accordance with Policy SD12, or;
  - It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District plans, or;
  - It is brought forward through Community Right to Build Orders, or;
  - There are other specific exceptions / circumstances defined in district or neighbourhood.
- 8.6** Policy RES2 of the TBP states that within the defined settlement boundaries of the Tewkesbury Town Area, the Rural Service Centres, the Service Villages and the Urban Fringe Settlements (which are shown on the policies map) the principle of residential development is acceptable subject to the application of all other policies in the Local Plan.

- 8.7** The application site is located outside the defined settlement boundary of Shurdington as identified on the policies map. However, the settlement boundary runs along the front boundary of the site along Shurdington Road and along the southern western boundary of the site. Shurdington is identified as a Service Village and paragraph 5.4 of the TBP states that Shurdington is one of the Borough's largest and most sustainable service villages.
- 8.8** Turning to Policy SD10 of the JCS, part 4(ii) allows housing development where it is considered to be infill within the existing built up areas. Paragraph 4.11.5 of the JCS defines infill development as *"the development of an under-developed plot well related to existing built development."*
- 8.9** Within the submitted planning statement, the applicant has drawn the Council's attention to a Supreme Court decision, Julian Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council (February 2015), which provides helpful clarification of what constitutes a village. Paragraph 12 of the Judgement states:

*"...while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector's assessment of the extent of the village on the ground."*

- 8.10** This decision identified that village boundary limits should not definitively follow the settlement boundaries set by the Local Plan and should instead be assessed by what is on the ground, considering the physical and functional relationship of the site to the village as a whole.
- 8.11** The applicant has also drawn attention to an appeal decision (APP/G1630/W/22/3291784) within Shurdington on Land adjacent to Blenheim Way (21/01312/PIP). The Council consider this appeal scheme to be relevant in this instance given the PIP site was on the edge of the settlement boundary of Shurdington as per the application site. The Inspector made the following assessment in respect of interpreting the concept of infilling at paragraphs 8-10 of the decision notice:

*"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.*

*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.*

*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)."*

- 8.12** The application site is bound by Shurdington House Stables and 1 Malvern View to the south west, 21-27 Yarnolds are located opposite the site and Woodbine Cottage is located to the north east of the site. The site would be flanked by residential development and would also face onto dwellings on the opposite side of the road. This section of Shurdington Road is distinctly residential in nature.
- 8.13** Despite the application site not being located within a defined settlement boundary, the proposal is considered to be infill within Shurdington as per part 4(ii) of Policy SD10 of the JCS. The site has a clear physical and functional relationship to the Service Village and is well related to the existing built up frontage along the A46 such that the proposal is considered acceptable in principle and subject to assessment of other material planning considerations set out below.

### **Green Belt Assessment**

- 8.14** Policy SD5 of the JCS says 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 very special circumstances can be demonstrated."*
- 8.15** Paragraph 142 of the NPPF 2023 states: *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*
- 8.16** Paragraph 143 of the NPPF 2023 explains that the Green Belt serves five purposes which are:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.17** Paragraph 152 of the NPPF 2023 states: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
- 8.18** Paragraph 153 of the NPPF 2023 states: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*



**8.19** Paragraph 154 of the NPPF provides a number of exceptions to the construction of new buildings in the Green Belt as stated below:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

**8.20** As detailed within the principal section above, the proposal is considered to be infilling within the village of Shurdington. The exception in Green Belt terms relates to 'limited' infilling. Shurdington is a service village well supported by services and facilities, including shops, hotels, public houses with transport links to adjoining villages as well as Gloucester and Cheltenham. In this instance the construction of five new dwellings would be considered limited in the wider context of Shurdington Village.

**8.21** Therefore, it is considered that the construction of five new houses on this site would meet exception 154 (e) for limited infilling in villages and would be considered as appropriate development in the Green Belt.

**8.22** With respect to openness and the purposes of the Green Belt, given that the proposal would amount to limited infilling within a village, and is not therefore inappropriate development in the Green Belt, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, given that the proposal would not constitute inappropriate development the tilted balance remains engaged.

### ***Design and Layout***

**8.23** Section 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It continues by stating that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should, amongst other things, ensure that developments will function well and add to the overall quality of the area and should be sympathetic to the local character, including the surrounding built environment. Paragraph 139 of the NPPF makes it clear that planning permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design contained in the National Design Guide and National

## Model Design Code.

- 8.24** 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.
- 8.25** 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.
- 8.26** Policy RES5 of the TBP states proposals for new housing development should, inter alia, be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it and be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan.
- 8.27** The proposed contemporary styled dwellings are two storey with dual pitched roofs and single storey with green, flat roofed elements. The dwellings would face onto Shurdington Road, with Plots 1 and 2 sharing the northerly vehicular access and Plots 3, 4 and 5 sharing the southerly vehicular access from Shurdington Road.
- 8.28** Following a site visit, it is clear that there is no distinct design or character for residential development within this section of Shurdington Road. There is a mixture of detached and semi-detached properties, there is no uniform building line for dwellings on the eastern side of Shurdington Road and there is a mixture of roof types with half hipped roofs, gable ends and bungalow style dwellings with front dormers.
- 8.29** The new dwellings will be set back from the road frontage with plots 2,3 and 4 being set further back into the site compared within plots 1 and 5. This will ensure that the new dwellings are not unduly prominent within the streetscene. Furthermore, the staggered building line of the 5 dwellings would create visual interest and would reflect the organic and varied character to the existing streetscene. Each dwelling would have a large rear garden and there is good spacing between each dwelling to ensure an appropriate spacious appearance to the development.
- 8.30** Officers raised concerns with the original submission due to the prominence of the garages being in an uncharacteristic and prominent location on the front boundary. Amended plans have since been received which reduced the number of garages from 5 detached garages to two garage blocks which are now in line with the building line of plots 1 and 5. Plot 2 and 3 share a garage and plot 4 has its own garage.
- 8.31** At present, the site is well screened by mature trees and established vegetation along its front and rear boundaries. While the proposed development of the site is not considered to appear out of character, the vegetation on site, which will be managed and enhanced as part of this proposal, will allow for screening to the development and provide a transition to the open countryside beyond. This will be discussed further in the Landscape section below.

- 8.32** The properties would be finished in brick to the ground floor and metal standing seam cladding to the first floor and roof, with framed vertical timber cladding to the front and rear elevations, providing contemporary use of traditional building materials.
- 8.33** Given the varied character of development in the area it is considered that the contemporary design of the dwellings is considered to be acceptable for this location and the site layout is in keeping with the scale and informal layout of neighbouring development in the local area. As such, it is considered that the proposed development is of an appropriate high-quality design, which respects the semi-rural character of its immediate context and is therefore compliant with JCS Policy SD4, TBP Policy RES5 and the provisions of the NPPF for achieving a well-designed place.

### ***Landscape and Visual Amenity***

- 8.34** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service.
- 8.35** Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area.
- 8.36** Policy SD7 states that all development proposals within the setting of the Cotswolds AONB (now Cotswold National Landscape) will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 8.37** Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 8.38** Policy RES5 bullet point 3 of the TBLP states that new housing development should – where an edge of settlement is proposed – respect the form of the settlement and its landscape setting, not appear as unacceptable intrusion into the countryside and retain a sense of transition between the settlement and the countryside.
- 8.39** The site is located within the Green Belt and the Cotswold National Landscape. The site lies within the Settled Woodland Vale character type (LCT 18). The Board's Landscape Strategy and Guidelines (LS&G) identifies well maintained hedgerows forming a strong landscape pattern and major transport corridors as two key features of this character area. The applicant has submitted a Landscape and Visual Appraisal ('LVA', LVIA Ltd., July 2023) to provide an assessment of the potential landscape and visual effects of a proposed development upon the receiving landscape.

- 8.40** The Cotswold National Landscape Board (CNLB) have reviewed the submitted information and are of the opinion that due to the current suburban fringe setting the site is considered to be medium resulting in an overall high landscape sensitivity. However, due to the existing local area, the proposed scheme would not be out of character with its surroundings when considered as part of the local landscape with development of a similar nature in close proximity to the site to the north, south and west. They concur that the magnitude of change is small, therefore resulting in a level of landscape effect of moderate/minor (i.e. not a material change).
- 8.41** Six representative viewpoints have been assessed, including from public rights of way ASH14 and ASH15 within the National Landscape where receptors would be of high sensitivity. These demonstrate that views of the site are quite limited and the site is only clearly visible from the A46 and footpath ASH14 where it travels past the site's northern boundary (viewpoint 3). Whilst the proposal development would substantially alter the views towards the National Landscape, including the Cotswold escarpment, when travelling past the site on the A46, this would principally be experienced by motorists in transient views and only over a short distance. The CNLB agree that this would result in a moderate/minor visual effect on views of the National Landscape from the A46.
- 8.42** The CNLB believe that the significance of visual effect from most viewpoints on nearby public rights of way within the National Landscape would be no more than minor, except for where footpath ASH14 passes the site's northern boundary (viewpoint 3) where the development would result in a noticeable change in the view that would be clearly visible to an observer. The CNLB agree that this would constitute a material change (at least moderate adverse significance) without mitigation. However, the proposed mitigation (section 7 of the LVA) should help to reduce the visual impact of the proposal to result in a less than moderate adverse visual effect and this could be secured via planning condition in the interests of the conservation and enhancement of the landscape and scenic beauty of the National Landscape.
- 8.43** In summary, the CNLB agree with the conclusions of the Landscape and Visual Appraisal that although development would encroach into the National Landscape, it would be viewed in the context of the adjacent built development and the significant local influence of the A46. The site is well contained and the addition of five dwellings and associated landscape mitigation would comprise a minor element in the more elevated views from the east. They conclude that the proposal would be consistent with the requirements of JCS Policy SD7 and Cotswolds Management Plan Policy CE1.
- 8.44** Taking the above into account and subject to compliance with conditions, it is considered that the proposals would conserve the scenic beauty and special qualities of the Cotswold National Landscape and would protect its landscape character, in accordance with Policies SD6 and SD7 of the JCS, Policy LAN2 of the TBP and relevant provisions of the NPPF.

### ***Residential Amenity***

- 8.45** In respect of the impact of the development upon residential amenity, paragraph 135 of the NPPF specifies that planning decisions should ensure development creates places with a high standard of amenity for existing and future users. This advice is reflected in JCS policies SD4 and SD14 which require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. Policy RES5 of the TBLP also sets out the proposals should provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 8.46** Policy DES1 (Housing Space Standards) of the TBP requires all new residential development to meet the Government's national space standards as a minimum, to ensure that high quality homes are delivered that provide a sufficient amount of internal space appropriate for occupancy of the dwelling. The proposed dwellings exceed the space requirements under Policy DES1 and therefore appropriate internal space will be provided for future occupants.
- 8.47** Each dwelling would have a large rear garden which provides suitable private amenity space for future occupants. In relation to intervisibility and overlooking between the proposed dwellings, all first floor side facing windows will be obscurely glazed as annotated on the proposed elevations. This will be secured via condition.
- 8.48** In relation to the existing neighbouring dwellings, Plot 5 would be set off the boundary with 1 Malvern View and Shurdington House Stables by circa 6 metres. Furthermore, there is an existing outbuilding within the rear garden of 1 Malvern View which is located on this site boundary. The separation distance would ensure there is no adverse impact by way of loss of light/over shadowing or overbearing impacts and the obscure glazing of side facing windows will ensure there is no loss of privacy.
- 8.49** With regards to Woodbine Cottage, the dwelling at Plot 1 would be separated by the PROW and the narrow field entrance which continues onto the open countryside to the east of the site. The separation distance will ensure there is no adverse impact by way of loss of light/over shadowing and the obscure glazing of side facing windows will ensure there is no loss of privacy.
- 8.50** The Environmental Health Officer (EHO) has reviewed the scheme and has no objections subject to conditions. These conditions include a noise assessment to ensure there are no unacceptable noise levels for future occupants of the five dwellings. Further conditions will provide information relating to construction hours and a Construction Environment Management Plan (CEMP) to protect the amenity of existing neighbouring residents.

### ***Trees and Landscaping***

- 8.51** Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environment and can also mitigate and adapt to climate change.

- 8.52** Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services including biodiversity, landscape/townscape quality and the connectivity of the green infrastructure network. Development proposals that will have an impact on hedges and trees need to include a justification for why this impact cannot be avoided and should incorporate measures acceptable to the Local Planning Authority to mitigate the loss.
- 8.53** The application site is not within a conservation area and there are no Tree Preservation Orders within the site or on its boundaries. However, there are mature trees located in the neighbouring properties one of which is an A grade Yew tree situated at Malvern View which overhangs the application site and a group of trees that are within the ownership of Shurdington House Stables on the southern boundary of the site. The mature sycamore tree within the hedgerow adjacent to the road is also shown to be retained.
- 8.54** The application is accompanied by an Arboricultural Impact Assessment (AIA). It is shown within the Arboricultural Impacts Plan 194 SHU-DRW-AIP the trees and part of the hedgerow proposed to be removed. The scheme would also entail tree pruning/crown lifting works that are also justified in report.
- 8.55** The Council's Tree Officer has reviewed the AIA and has advised that the main impact from the development will be to the boundary/neighbouring trees where they overhang and where the rooting environment encroaches into the application site. The Arboricultural Impact Assessment and preliminary Arboricultural Method Statement clearly states the measures that are required to protect the retained trees throughout the construction of the development which the tree officer is satisfied and this can be controlled by condition.
- 8.56** Amended plans have been submitted to address initial concerns raised by the tree officer and the soakaway to plot 5 has been re-sited further away from the retained trees and the garage to plot 5 has been removed to ensure the existing hedgerow can be retained.
- 8.57** The applicant has submitted a Soft Landscape Proposals plan ZES1356-11 dated October 2023 which is considered to be acceptable in principle subject to a detailed landscaping condition. Following further discussions with the Tree Officer and the Landscape Officer, these details will be secured via condition in relation to tree protection, landscape and boundary treatments. Subject to compliance with conditions the application is considered acceptable in relation to trees and landscaping.

#### ***Access and highway safety***

- 8.58** The NPPF sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Further, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe.
- 8.59** JCS Policy INF1 states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. All proposals required to ensure safe and efficient access to the highway network.

- 8.60** Shurdington is considered to be a sustainable location and the application site is situated within 180 metres walking distance to the nearest bus stops on Shurdington Road with frequent services to Gloucester and Cheltenham. In addition, there are amenities in the village including a primary school, nursery, local shop and post office as well as several public houses within reasonable walking distance according to Manual for Streets. This reduces reliance on private vehicle trips according Local Plan Core Strategy policy INF1, Local Transport Plan policies PD 0.1 and 0.4 as well as National Planning Policy Framework paragraph 110 and 112.
- 8.61** In terms of the proposal, the existing access will be closed off and two new vehicular accesses would be created, one to serve Plots 1 and 2 and the second to serve the remaining plots. The County Highways Officer has reviewed this element and has no objection to the two accesses, which while increasing possible conflict would not warrant a refusal of planning permission.
- 8.62** The proposed vehicle visibility splays have been provided which are considered to be acceptable. However, the pedestrian visibility splays are presently inappropriate and this would need to be secured by way of a condition. A condition is also sought for the existing footway width to be widened to the standard 2 metres with planting cut back with 100mm clearance from the footway.
- 8.63** In conclusion, the Highway Authority have advised that they have undertaken a robust assessment of the Application and based on the analysis of the information submitted, conclude that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion subject to compliance with conditions.

#### ***Drainage and flood risk***

- 8.64** Policy INF2 of the JCS seeks to minimise the risk of flooding from development and to provide resilience to flooding. ENV2 of the TBLP outlines a series of principles in order to avoid and manage the risk of flooding to and from new development. Policy CHIN1 of the NDP – Blue Infrastructure – states that new development should adopt a blue infrastructure approach to the design of water and flood management and Policy CHIN 12 states that proposals are expected to demonstrate that they will not worsen the existing risks to the drainage network.
- 8.65** The proposed development is located within Flood Zone 1 as defined by the most up-to-date Environment Agency flood risk maps. The application is accompanied by a Drainage Statement and indicative surface water and foul water proposals are shown on the site plan.
- 8.66** In relation to surface water, the site shows that surface water will be dealt with via soakaways in the rear garden of each plot. Furthermore, it is intended that water will be collected from roofs via water butts, which will be used to water the site in general. The drainage officer has reviewed the proposals and has no objection subject to a drainage condition.
- 8.67** By way of foul drainage, the proposal seeks to connect to the existing foul water connection on the main road. Severn Trent have reviewed the proposal and have no objection subject to condition.

**8.68** In light of the above, and subject to compliance with conditions it is considered that the site is at a low risk of flooding and the development would not increase the risk of flooding within the site or elsewhere.

### ***Biodiversity***

**8.69** 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. Policy NAT1 of the TBLP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.

**8.70** The application was originally supported with a Preliminary Ecological Assessment (PEA) (Ecology By Design September 2022). Following discussions with the Council's Ecologist an Ecological Impact Assessment was submitted. This report identified the potential ecological impacts, mitigation, compensation, and enhancement measures for a proposed development. Surveys of the site were conducted from August 2022 to October 2023 including an extended UK habitat survey, daytime tree assessments for bats and badger monitoring. The report identified the following:

- A tree with low potential to support roosting bats within the north of the site;
- Opportunities for foraging and commuting habitat for bats within the site;
- Opportunities for nesting birds within the hedges and trees;
- Suitable habitat for reptiles within the rough grassland/ hedge margins;
- An outlier badger sett within the site;
- Suitable foraging and resting habitat for hedgehogs and common toad; and
- Negligible opportunities for other protected or priority species.

**8.71** The report identified the following measures to avoid and/or reduce impacts:

- Acquire a licence for closure of the badger sett under an agreed mitigation strategy;
- Habitat creation to improve the biodiversity value of the site;
- Implementation of a sensitive lighting scheme to avoid disturbing bats;
- Vegetation clearance undertaken outside of the nesting bird season (March to August inclusive) or be preceded by a check from a suitably experienced ecologist;
- Phased and directional vegetation clearance to avoid killing or injuring reptiles; and
- Implementation of appropriate site management practices.

**8.72** The Council's Ecologist has reviewed this report in full and has no objections to its findings subject to further information being provided within a Landscape and Ecological Management Plan (LEMP) and a Construction Ecological Management Plan (CEMP) via condition.



- 8.73** The Cotswolds Beechwoods SAC lies within 5km of the site and therefore a shadow Habitat Regulations Assessment was submitted to consider whether the development will significantly impact on the SAC. The Council's Ecologist has reviewed the sHRA and agrees with the conclusions that there are unlikely to be any significant effects from the proposed development on the Cotswold Beechwoods SAC. However, due to the proximity of the SAC to the site (i.e. 3.7km) it is recommended that a Homeowner information Pack (HIP) is distributed to new residents and this should detail locations of local greenspaces (that are of low nature conservation value, i.e. not designated sites) and highlight foot/cycle-trails and public transport links to these greenspaces. Details for the HIP will be secured via condition.
- 8.74** In relation to impact on Great Crested Newts (GCN), a District Licence report and Impact Plan have been submitted following discussions with NatureSpace Partnership. The Gloucestershire District Licencing Officer has confirmed that should permission be granted there are mandatory conditions that should be attached to ensure compliance and afford appropriate protection to newts.
- 8.75** The Council's Ecologist have reviewed the scheme, the submitted reports and has no objection to the proposal subject to conditions relating to a Construction Environmental Management Plan (CEMP), ecological enhancements plan and a Landscape and Ecological Management Plan (LEMP).
- 8.76** Overall, and subject to the imposition of conditions to secure ecological mitigation strategies, it is considered that the proposed development is acceptable in terms of ecological and biodiversity matters and is in accordance with development plan policies and the NPPF.

## **9. Conclusion**

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- 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 application site is not allocated for housing development and does not fall within a defined settlement boundary as required by Policy RES 2 of the TBP. However, as set out above, the application site is considered to be infill development in accordance with part 4(ii) of Policy SD10 of the JCS. There is no conflict with the adopted development plan policies in relation to principle which is the starting point for decision making.
- 9.3** Furthermore, the Council cannot at this time demonstrate a five-year supply of deliverable housing sites, having a significant shortfall at 3.24 years of deliverable supply, the most important policies for determining the application are deemed to be out of date and less weight can be given to them. Paragraph 11(d) of the NPPF therefore applies.
- 9.4** Paragraph 11 of the NPPF, the presumption in favour of sustainable development indicates that permission should be granted unless policies for protecting areas or assets of particular importance in the NPPF provide a clear reason for refusing the development proposed, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 9.5 Footnote 7 of the NPPF confirms that policies in the Framework that protect areas or assets of particular importance includes land designated as Green Belt.

### ***Green Belt Conclusion***

- 9.6 The proposed development is considered to meet exception 'limited infilling in villages' under paragraph 154 (e) of the NPPF 2023 and as such the proposal is not considered to be inappropriate development in the Green Belt.
- 9.7 In light of this, there is no clear reason to refuse the application in accordance with paragraph 11d and footnote 7 of the NPPF. The tilted balance is **therefore engaged**.

### ***Benefits***

- 9.8 The public benefits of the proposal relate to, amongst others, the delivery of 5 dwellings houses in a highly sustainable location, new construction jobs, increased economically active population, and the associated social and economic benefits through construction and tree planting through the soft landscaping proposals.
- 9.9 Given that these benefits are directly related to the development, to make the proposal acceptable in planning terms, officers afford these benefits limited weight and the deliverery of housing is afforded moderate weight.

### ***Harms***

- 9.10 The only harm arising from the proposal is the loss of a small parcel of undeveloped agricultural land and the conflict with RES 2 of the TBP in that the site is not located within the defined settlement boundary. However, as set out above, the application site is considered to be infill development in accordance with part 4(ii) of Policy SD10 of the JCS and this harm is limited.

### ***Neutral***

- 9.11 It has been established through the submission documents that subject to the imposition of appropriate planning conditions, the development would not give rise to unacceptable impacts in terms of design, highway safety, ecology and residential amenity

### ***Overall Conclusion***

- 9.12 The proposal is considered to be in accordance with the development plan and there are no clear reasons for refusal in accordance with paragraph 11di and footnote 7 of the NPPF. The proposed development is considered to be infill development in relation to Policy SD10 of the JCS and would meet exception 154(e) of the NPPF 2023 which regards the constructions of buildings in this instance to be appropriate development in the Green Belt. The proposal is located in a highly sustainable location and would contribute to the Council's 5YHLS position. The benefits of the scheme would therefore clearly outweigh the harms identified.

## **10. Recommendation**

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- 10.1 It is recommended that the application should be **PERMITTED** subject to conditions.

## 11. Conditions

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- 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 100
- Proposed Access Arrangement & Visibility Assessment (Plots 1-2) 3200 Rev P02
- Proposed Access Arrangement & Visibility Assessment (Plots 3-5) 3201 Rev P02
- Proposed Site Plan Layout 300 Rev G
- Plot 1 Plans and Elevations 301 Rev C
- Plot 2 Plans and Elevations 302 Rev D
- Plot 3 Plans and Elevations 303 Rev C
- Plot 4 Plans and Elevations 304 Rev F
- Plot 5 Plans and Elevations 305 Rev C
- Proposed Site Sections & Perspective Views 306 Rev B
- Garage Plot 4 307 Rev B
- Garage Plot 2&3 308
- Soft Landscape Proposals ZES1356-11
- Arboricultural Impact Assessment prepared by Tree Frontiers 10<sup>th</sup> October 2023
- Preliminary Ecological Appraisal prepared by ecologybydesign September 2022
- Landscape Visual Assessment prepared by LVIA Ltd July 2023
- Drainage Statement prepared by Zesta Planning October 2023
- Shadow Habitats Regulations Assessment prepared by ecologybydesign January 2024
- Ecological Impact Assessment (Non EIA) prepared by ecologybydesign November 2023

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 work shall start on the construction of the buildings hereby approved until details of floor slab levels of each new building, relative to each existing building on the boundary of the application site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

Reason - To protect the amenity of neighbouring properties and to ensure that the proposed development does not have an adverse effect on the character and appearance of the area.

- 4 No work above floor plate level shall be carried out until samples of all external materials proposed to be used on facing materials, windows, doors, roof and architectural detailing 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 that materials are in keeping with the surrounding area and to provide for high quality design

- 5 No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Drainage 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.

- 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 Notwithstanding the submitted Soft Landscape Proposals Plan (ZES1356-11), no work above floor plate level shall be carried out until there has been submitted to and approved by the Local Planning Authority in writing, a comprehensive scheme of landscaping which shall include details of all hard-surfacing materials, proposed planting and proposed boundary treatments to secure the residential curtilage. The development shall be implemented in accordance with the approved details.

All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. If any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: In the interests of visual amenity and to protect the Cotswold National Landscape.

- 8** 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:

1. 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).
2. 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 or unless otherwise agreed in writing with the local planning authority.

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.

- 9** No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the nature conservation interest of the site is protected.

- 10** The Project Arboriculturist shall provide advice and undertake a watching brief onsite during construction as detailed within the Arboricultural Method Statement contained within the Arboricultural Impact Assessment dated 10th October 2023.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees

- 11** No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the following:

- Risk assessment of potentially damaging construction activities including provisions for protected species,
- Identification of 'biodiversity protection zones' including (but not exclusively) hedgerows and mature trees,
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),

- The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset),
- The times during construction when ecological or environmental specialists need to be present on site to oversee works,
- Responsible persons and lines of communication,
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person,
- Use of protective fences, exclusion barriers and warning signs; and
- Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

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

- 12** 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.

- 13** Prior to the first use/occupation of the development hereby approved, full details of the biodiversity enhancements as set out within Section 5.5. of the Ecological Impact Assessment (non EIA) prepared by Ecology by Design (November 2023) shall be submitted to the Local Planning Authority for approval. The approved details shall be installed prior to the occupation of the dwellings and shall be retained thereafter.

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

- 14** Prior to installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
  - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
  - 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 control (e.g. timer operation, passive infrared sensor (PIR)).

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 proper provision is made to safeguard protected species and their habitats and ensure there is no undue impact on the dark skies of the Cotswold National Landscape.

- 15** No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan Land Adjacent to Shurdington Road: Impact Plan for great crested newt District Licensing (Version 1) Dated: 19th February 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 16** No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

- 17** Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods SAC shall be submitted to and approved in writing by the local planning authority. The HIP shall include reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the site and how to avoid negatively affecting it, alternative locations for recreational activities and off-road cycling and recommendations to dog owners for times of year dogs should be kept on lead when using the site (i.e. to avoid disturbance to livestock). Two copies of the HIP shall be provided to all future residents prior to occupation of each dwelling.

Reason: In the interests of biodiversity.

- 18** The development hereby approved shall not be occupied/brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access(es) to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 58.3 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above

carriageway level.

Reason: In the interests of highway safety.

- 19** Notwithstanding the submitted plans Proposed Access Arrangement & Visibility Assessment (Plots 1-2) 3200 Rev P02, Proposed Access Arrangement & Visibility Assessment (Plots 3-5) 3201 Rev P02, the Development hereby approved shall not be occupied until details of the pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian splays shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

- 20** The Development hereby approved shall not be occupied until the proposed access gates have been set back as shown on submitted plans from the adjoining carriageway edge and made to open inwards only with any subsequent gates subject to the same requirements.

Reason: In the interests of highway safety according to INF1 of the Local Plan Core Strategy, PD 0.1 and 0.4 of the Local Transport Plan.

- 21** The Development hereby approved shall not be occupied or use commenced until highway improvements comprising: Widening of footway across the site frontage to 2 metres have been carried out.

Reason: To ensure the safe and free flow of traffic onto the highway.

- 22** Prior to commencement of the development hereby permitted a construction management statement shall be submitted and approved by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic
- Any temporary access to the site
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
- Dust mitigation
- Noise and vibration mitigation (Including whether piling or power floating is required. White noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/ reversing)
- Mitigation of the impacts of lighting proposed for the construction phase



- Measures for controlling leaks and spillages, managing silt and pollutants
- Plans for the disposal and recycling of waste

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

- 23** 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 amenity of adjacent properties.

- 24** Prior to the installation of solar panels on any of the dwellings hereby approved, full specification details 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 protect the noise climate and amenity of local residents.

- 25** No dwelling shall be occupied until any necessary noise attenuation measures have been installed to protect the living conditions of future occupiers which shall be in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. These measures shall be informed by a Noise Impact Assessment (NIA). The NIA. The noise should be assessed in accordance with relevant standards.

The NIA should include the following:

- A baseline noise survey to assess the existing noise levels at proposed receptors.
- An assessment of likely impact.
- Predicted internal noise levels on each floor.
- Modelled sound map
- Where appropriate, mitigation measures to reduce the noise to within acceptable levels at the proposed development.

Road traffic noise from the A46 will need to be considered on the proposed development.

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

- 26** If, during the course of development, any contamination is found which has not been identified in the site investigation, 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.

- 27** All side facing windows at first floor level on each dwelling shall be obscure glazing as stated on approved plans Plot 1 Plans and Elevations 301 Rev C, Plot 2 Plans and Elevations 302 Rev D, Plot 3 Plans and Elevations 303 Rev C, Plot 4 Plans and Elevations 304 Rev F, Plot 5 Plans and Elevations 305 Rev C. The obscure glazing shall be installed prior to the occupation of each dwelling hereby approved.

Reason: To protect the privacy of adjacent properties.

## **12. Informatives**

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- 1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

### **2 Trees in neighbouring properties**

There are tree(s) in the neighbouring properties. Although it is your right to remove parts of the tree overhanging your property any cuttings should be returned to your neighbour if they so wish and consent must be gained regarding access to their property. You have a legal duty to exercise reasonable care in carrying out any works to the overhanging trees. 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. Further information is available on [Guide-to-Trees-and-the-Law](#)

### **Wildlife**

1. If at any time nesting birds are observed on site then certain works which might affect them should cease and advice sought from a suitably qualified ecological consultant or Natural England. This is to comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. You are additionally advised that tree or shrub removal works should not take place between 1st March and 31st August inclusive unless a survey to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then they should be supervised and controlled by a suitably qualified ecological consultant. This advice note should be passed on to any persons/contractors carrying out the development.
2. The Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. This advice note should be passed on to any persons/contractors carrying out the development

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR138, or a 'Further

Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

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 Council's 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.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the Public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMS should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.