

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	2.03.2020
<b>Site Location:</b>	<b>1 Severn Close, Maisemore, Gloucester, Gloucestershire, GL2 8ET</b>
<b>Application No:</b>	19/01083/FUL
<b>Ward:</b>	Highnam With Haw Bridge
<b>Parish:</b>	Maisemore
<b>Proposal:</b>	Installation of a new access and dropped kerb
<b>Report by:</b>	Mrs Sarah Barnes
<b>Appendices:</b>	Existing Site location plan Proposed Site location plan Existing Block plan Proposed Block plan
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to 1 Severn Close, a detached dwelling located in Maisemore (site location plan attached). The site falls within flood zone 3 and the Landscape Protection Zone.
- 1.2 The current application is for the installation of a new access and dropped kerb off the main A417 road (plans attached).
- 1.3 The application has been brought to the planning committee because of an objection raised by the Parish Council.

### 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
92/00418/FUL	Alterations and two storey extension to provide a kitchen and utility room with bedroom en-suite over	PER	15.10.1992
18/00875/FUL	Erection of a single storey side extension and installation of window on front elevation.	PER	29.10.2018

19/00002/KE RB	Drop kerb	PERREQ	08.11.2019
-------------------	-----------	--------	------------

### 3.0 **RELEVANT POLICY**

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

#### 3.2 **National guidance**

National Planning Policy Framework; 2018 (NPPF) and Planning Practice Guidance

#### 3.3 **Development Plan**

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS):

SD4 – Design requirements

SD7 – Landscape

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

#### 3.4 **Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)**

LND3

#### 3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**

LAN2 and ENV2

3.6 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

3.7 The First Protocol, Article 1 (Protection of Property)

### 4.0 **CONSULTATIONS**

4.1 Gloucestershire County Council Highways – no objections subject to the specified conditions being attached to the permission.

Maisemore Parish Council – objection. Concerns include:

- The creation of the new access would be on the bend after the entrance to Bridge Close and virtually opposite the entrance to The Rudge. It may create congestion on the bend where the bus stop is located.

- The drawings show no entrance splay and the entrance will only serve one property.

- There is currently adequate access to the A417 from the existing entrance to Severn Close.

- The grass verge over which the proposed plan cuts is in the ownership of the Local Authority. There are services located under this verge which would be compromised if an entrance was made.

### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days and the neighbour notification scheme.

5.2 Local residents - Two letters of support has been received from a local residents. The reasons for support are summarised as follows:

- Too many vehicles currently access Severn Close which is directly opposite the access to the White Hart Public House which is getting increasingly busier.
- Delivery vehicles such as central heating oil tankers are struggling to access Severn Close due to the increased size of such vehicles. These such vehicles are stopping on the A417 to deliver their load which can be potentially dangerous to all parties.

## 6.0 **POLICY CONTEXT**

- 6.1 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.
- 6.2 The adopted Development Plan for Tewkesbury Borough comprises the Joint Core Strategy 2011 to 2031 (JCS) and the saved policies of the Tewkesbury Borough Local Plan to 2011 (TBLP). The Pre-Submission version of the Tewkesbury Borough Plan (PSTBP) was approved for publication and submission at the Council meeting held on 30 July 2019. On the basis of the stage of preparation the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded at least moderate weight, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given). Other material policy considerations include the National Planning Policy Framework; 2019 (NPPF).
- 6.3 The relevant policies of the adopted and emerging development plan are set out in the appropriate sections of this report.

## 7.0 **ANALYSIS**

### **Principle of development**

- 7.1 The need for the new access is to provide a safer and more practical means of access into no 1 Severn Close. The applicants have confirmed that the new access / dropped kerb is required as delivery vehicles currently struggle to access Severn Close due to the tight bend on the entrance, particularly when cars are parked just inside the current shared drive. The new access would be off the A417 which is a classified road hence why planning permission is required.

### **Impact on character and appearance of the area**

- 7.2 The site is located within a Landscape Protection Zone. Policy LND3 of the Local Plan advises that 'within the LPZ the local planning authority will seek to protect or enhance the environment where possible, provision will be made for improved public access. Important landscape features within the landscape protection zone will be retained and where appropriate enhanced to ensure their long term retention.'
- 7.3 The existing grass verge is owned by Gloucestershire County Council Highways Department. The proposal would result in the loss of a relatively small section of this grass verge but the majority of the grass verge would still be free from

development. A section (approximately 3m) of the existing hedge would also be required to be removed to form the access. The loss of this section of hedge would be regrettable, but it is not considered that it would be unacceptable.

- 7.4 The new access would be finished in hardcore and gravel so it would be in-keeping with other accesses in the immediate area.

### **Highway Safety**

- 7.5 JCS Policy INF1 states developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. It requires all proposals to ensure that safe and efficient access to the highway network is provided for all transport modes and makes clear that planning permission will be granted only where the impact of development is not considered to be severe.
- 7.6 The plans submitted with the application show that the new access would enter directly from the main A417 across an existing grass verge. There are no gates proposed. The Parish Council have raised concerns that the creation of the new access would be on the bend after the entrance to Bridge Close and virtually opposite the entrance to The Rudge. It may create congestion on the bend where the bus stop is located. They also consider that there is currently adequate access to the A417 from the existing entrance to Severn Close. Whilst the Parish Council's concerns have been noted, the Gloucestershire Highways Officer has been consulted and has assessed the suitability of the access and has raised no objections in terms of highway impact / safety subject to conditions that requires suitable visibility is provided and maintained and the preferred surfacing. In relation to the bus stop, it is not on a bend, it is sited outside of the White Hart public house. The proposed driveway would in-fact be further away from the bus stop than the current access.

### **Flooding**

- 7.7 The site falls within flood zone 3. The proposed access would be surfaced in porous materials so there would not be an increase in surface water.

### **Other Issues**

- 7.8 In relation to the Parish Council's concerns about the impact on the existing services underneath the grass verge, the applicants are aware of this and would ensure that there would not be any disruption to the services.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 Overall, whilst the Parish Council's concerns are noted, it is considered that the proposal would not be harmful to the appearance of the area and it would be acceptable in terms of highway safety. It would therefore accord with Policy LND3 of the Local Plan, Policies SD4 and INF1 of the Joint Core Strategy and the NPPF 2019. The application is therefore, recommended for permission.

### **Conditions:**

1. The works hereby permitted shall be begun before the expiration of five 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:

Proposed block plan dated 5th December 2019 and site location plan dated 2nd December 2019 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. Prior to the access being used it shall be laid out and constructed in accordance with the submitted plans but with a minimum entrance width of 6 metres, with any gates situated at least 10m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic, cyclists and pedestrians.

4. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety.

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 offering pre-application advice, detailed published guidance to assist the applicant and published 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. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.