

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	19 April 2022
Site Location:	Dispenser Road Priors Park Tewkesbury
Application No:	22/00192/FUL
Ward:	Tewkesbury Town South
Parish:	Tewkesbury
Proposal:	Creation of new parking bays by excavating out existing grass open space between existing parking bays.
Report by:	James Stanley
Appendices:	Site Location Plan Site Plan Proposed Parking Spaces
Recommendation:	Permit
Reason for referral to Committee:	The application has been submitted by the Council.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** This application relates to land at Dispenser Road in Priors Park, Tewkesbury. The land is a 95 square metre grass verge located in between two existing parking bays. The site is located within Flood Zone 2.
- 1.2** This application seeks to excavate the existing grass verge and create 8 new car parking spaces.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
93/00037/LA3	Provision of car parking layby	PER	11.02.1993

3.0 RELEVANT POLICY

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

3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk Management)

3.3 Tewkesbury Borough Local Plan to 2011 – March 2006 (TBPL)

None

3.4 Tewkesbury Borough Plan 2011-2031 Pre-submission Version (October 2019)

- Policy ENV2 (Flood Risk and Water Management)
- Policy TRAC9 (Parking Provision)

3.5 Neighbourhood Plan

None

3.6 Other relevant policies/legislation

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

4.0 CONSULTATIONS

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

4.1 Tewkesbury Town Council – No objection but regrets the loss of the permeable surface.

4.2 Gloucestershire County Council Highways – No objection subject to conditions.

5.0 PUBLICITY AND REPRESENTATIONS

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 No representations have been received.

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 Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Pre-Submission TBP was submitted for examination in May 2020. Examination in Public (EiP) took place over five weeks during February and March 2021. The examining Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.

6.4 A schedule of Main Modifications to the Pre-submission TBP were approved at the meeting of the Council on 20th October 2021 and is now published for consultation as the Main Modifications Tewkesbury Borough Plan (MMTBP).

6.5 Those policies in the MMTBP which were not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which are subject to main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies (including as with modifications as published for consultation) will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

6.6 The relevant policies are set out in the appropriate sections of this report.

6.7 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.

7.0 ANALYSIS

Design and Highway Safety

7.1 JCS Policy SD4 of the Joint Core Strategy sets out requirements for development to reduce the risk of conflict between traffic and cyclists or pedestrians while MMTBP Policy TRAC9 ensures that parking provision must be well designed, safe and accessible, contributes towards high-quality environment and promoting active streets. JCS Policy INF1 ensures that the impact of development is not considered to be severe upon the transport network.

- 7.2 Gloucestershire County Council Highway Authority have been consulted and have raised no objections to the application subject to conditions.
- 7.3 This condition is to enable more information to be provided to ensure that the proposed pedestrian footway to the rear of the car parking spaces is tied into the existing footway. Also, more information is required to agree the relationship between the proposal and the adjacent speed bump.
- 7.4 The additional car parking spaces that would be created through this application would reduce the number of cars that are parked on the road creating a safer transport network.
- 7.5 The impact of the proposal upon the transport network has carefully been assessed and it is considered that there would not be an undue impact upon safety and accessibility in accordance with Policy TRAC9 of the MMTBP and Policies SD4 and INF1 of the JCS.

Effect on the Flood Zone

- 7.6 Policy INF2 of the JCS and Policy ENV2 of the MMTBP requires that the development proposals must avoid areas at risk of flooding and minimise the risk of flooding by providing resilience to flooding, taking into account climate change. Proposals also must not increase the level of risk to the safety of the occupiers, local community or the wider environment.
- 7.7 The impact of the proposal upon the flood zone has carefully been assessed and it is considered that due to the minimal area of permeable ground that would be lost, there would not be an undue impact upon the likelihood of flooding in accordance with Policy INF2 of the JCS and Policy ENV2 of the MMTBP.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would not be unduly harmful to the appearance of the surrounding area. It would therefore accord with relevant policies as outlined above. Therefore, it is recommended the application be **permitted**.

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 documents:
 - Location plan and Drawing Numbers 1 (Site Plan) and 2 (Proposed Parking Spaces) received by the Local Planning Authority on 11.02.2022

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 approved shall not commence until drawings of the proposed highway improvements works have been submitted to and approved in writing by the Local Planning Authority and the beneficial use shall not begin until those works have been constructed in accordance with the approved details.

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

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.