

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	09.04.2019
Address/Location:	Land At Netheridge Close Gloucester GL2 5LE
Application No:	18/00816/FUL
Ward:	Westgate
Expiry Date:	13.02.2019
Applicant:	Gloucester City Council
Proposal:	Provision of an Access Road.
Report by:	Rhiannon Murphy
Appendices:	Site Plan

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the west side of Secunda Way, north of Netheridge Close and South of the Barn Owl Centre and currently comprises an open and undeveloped area of land.
- 1.2 The proposal seeks the construction of an access road which would create an access to the site from the unclassified road which runs parallel to Secunda Way and leads to both Netheridge Close and the Barn Owl Centre. The entrance of the road would be located just south of the entrance to the road which leads to the Barn Owl Centre. The road would run along the north east section of the site and then turn and follow the north boundary towards the western part of the site. It is understood that the proposal is intended to allow access to proposed agricultural barns which would be dealt with through a separate submission (either by way of an application for planning permission, or an 'agricultural notification').
- 1.3 **Committee determination is required as the application is made by the City Council on its land and there are objections to it.**

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history for this site.

## 3.0 RELEVANT PLANNING 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 (NPPF) and Planning Practice Guidance
- 3.3 **Development Plan**  
**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS (Main Modifications) include:

SD3 – Sustainable design and construction

SD4 – Design requirements

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.’ Therefore it is considered that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy.

### 3.5 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

### 3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight.

### 3.7 **Supplementary Planning Guidance/Documents**

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

## 4.0 **CONSULTATIONS**

4.1 **Highway Authority** No Highway Objection Raised.

4.2 **Drainage Adviser** The access road itself is in flood zone 1 and so does not require a flood risk assessment. The ground here is clay and so regular soakaway is unlikely to work. The best solution would be to create an oversized soakaway or shallow swale/ basin to attenuate the runoff before it drains into the ditch. Please apply standard SuDS condition.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 9 Neighbouring properties were notified and a site notice has been published.
- 5.2 2 letters of representation raising the following issues have been received.
- Fence area where the drive entrance is shown on the plan leads through the fence that is our legal lease boundary.
  - To gain entry to the field, there is already field gate access points installed and used for entering the field, if this access was used as the main access point to the new barns, we would have no objection
  - Support application only on the basis that the work to clear the bramble bushes are properly managed and are disentangled from trees on land of 1 Netheridge. This has only been a problem since the field ceased proper farm hand management.

No further comments have been received since the submission of amended plans altering the positioning of the road.

- 5.3 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

- 6.4 It is considered that the main issues with regards to this application are as follows:
- Design, Layout and Landscaping
  - Traffic and Transport
  - Drainage

### *Design, Layout and Landscaping*

- 6.5 The NPPF states that good design is a key aspect of sustainable development. Paragraph 127 sets out criteria for achieving well-design places while paragraph 130 provides that permission should be refused for development of poor design. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability and Policy SD4 sets out requirements for high quality design.

- 6.6 The site is part of an open field planted as an orchard. Nevertheless, the site is on the rural fringe of Gloucester and there is built development nearby including Secunda Way to the East, the Barn Owl Centre to the North, Netheridge Water Treatment Works to the West/South West and residential development to the south. The site is therefore not open countryside as such and is heavily influence by the built development described above.
- 6.7 Through the course of the application the location of the proposed track has been amended so that instead of running directly westwards from the site entrance through the middle of the field, it would bear right and then left, following the existing field boundaries. This approach is considered more acceptable and limits the landscape impact of the proposal. The surface of the access road would be type 1 sub base which is acceptable in principle and precise details of which can be secured by an appropriately worded planning condition.
- 6.8 Overall, the layout of the proposed access road is considered to be acceptable and would provide acceptable access to and from the site.

### ***Traffic and transport***

- 6.9 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.10 The proposed access road would lead from the unclassified road accessed from Secunda Way. The road is lightly trafficked and serves a small residential area and the Barn Own Centre.
- 6.11 Given the proximity to the traffic lights, vehicle speeds can be expected to be low at this point on the highway. The highway is subject to a sign posted limit of 30mph with visibility requirements subject to 2.4m x 54m splays to either side of the carriageway edge. A 54-metre visibility splay is achievable to the southern section of the access towards Netheridge Close and to the northern section of access towards A430 Secunda Way junction centre island circa 40m splay is achievable.
- 6.12 The access width is approximately 10 metres at the junction point, which further decreases to 4m at its narrowest section. There are two sections on the track which would allow for two vehicles to simultaneously access and egress the site.
- 6.13 It is judged that the proposals would allow safe and suitable access to and from the site and can be considered acceptable in accordance with the NPPF and Policy 109 of the JCS. The Highways Authority has been consulted and raise no objection to the proposal in terms of highway safety.

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

- 6.14 The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

- 6.15 The proposed road is located in flood zone 1. The proposal would require SuDS to deal with surface water drainage and the Drainage Officer has suggested that, as the ground is clay, regular soakaways are unlikely to work. The Drainage Officer has suggested that the best solution would be to create an oversized soakaway or shallow swale/ basin to attenuate the runoff before it drains into the nearby ditch. Subject to a suitably worded planning condition to secure details of the drainage proposals in line with the Drainage Officer's advice, the proposal is considered acceptable .

***Other Matters***

- 6.16 Given the location and nature of the proposals it is not considered that there would be any impact on the living conditions of nearby residents.
- 6.17 Following comments from the neighbouring landowner to the north, the location of the road has been amended and it appears that the access point of the road would be from the applicants own land and not land within the boundary of the Barn Owl Centre.
- 6.18 Whilst it is noted that one letter of support has been received contingent on works to clear the bramble bushes being properly managed and are disentangled from trees on land of 1 Netheridge Close, the area in question does not form part of the application site and therefore cannot be addressed through this application

6.19 ***Conclusion***

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

**7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

- 7.1 That planning permission is GRANTED subject to the following conditions;

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**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.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the application form and drawing numbers 3002/030 Rev A received by the Local Planning Authority on 15.03.2019 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.

**Condition 3**

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Drainage Systems (SuDS) and shall be implemented in accordance with the approved details prior to the development hereby permitted being first brought into use and maintained thereafter for the life of the development.

**Reason**

To ensure satisfactory drainage arrangements are provided in accordance with sustainable drainage objectives of Gloucester City Council and Central Government and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 4**

Notwithstanding the submitted details the access road hereby permitted shall be surfaced in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To safeguard the visual amenities of the area.

**Condition 5**

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 54m distant to the south and the achievable distance to the centre island of the adjacent A430 Secunda Way junction (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 2.0m 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 by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 6**

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan ref 3002/030A with any gates situated at least 5.0m 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 driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

**Reason**

To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

**Person to Contact:** Rhiannon Murphy (396361)