

<b>APPLICATION NO: 16/01149/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 30th June 2016		<b>DATE OF EXPIRY:</b> 25th August 2016
<b>WARD:</b> Charlton Park		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Allan White	
<b>AGENT:</b>	David Jones	
<b>LOCATION:</b>	15 Greenhills Road Charlton Kings Cheltenham	
<b>PROPOSAL:</b>	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

## Update to Officer Report

### 1. CONSULTATION RESPONSES

- 1.1 The following Parish Council response was inadvertently omitted from the main report:

#### **Parish Council**

*20th September 2016*

We reiterate our objection to this application. Our earlier comment on loss of amenity to adjacent properties stands. We also note that although the proposed building is now 6m (having moved by 1m) distant from the rear of properties in The Avenue, this is still not compliant with the Supplementary Planning Document. We are also concerned about the achievability of visibility splays. As drawn on the plans 127251-3, it would appear that the viability of the visibility splay is dependent on the cutting back of a hedge belonging to 14 Greenhills Road. Should the application be approved a condition must be made regarding the poplar tree at the north west of the proposed new building; there should be a reduction in its height and also on-going maintenance, otherwise there could be an impact on neighbours under CP4 (safe and sustainable living). We accept that an alternative arrangement could be made to counter the difficulty of a fire tender reaching the property.

- 1.2 Also, the following additional comment has been received from the Civic Society since the publication of the Agenda:

#### **Civic Society**

*11th November 2016*

We should like to add to our comments on this. Despite the proposed changes, we still regard this as a heavy and clumsy scheme.

- 1.3 In addition, most notably, the following late comment has been received from GCC Highways:

#### **GCC Highways Planning Liaison Officer**

*11th November 2016*

Further information has been submitted by the Gloucestershire Constabulary, Road Safety & Traffic Management on the 9th November 2016 regarding the speed of traffic using Greenhills Road. An independent speed survey, unrelated to this planning application, was undertaken on 10th February 2016 – 19th February 2016, device type (SDR) traffic classifier, posted speed limit of 30 mph. I have consulted the historic weather condition records and the weather between the 10th - 19th February 2016 on average was dry, therefore I have adjusted the speed survey data for the 85% percentile wet weather speed.

Speed survey results

Towards Old bath Road (Westbound of 15 Greenhills) the 85% percentile vehicle speeds of 36 mph.

Towards Sandy Lane (Eastbound of 15 Greenhills) the 85% percentile vehicle speeds of 37 mph.

The 85 percentile vehicle speed for Eastbound traffic was recorded as 37 mph, or 34.52mph with the wet weather reduction applied. Westbound traffic was recorded as 36 mph or 33.55mph with the wet weather reduction applied. Greenhills Road is on a bus route, the required visibility parameters will be determined using MfS2 visibility calculations using a 1.5 second reaction time and a 3.68 m/s m/s deceleration rate. The required visibility splays would be 56m metres to the right for eastbound traffic with forward visibility of 58m and visibility splays of 53 metres to the left for westbound traffic with forward visibility of 56 metres. The required visibility splays cannot be achieved with Highway Land or Land under applicant control.

In light of new evidence that has been received on the 9th November 2016, I formally withdraw my previous response and therefore, recommend that this application be refused on highway grounds for the following reasons:-

The vehicular access intended to serve the proposed development lacks adequate visibility commensurate with the recorded 85th percentile wet weather speeds therefore it does not meet the minimum standards necessary to serve the development, resulting in a sub-standard access that fails to create a safe and secure layout that minimises conflict between traffic or cyclists and pedestrians contrary to Paragraph 35 of the NPPF and TP1 of the Cheltenham Local Plan.

## **2. OFFICER COMMENTS**

- 2.1 Members will note that GCC Highways have withdrawn their previous response in which no objection was raised, and now recommend that the application be refused due to insufficient visibility; this change in recommendation is as a result of new evidence being made available.
- 2.2 Although the response suggests that the results of the speed survey were submitted by the Gloucestershire Constabulary, they were in fact made available to Highways by a third party.

## **3. CONCLUSION AND RECOMMENDATION**

- 3.1 In its revised form, the proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location and would not result in any significant harm to neighbouring amenity. Subject to a suitably worded condition, officers are satisfied that the access alongside the existing dwelling could be delivered without harming the amenity of the neighbouring dwelling.
- 3.2 However, it is not possible to provide a safe and sustainable vehicular access from the highway to serve the additional dwelling that would achieve the required visibility splays.
- 3.3 The recommendation therefore is to refuse planning permission for the following reason, as suggested by GCC Highways:

#### 4. SUGGESTED REFUSAL REASON

- 1 The vehicular access intended to serve the proposed development lacks adequate visibility commensurate with the recorded 85th percentile wet weather speeds, and therefore it does not meet the minimum standards necessary to serve the development, resulting in a sub-standard access that fails to create a safe and secure layout that minimises conflict between traffic or cyclists and pedestrians contrary to Paragraph 35 of the NPPF and TP1 of the Cheltenham Local Plan.

#### **INFORMATIVE**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the reason for refusal set out above.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.