



Appeal Decision

Hearing held on 31 March 2009

Site visit made on 31 March 2009

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
6 May 2009

Appeal Ref: APP/C1625/A/08/2089365

Cherrycroft, Middlehill, Chalford Hill, Stroud, GL6 8BD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Fromebridge Construction Ltd. against the decision of Stroud District Council.
- The application Ref. S.08/0171/FUL, dated 28 January 2008, was refused by notice dated 10 September 2008.
- The development proposed is the erection of two new dwellings.

Procedural matter

1. The details of the proposed access improvements as originally submitted and considered by the Council were shown on drawing SK 11. However, at the Hearing a revised plan was tabled, ref. SK 15B, which amended the nature of the access with a slight relocation southwards and a build out into the carriageway of about 20cm and widening of the eastern side of the carriageway by the same amount. Agents for the appellants notified neighbours and the Parish Council of these amendments but no additional representations were made at the Hearing. A letter from a third party was received on the 7 April and I have taken that into consideration. I am satisfied that the revisions are minor and not substantial in nature and no party will be prejudiced by their consideration as part of the proposed scheme.

Decision

2. I allow the appeal, and grant planning permission for the erection of two new dwellings at Cherrycroft, Middlehill, Chalford Hill, Stroud, GL6 8BD in accordance with the terms of the application, Ref. S.08/0171/FUL, dated 28 January 2008, and the plans submitted with it, superseded in terms of access by the plan mentioned above, subject to the conditions set out in the attached schedule.

Main issues

3. The main issues are, having regard to the provisions of the development plan and national guidance: the effect of the proposed development on traffic movement and highway safety and whether the development would frustrate the overall development of the wider site and lead to an inefficient use of the land.
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Reasons

4. The site lies on the edge of Chalford and within the village settlement boundary although the area also forms part of the Cotswold Area of Outstanding Natural Beauty. The site contains a large detached property and is generally enclosed by other residential development although to the north of the site the adjacent dwelling appears to be in use as a surgery. The site fronts and has access from Old Neighbourhood Road, some 50 metres south-west of diagonal cross-roads with Middle Hill/Eastcombe Road. The northern part of the existing garden is excluded from the application site and is the subject of a separate planning permission for two houses with access through the appeal site.
5. It is proposed to erect two detached dwellings; one to the front and one to the rear of the existing property and have an access driveway along the eastern edge of the land with access off a relocated T junction with Old Neighbourhood Road.
6. The main parties agree that other than the main issues identified above, the principle of further residential development on the site is acceptable and is encouraged by Planning Policy Statement 3 - Housing (PPS3) in terms of making better use of previously developed land within an existing settlement and generally increasing the density of development.

Highway safety and movement

7. There are two main aspects to this issue. First, whether the revised access would have appropriate sight lines for the scale of development proposed and the nature of the existing traffic using Old Neighbourhood Road; and secondly the extent to which the site should make provision for turning facilities so as to ensure that vehicles can enter and leave the site in a forward gear.
8. In relation to visibility, the parties agree that if the access was altered as proposed on drawing SK15B, an 'X' distance of 2.4m and a 'Y' distance of 59m can be achieved. The appellants advise that the 85 percentile of traffic speeds on the adjoining carriageway are 33 and 34 mph and with an average peak hour flow of 600 vehicles an hour. On this basis, the appellant's consider that the guidance provided in Manual for Streets (DOT/DCLG - 2007) (MfS) provides the appropriate standards and the specific requirements for visibility are satisfied. The Council, as advised by the highway authority, consider that the nature of the road and the traffic information indicate that the standards set out in the Design Manual for Roads and Bridges (Highways Agency - ongoing) (DMRB) is more appropriate and this national guidance requires sight lines with a 'Y' distance of 90m in both directions. The scheme does not and cannot achieve this standard.
9. The development proposed is in a generally residential area and I consider that the volume of traffic on the neighbouring road amounts to these roads being lightly trafficked. Further, the reported average traffic speeds are indicative of a residential area and reflect the fact that the road outside of the site lies with the restricted 30 mph zone and there is a sharp bend to the south of the site and crossroads to the north. My observations of traffic volume and speeds at the time of the site visit reinforced my view that the site does not lie on the main road system. Accordingly, in my judgement, the guidance given in MfS is an appropriate standard to consider the highway aspects of the development.

In addition, the scale of development proposed is relatively minor, with the proposal, and the development previously permitted on the north-western part of the site, together with the existing property, only giving rise to a total of about 35 to 50 additional movements per day. I have also had regard to the more limited sight lines available in connection with the extant permission for two houses on the land at the rear of the site.

10. As the scheme proposed exceeds the visibility standards set out in MfS for the existing traffic speeds, and with the limited additional traffic movements proposed, I conclude that this aspect of the development is acceptable.
11. In relation to the ability of vehicles to turn within the site the proposal includes the provision of a turning space to the front of new unit 2. In this location, the turning space would lie adjoining the additional land to the rear. The main parties agree that the turning space would accommodate private cars and light vans, up to the size of some 'Transits' but would not enable larger vehicles, such as refuse vehicles, to turn around within the site resulting in them having to reverse in/out onto the carriageway or park on the carriageway.
12. At the Hearing, the local refuse vehicle practice was discussed. The Council operates an informal 'bin man's carry distance' of 25m from the road while the property of unit 2 would be about 43m away. However, the representative of the Parish Council indicated that it was usual for residents to take their bins to the roads side for collection and the bin lorry rarely left the carriageway. It appears to me that the turning area proposed is sufficient for the scale of development and would cater for normal circumstances. In emergencies, ambulances could use the driveway to reach the properties proposed but normal fire engines would have to park on the roadside. Other occasional larger vehicles, such as 'house removal' lorries, would also have to park on the carriageway. Nevertheless, in my view such arrangements are not unusual in a residential area and the straight element of road outside of the site would allow reasonable visibility of any vehicle temporarily obstructing the carriageway.
13. To require a greater degree of turning facility on a site would lead to a reduction in development density generally and would frustrate the national objective of making more efficient use of previously development land as set out in Planning Policy Statement 1 - Delivering Sustainable Development (PPS1) and Planning Policy Statement 3 - Housing (PPS3).
14. Overall, I am satisfied that the access arrangements and turning facilities shown on plan SK15B are acceptable and would not harm traffic movement or highway safety. The proposals therefore meet the requirements of saved policy GE5 of the Stroud District Local Plan.

Relationship with other development

15. The outline permission granted in July 2006 under ref. S.06/1042/OUT for two dwellings on the northern part of the existing garden but outside the current site, included new access arrangements based on an 'in and out' loop of driveway around the existing dwelling. Whilst an additional proposal to convert the dwelling into a day care nursery was dismissed at appeal, the outline permission is still extant and access is not a reserved matter. These access arrangements are at odds with the layout of development now proposed as

shown on drawing 07.982/12 and the revised access as on plan Sk15B. However, in principle, these current plans could provide an access to the land to the rear. The Highway Authority agree that if I consider that the overall highway arrangements to be acceptable, this configuration would accommodate an overall 5 dwellings on the site, and not just the two additional ones in the appeal scheme.

16. It therefore appears to me that if I allowed the present appeal, either scheme could be implemented, but not both, as the access/driveway arrangements conflict. It would of course be open to an applicant to submit a revised scheme, for the land at the rear, with access based on the current access arrangements, for the Council's consideration. The Council would be bound to consider such a proposal in relation to the provisions of the development plan and all other material considerations, and, reasonably, this would include national guidance in favour of making an efficient use of land, and the decision on this appeal.
17. Given these factors, it is my judgement that the development proposed is at least an alternative to the development already permitted and need not frustrate the development of the rest of the land. Accordingly, the development does not prejudice the efficient use of the overall site.
18. I have had regard to the conditions recommended by the Council and agreed by the appellant. These I consider to be reasonable and necessary for the development subject to minor alteration to better reflect the guidance in Circular 11/95 and to ensure that the access improvements are undertaken and completed early in the construction phase. Further, as the site lies on the edge of the settlement, I consider that it is important that the existing stone wall along the frontage of the site is rebuilt behind the new visibility splays to retain the local character and distinctiveness of the site.
19. Overall, I consider that for the reasons given above, the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No dwelling shall be occupied until provision has been made within the curtilage of that dwelling, and within the curtilage of the existing dwelling, for the parking of 2 cars for each dwelling. These spaces shall be retained thereafter for that purpose.
3. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25, and the results of the assessment provided to the local planning authority. Where a sustainable drainage system is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; specify the responsibilities of each party for the implementation of the sustainable drainage scheme, together with a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
4. None of the dwellings/buildings hereby permitted shall be occupied until the sustainable drainage (SuDS) scheme for the site has been completed in accordance with the submitted details. The SuDS scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, and of the surfacing of the driveway, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. The existing wall along the highway boundary shall be rebuilt, utilising the existing materials, to its current height on an alignment outside of the sight lines established on plan SK15B and in accordance with the approved plans before either of the new dwelling houses hereby permitted are occupied.
7. No site works shall commence until such time as a temporary parking area for construction workers vehicles has been laid out and constructed within the site in accordance with details to be submitted to and agreed in writing

by the local planning authority and that area shall be retained for that purpose for the duration of the building operations.

8. No other works shall commence on site until the visibility splays and associated highway work, as specified on plan SK115B, have been implemented in full.

APPEARANCES

FOR THE APPELLANT:

Mr P Fong,	Hunter Page Planning, 18 High Street, Cheltenham, GL50 1DR.
Mr P Read,	Hunter Page Planning, 18 High Street, Cheltenham, GL50 1DR.
Mr C Rawlinson, B Eng (Hons) C Eng MIHT MILT	Pinnacle Transportation Ltd, 21 Berkeley Square, Clifton, Bristol, BS8 1HP.
Ms D Shadwick	Pinnacle Transportation Ltd, 21 Berkeley Square, Clifton, Bristol, BS8 1HP.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Corker, Dip TP	Principal Appeals and Enforcement Officer, Planning Department, Stroud District Council, GL5 4UB.
Mrs S Scriven,	Environment Dept., Gloucester County Council, Shire Hall, Glos., GL1 2TH.

INTERESTED PERSONS:

Mr DH Parrott	Chalford Parish Council, Parish Centre, Gerald's Way, Bussage, GL6 8FJ.
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DOCUMENTS

- 1 List of people attending the Hearing.
- 2 Councils letter of notification of the Hearing.
- 3 Final Statement of Common Ground in respect of Highway and
Transportation Matters - March 09.