



Report to South Area Planning Committee

Application Number:	PL/23/3993/FA
Proposal:	Formation of vehicular access and hardstanding
Site location:	12 Gaviots Green Gerrards Cross Buckinghamshire SL9 7EB
Applicant:	Mr Connor Cumber
Case Officer:	Charles Herd
Ward affected:	Denham
Parish-Town Council:	Gerrards Cross Town Council
Valid date:	13 December 2023
Determination date:	7 February 2024
Recommendation:	Refuse Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application seeks planning permission for the development of vehicular access and area of hardstanding to the dwelling known as 12 Gaviots Green.
- 1.2 The application is required to be determined by Planning Committee due to a call-in by Councillor Jasper Chhokar, Councillor Santokh Chhokar, and Cllr Guy Hollis, for further scrutiny by South Bucks Area Planning Committee.
- 1.3 The proposed development is located within the built-up area of Gerrards Cross, located in Gaviots Green, where in the development of this type is generally acceptable in principle subject to other material planning considerations such as the impact upon the character of the area, and the impact of the safety of the adjoining highway. However, in this instance, following advice from the Councils Highways Officer, it is considered that the introduction of a vehicular access and area of hardstanding would result in a detrimental impact with regard to the capacity of highway surface drainage and loss of an on-carriage disabled parking space.
- 1.4 Recommendation - Refuse

2.0 Description of Proposed Development

- 2.1 The application seeks planning permission for the development of vehicular access and area of hardstanding.

2.2 The application is accompanied by:

- a) Location plan
- b) Site plan

3.0 Relevant Planning History

3.1 No previous planning history at time of drafting report.

4.0 Summary of Representations

4.1 Councillor Chhokar – Received 02.01.2024 – No objection.

4.2 Councillor Holden – Received 05.01.2024 – No objection.

4.3 Town Council – Received 10.01.2024 – No objection.

4.4 Highway – Received 05.01.2024 – No objection, subject to one informative.

4.5 Highway (revised consultation) – Received 01.03.2024 – Objection.

4.6 3 letters of support received.

4.7 A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), December 2023.
- Planning Practice Guidance
- National Design Guidance, October 2021
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Buckinghamshire Countywide Parking Guidance 2015

Principle and Location of Development

Core Strategy Policies:

CP8 (Built and Historic Environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

5.1 The proposed development is located within the built-up area of Gerrards Cross, where in the development of this type is generally acceptable in principle subject to other material planning considerations such as the impact upon the character of the area, and the impact of the safety of the adjoining highway.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

- 5.2 In assessing proposals that affect the Highway, Paragraph 114 of the NPPF states that development should ensure; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48 ; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.3 Local Plan Policy TR5 states that for proposals involving a new or altered access onto the highway, the Council will have regard to their effect on safety, congestion and the environment. Development will only be permitted where: the proposal complies with the standards of the relevant Highway Authority; and traffic movement, or the provision of transport infrastructure, would not have an adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general.
- 5.4 Additionally, Policy TR7 states development will only be permitted where: parking provision is made on land owned or controlled by the applicant and the proposal would not reduce the level of parking provision serving other development.
- 5.5 Highways officers responsible for parking and highways safety initially raised no objection to the proposals. However, following the receipt of additional information from Buckinghamshire Highways who had inspected the application site, a further review of the proposals has been undertaken and the Councils Highways Officers are now recommending the application be refused citing the reason:
- The proposed hardstanding would by virtue of its design and layout give rise to a form of development that would undermine surface water drainage and accelerate further destruction of the highway asset. It is therefore the opinion of the Highway Authority that the proposed development would be detrimental to future highway maintenance and highway safety, therefore being contrary to the National Planning Policy Framework, Policy TR5 and TR7 of the Adopted South Bucks Local Plan (1999), Buckinghamshire Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).
- 5.6 The Highways Officer, notes that the application site and the adjacent no. 13 Gaviots Green have formed unauthorised vehicular accesses over the highway verge to hardstanding within each respective site. These accesses have resulted in significant damage to the existing verge in addition to the illegal removal of a tree in the highway verge.
- 5.7 Highways consider the proposal would also be used to serve no.13 which would likely result in further deterioration of the highway verge due to the insufficient area of hardstanding proposed to serve two properties.
- 5.8 It is also considered that the large area of hardstanding proposed in lieu of the highway verge would reduce the capacity of the existing verge to act as a sustainable drainage asset. No drainage mitigation measures are proposed as part of this application such as the use of a permeable surface or soak away area. Consequently, the impact of the proposal is considered to result in additional strain on the local highway surface water drainage system.

- 5.9 The proposal would additionally result in the loss of an on-carriage disabled parking space which is located adjacent to the proposed access point. While Highways acknowledge this space can be relocated, the loss of this provision has not been taken into account within this application. The existing disabled parking bay is not in connection with a particular dwelling and has been provided as a community facility serving Gaviots Green. Consequently, the relocation of the disabled parking bay would comply with Buckinghamshire Parking Guidance September 2015.
- 5.10 It is recognised that an initial consultation was received from the Highways Team raising no objection to the proposed development. However, as set out within the Consultation response, Buckinghamshire Highways (as the maintaining entity of the County's highway network and associated assets) have supplied additional information to the highways authority including the existing unauthorised accesses, loss of grassed verge and tree removal on site.
- 5.11 Given the additional pressures on the local highway surface water drainage system and the loss of an on-carriage disabled parking space arising from this development, the proposal fails to comply with South Bucks Local Plan policies TR5 and TR7.

Raising the quality of place making and design

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

- 5.12 Policy EP3 states that the use of land should be compatible with the uses of adjacent land and buildings and with the character and amenities of the locality in general. Permission will not be granted for uses which would be, or which would have the potential to be, detrimental to the character and amenities of nearby properties or the locality in general by reason of noise, vibration, smell, pollution, disturbance, visual intrusion, loss of privacy, the impact of traffic, or other nuisance.
- 5.13 The application seeks to introduce new hardstanding intersecting the existing highway verge to create a new vehicular access to off-road parking on the application site.
- 5.14 It is noted that there is similar development of hardstand adjacent to the application site servicing no.8, 9, 10, 11 and 18. As such, the impact of the proposal in terms of character is not considered to be harmful or out of keeping with Gaviots Green. Consequently, the proposed development would comply with Local Plan Policy EP3

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.15 Given the proposal seeks to introduce new hardstanding, the development would not have an impact on sunlight and daylight and would comply with Local Plan Policy EP5.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, 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. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,

- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would accord with most of the development plan policies, except for South Buck Local Plan Policies TR5 and TR7.
- 6.3 In this instance, the proposals would lead to unacceptable highway implications, contrary to the requirements of the NPPF and relevant Development Plan Policies.

7.0 Working with the applicant / agent

- 7.1 In accordance with Section 4 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance the proposal was not considered acceptable based on the information provided at the point of submission to the Council and no amendments to the proposal was sought during the course of the application. The applicant was informed of the refusal due to the revised Highways consult reply received.

8.0 Recommendation: Refuse permission, for the following reason:

1. The proposed hardstanding would by virtue of its design and layout give rise to a form of development that would undermine surface water drainage and accelerate further destruction of the highway asset. It is therefore the opinion of the Highway Authority that the proposed development would be detrimental to future highway maintenance and highway safety, therefore being contrary to the National Planning Policy Framework, Policy TR5 and TR7 of the Adopted South Bucks Local Plan (1999), Buckinghamshire Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Jaspal Chhokar – 02.01.2024

Gaviots Green has experienced longstanding parking issues causing problems for residents.

This application will help to alleviate some of the issues. Other similar applications have also been previously permitted.

While there is loss of some grassed area, this is frequently churned up by vehicles passing over it and therefore ends up becoming a negative feature. I would request the highways department also works with the applicant to facilitate this solution.

Councillor Diane Holden – 05.01.2024

I would like to support this application as the proposed changes would both improve the parking congestion around the green and improve the visual amenity for the applicant and their neighbours. The area to be made hard standing is permanently rutted mud, boggy when wet and is a blight on the appearance of the road.

Parish/Town Council Comments

10.01.2024 - Gerrards Cross Town Council has no objection to this application.

Consultation Responses

Buckinghamshire Council Highways consult reply received 05.01.2024:

Thank you for your letter dated 15th December 2023 with regard to the above planning application.

Gaviots Green is an unclassified residential cul-de-sac located within a 30mph speed limit or built-up zone. The carriageway benefits from street lighting and pedestrian footways on the side to the adjacent properties. Notably, the application site is situated at a bend along Gaviots Green. Parking and waiting restrictions are not present along this cul-de-sac.

Having reviewed the information submitted in support of the application in conjunction with using the Buckinghamshire Countywide Parking Guidelines 2015 (BCPG) policy document, I can confirm that the application site is located in Residential Zone B.

As the proposed development comprises of a new vehicular access point for the application site, I must assess this in terms of safety and suitability. In accordance with the Manual for Streets (MfS) guidance, visibility splays measuring a distance of 2.4 x 43 metres from the centreline of the proposed access point to the nearside edge of the carriageway is recommended for a 30mph speed limit road. I am satisfied that acceptable visibility splays in accordance with the MfS guidance would be achieved from this proposed vehicular access point along the cul-de-sac.

Overall, I am satisfied that off-street parking would be generated as a result of the proposed development and I do not anticipate adverse implications for the safety of road users and the daily operation of the highway network following the implementation of the proposals.

Mindful of the above, I have no objections to the proposals and suggest no conditions for inclusion with any planning consent that you may grant. However, I would emphasize that the applicant will need a licence from Buckinghamshire Highways Streetworks team to carry out work within the public highway.

Revised Buckinghamshire Council Highways consult reply received 01.03.2024:

I write further to the Highway Authority's consultation response dated 5th January 2024.

You will recall that our initial response did not object to the proposals to form a vehicular access to the application site. However, we have been approached by Buckinghamshire Highways (as the maintaining entity of the county's highway network and associated assets) that has brought further information to the current situation on Gaviots Green.

It appears that both the application site and No.13 Gaviots Green have already formed unauthorised vehicular accesses over the highway verge and hardstanding within their site (as demonstrated by the Photograph 1 on Page 2 of this response). This, in turn, has led to the destruction of the verge and the illegal removal of a tree within highway land outside No.13 Gaviots Green.

It is our belief that the potential issue of permission and implementation of the proposals will lead to the driveway for No.12 Gaviots Green being used to also serve No.13, which would continue to undermine the verge in consideration that insufficient hardstanding would be in place to prevent further deterioration of the verge.

There is also a concern that further application of a relatively sizeable hardstanding in place of the verge will reduce the ability of the current grassed area to act as a sustainable drainage asset, consequently adding additional strain on the local highway surface water drainage system.

Finally, I am aware that the proposals would lead to the loss of an on-carriageway disabled parking space. Whilst this could be relocated, the proposals do not take this into account.

Representations

Three letters of support were received, summaries as follows:

- There is a greater parking demand on Gaviots Green. The proposal would provide off-road parking to reduce this demand in the area.
- The proposal would not be out of character with the street, as many other properties have hardstanding driveways.
- Hardstanding creates recreational space for children living in the road to play.
- The proposal will help reduce the demand for on street parking and the damage that this causes to grass verges.
- The proposal would improve the area.