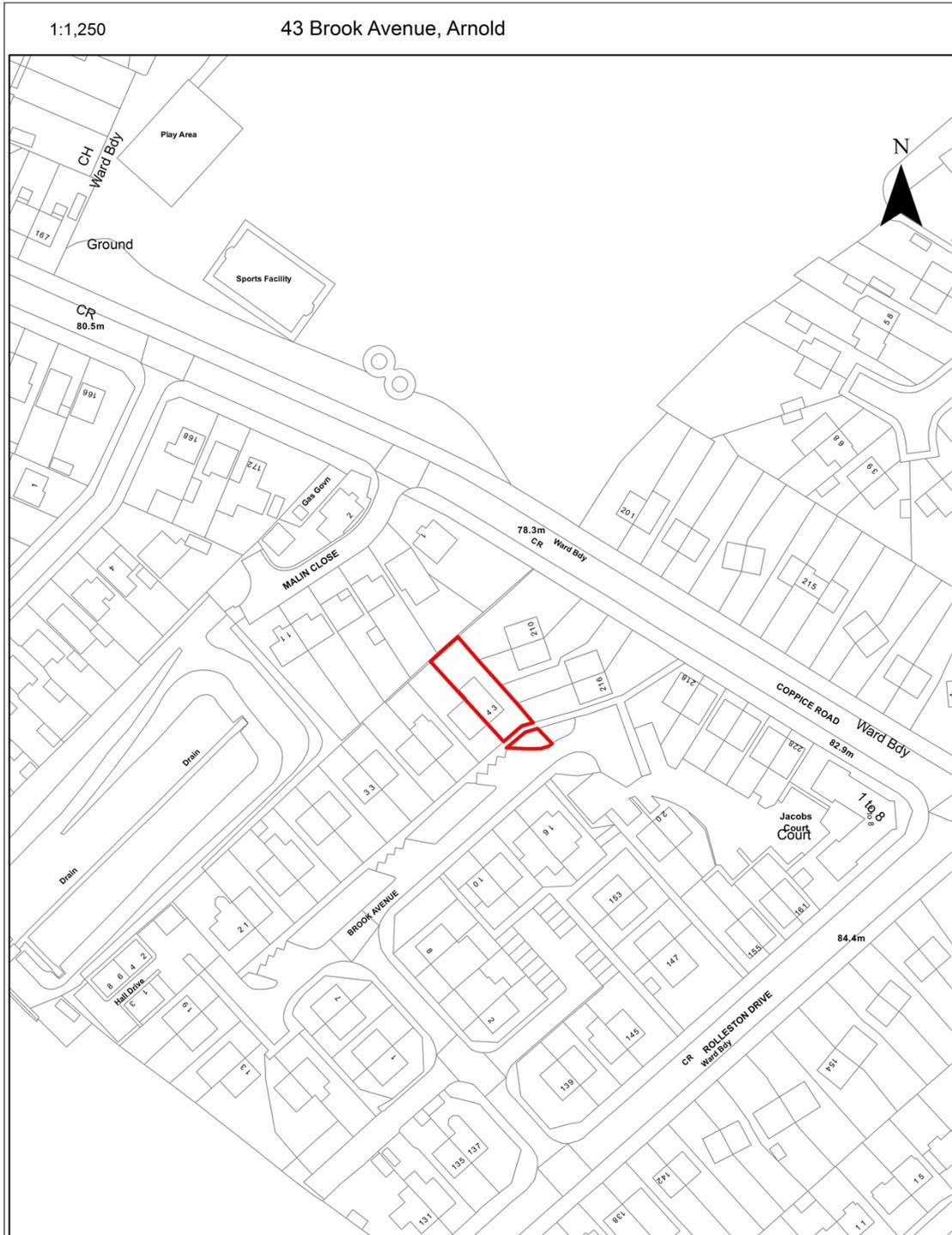


Planning Report for 2019/0226



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
 Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Report to Planning Committee

Application Number:	2019/0226
Location:	43 Brook Avenue Arnold NG5 7HL.
Proposal:	Change of use of land to facilitate vehicular access to dwellinghouse.
Applicant:	Mrs Rachael Harkin
Agent:	
Case Officer:	Cristina Dinescu

Part of the application site is within the ownership of the Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1 The application site is comprised of no.43 Brook Avenue and a grass verge area of land adjacent to an on street car parking area serving residential properties on Brook Avenue, within the built up area of Arnold. Brook Avenue is a cul-de-sac. The grass verge is owned by Gedling Borough Council.
- 1.2 The grass verge is located to the front of no.43 Brook Avenue and measures 8.9m in width, 4.8m at its deepest point and has an area of approximately 30 sqm, forming part of a larger grass verge, measuring approximately 70 sqm. The existing residential properties on this side of Brook Avenue do not currently have vehicular access from Brook Avenue.

2.0 Planning History

- 2.1 No relevant planning history.

3.0 Proposed Development

- 3.1 The proposal seeks planning permission to change the use of the grass verge from incidental open space to a hard surfaced access drive from the highway to an existing hardstanding at the front of 43 Brook Avenue. The proposal would facilitate off street car parking at the property.
- 3.2 The new access would require the installation of a dropped kerb.

4.0 Consultations

4.1 Highways Authority (NCC) – No objection, subject to conditions requiring the provision of a dropped kerb and hard surfacing.

4.2 Service Manger (Property) – No objection.

4.5 Neighbouring properties have been notified and a Site Notice posted. No letters of representation were received as a result.

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework (2019)

Sets out the national objectives for delivering sustainable development. Section 8 (Promoting healthy and safe communities) 12 (Achieving well-designed places)

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy 10 – Design and Enhancing Local Identity;

6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

- LPD 32 – Amenity;
- LPD 61 – Highway Safety.

7.0 Planning Considerations

7.1 In making a recommendation in relation to this application, regard has been given to the above legislation and policies and as a result it has been determined that the main planning considerations in relation to this proposal are:

- The impact of the proposal upon highway safety;
- The impact of the proposal upon residential and visual amenity.

The impact of the proposal on highway safety

- 7.2 The proposal involves the change of use of a grass verge to a means of access to a public highway. The means of access to Brook Avenue would serve no.43 Brook Avenue which, under the current situation, does not have any off-street parking provision. Given the comments received from the Highway Authority, it is considered the proposed development would not result in any highway safety issues. The proposal is therefore in accordance with LPD 61 of the Local Planning Document.
- 7.3 The conditions recommended by the Highway Authority requiring the provision of a dropped kerb and hard surfacing to the proposed access are necessary for the development to be permitted.

The impact of the proposal on residential and visual amenity

- 7.4 At present the grass verge forms part of a larger area of incidental open space which is not protected by policies in the Local Planning Document. There are other grassed areas adjacent to the public highway in the area that provide incidental open space within the existing street scene. I am however satisfied the proposed change would not have an adverse impact upon the visual amenity of the area.
- 7.5 The grass verge is situated directly to the front of 43 Brook Avenue. I am therefore satisfied that the use of this land to facilitate vehicular access to the property would not have an undue impact upon the residential amenity of the adjoining and nearby properties.
- 7.6 The proposal is therefore in accordance with Policy 10 of the Aligned Core Strategy and policy LPD 32 of the Local Planning Document.

Conclusion

- 7.7 The proposal would not result in any highway safety issues and would create off street car parking at 43 Brook Avenue, without having an adverse impact upon the character of the area or the residential amenity currently enjoyed by the occupiers of the adjoin and nearby properties.

8.0 Recommendation: GRANT PLANNING PERMISSION subject to conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the application form received on 8th March 2019 and the site location plan received on 26th March

2018. The development shall thereafter be undertaken in accordance with these plans/details.

3. The driveway shall not be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.
4. The driveway shall not be brought into use until the drive/ parking areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of Highway safety.
4. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

Reasons for Decision

By virtue of the size of the grass verge and the nature of the proposed development, the proposal would not result in any highway safety issues whilst ensuring off-street parking provision for no.43 Brook Avenue, it would not result in a detrimental impact on the visual amenity of the area nor on neighbouring residential amenity. The proposal is in accordance with the advice contained within the NPPF, Policy 10 of the Aligned Core Strategy and policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document.

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.gedling.gov.uk/cil. The proposed development has been assessed and it is the Council's view that the development hereby approved is not CIL Liable as the development is for a use that

is not chargeable on Gedling Borough Council's Community Infrastructure Levy Charging Schedule.

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services, on telephone 0300 500 80 80, to arrange for these works be carried out.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.