
Application for Planning Permission

19/00242/REG4

Change of Use from public amenity land and footway to provide a vehicular access for 15 Gamston Walk, Corby

1. Site and Surroundings:

- 1.1 The application dwelling of 15 Gamston Walk is a two storey semi-detached dwelling located on the southern side of Gamston Walk, within Beanfield Ward in Corby. The host property is located at the end of a vehicular access to Gamston Walk, the vehicular access terminates outside the neighbouring property of 13 Gamston Walk, and a pedestrian access continues, to serve No 15, (the application site) and the remainder of Gamston Walk.
- 1.2 Dwellings in this locality are predominantly set back from the pedestrian paths and roads and is characterised by open front gardens and areas of public land laid to lawn. The properties in the area are staggered and change in their orientation, allowing vehicular accesses for some properties and not others, some of the properties along Gamston Walk have provision of both on-street and off-street parking facilities.
- 1.3 The application site is situated in the southwest corner at the end of the access road to Gamston Walk. To the north is the generous front garden of the host property and the pedestrian path that serves Gamston Walk. To the other side of this path is an open green and beyond are the neighbouring properties of no. 2 Gamston Walk and 89 Mantlefield Road. To the west and side of the property is an open green and pedestrian path that serves Greasley Walk and Gateford Close. To the west is Mantlefield Road

2.0 The Proposal:

- 2.1 Planning permission is sought for the partial change of use of an area of public amenity land to private driveway to access the front garden of No.15 Gamston Walk. The proposal will see the creation of a hard standing to facilitate a disabled vehicular access for the host property with associated parking contained within the front garden of the host property. The applicant has made arrangements to enter into a Wayleave agreement with Corby Borough Council to cross the land, and will not be used for the parking of vehicles. The proposed surfacing will tarmacadam to highways specification.

3.0 Planning History:

18/00642/DPA - Single storey side extension – Application Permitted - 22.03.2019

Policy:

- Policy 7 and 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (Adopted July 2016)
- National Planning Policy Framework 2019

4.0 Internal Consultations:

CBC Environmental Health – 23.05.2019 - *I have no comments to make.*

CBC Health Protection – 16.05.2019 - *have no comments or objections to make regarding this application.*

CB Crime Prevention Officer – 21.05.2019

I have visited the proposed site for this application and comment as follows; Northamptonshire Police has no formal objection or comment to this planning application in its present form with respect to designing out crime and anti-social behaviour.

External Consultation

NCC highways - 22.05.2019

Recommendations: *Presently the LHA cannot support the application and require further information to fully assess the proposals.*

Observations: *It is noted that the verge area which is the subject of the application is not highway, indeed it is Public Open Space (POS) and there are legal restrictions to building on POS. The adjacent footpaths are highway.*

It is noted that an existing Cable box and chamber is located in close proximity to the proposed parking space. The Cable box may obstruct the pedestrian visibility splay. The LHA requires pedestrian visibility splays to be free of all obstacles to visibility over 0.6m in height above footway level. The LHA seeks confirmation of the height of the Cable box. The applicant may wish to contact the owner of the Cable box to determine whether any works to relocate or protect the box is required in association with this proposal.

The proposal includes a number of bollards around the parking space, however none adjacent to the footpath. The LHA would wish to see proposals to prevent a vehicle in the parking space from entering the footway.

The submitted plan (Drawing No. 594/05 Rev C) does not show a scale, so the LHA cannot determine the size of the parking space. Northamptonshire Highways Parking Standards (September 2016) recommend a disabled parking space to be 3.6 metres wide and 6.2 metres long.

There are concerns that there is not enough space to turn a car within the square.

Due to land ownership and location, there is no way in which to allocate the space to the dwelling, the most that could be achieved would be to designate it as a disabled parking bay, this would incur costs by the applicant for the markings and legalities, and would still mean that any disabled resident or visitor could legally park in the space. It cannot be reserved for the dwelling.

The application should note the LHA's requirements in relation to the following matters:

- *The vehicular access gradient from the Highway Boundary should not exceed 1 in 15 for the first 5m from the highway boundary.*
- *A positive means of drainage to ensure that surface water from the vehicular access or private land does not discharge onto the highway and / or Public Right of Way should be provided.*

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Planning officer comments: *It would appear from the highways comments that the proposal has been misunderstood, and is now awaiting further comments from Highways consulted 07.06.2019*

Further consultation made with NCC Highways 17.06.2019 and response received 27.06.2019 detailed below – the highways officer also provided detailed visual guidance for the agent and applicant.

NCC highways - 27.06.2019

Recommendations:

Presently the LHA cannot support the application and require further information to fully assess the proposals.

Observations:

The applicant has submitted a revised plan - 594/05 D - unfortunately the proposal does not meet LHA requirements and poses a hazard to highway safety.

The plan is incorrectly titled and leads the false impression that an extension to the dwelling is sought, the plan should be re-titled to ensure that no misconception over what is proposed, is gained.

The LHA has observed that the telecoms box above ground would be vulnerable to vehicle strike, the below ground telecoms box would further restrict the width available to construct and excavate an access, also it is unlawful to drive along a highway footway. No details of the parking provision within the site has been supplied and so it is not apparent that parking and turning could be provided here or what surfacing materials, drainage, gradients and visibility splays were proposed. The applicant is reminded that these details should be evidenced.

The LHA have worked through the proposal of gaining a car parking space by the front door of the dwelling from base principles and has a potential solution that the applicants architect should take on board and refine.

The solution will need to be tracked to ensure that the vehicle can access, turn, park and egress the site safely.

Tracking should be based on a large family car.

The solution places the access from the highway carriageway on the far side of the telecoms box allowing the vehicle to turn and approach the highway footway perpendicularly creating a standard highway footway crossing and entering the site.

The access should be fenced with a knee rail or bollarded to prevent incursion to the open grass spaces.

Pedestrian visibility splays (clear above 0.6m) are now emplaced either side of the private access point and the former front garden provides one 3.3 x 5m car parking space and hopefully turning too.

If turning cannot be provided within the site the matter will require further in-depth discussions.

The private drive will require dropped kerbs, reconstruction of the two footways to LHA specified vehicle access crossing requirements through a S184 license which is applied for post planning to the LHA regulations team. Planning permission does not automatically approve LHA licences and it is unlawful to work in or adjacent to the highway without express, written LHA approval.

The driveway will need to be a hard-bound surface within 5m of the rear of the highway boundaries.

Planning officer comments: A further submission of details was made by the agent on 5th August 19 of drawing: New Driveway 594/07 and on the 14th August 19 drawing: Swept Path Analysis 19045/101 addressing the previous Highways concerns and comments. Consultation was made with highways to review the revised drawings.

NCC highways - 27.06.2019

Recommendations:

No objection subject to the following conditions.

Observations:

The applicant has submitted a revised plan – 594/07 and tracking plan 19045/101.

Pedestrian visibility splays (clear above 0.6m) are now emplaced either side of the private access point and the former front garden provides one 3.3 x 5m car parking space and turning.

The private drive will require dropped kerbs, reconstruction of the two footways to LHA specified vehicle access crossing requirements through a S184 license which is applied for post planning to the LHA regulations team. Planning permission does not automatically approve LHA licences and it is unlawful to work in or adjacent to the highway without express, written LHA approval.

Conditions:

1. *The site is to be laid out in accordance with site layout plan 594/07.*

2. Pedestrian visibility splays as detailed on approved plan 595/07 shall be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.

Informatory Note – Works affecting existing highways

The applicant's attention is drawn to the fact that no works may commence within the existing highway without the express written permission of the local highway authority. This planning permission does not give or imply such consent which may be forthcoming subject to the completion of an appropriate licence or

Agreement under the Highways Act 1980. Any works within the highway shall comply with the local highway authority's standards and specifications.

Informatory Note – Road Space (includes highway footway and highway verge).

The applicant's attention is drawn to the Traffic Management Act 2004 where three month notice periods to allocate road space (for works within the highway, including footways and verges) is required prior to the commencement of works. Such notice cannot be submitted or commence until the completion of an appropriate license or Agreement with the local highway authority.

Advertisement/Representation:

4.1 Site Notice – Attached to lamp post on the 31.05.2019

4.2 E.T - No requirement for this application to go to a press notice as the site is not in a Conservation area

4.3 Neighbour Notification letters were sent to the following properties:

2 and 13 Gamston Walk, and 89 Mantlefield Road on 15.05.2019 - No objections received

5.0 Officer's Assessment:

5.1 Key Determining Issues:

Principal of Development

Design and Impact upon the Wider Character of the area

Highways Safety

Residential Amenity

Disability Access

5.2 Principal of Development

5.2.1 This application seeks consent to change the use of a portion of public land currently laid to lawn, that resides opposite the application site. The proposal will create a hard standing, for the vehicular access. The creation of the access will enable the application sites front garden to be utilised for disabled access parking.

5.2.2 The land to facilitate the development is in CBC ownership, a wayleave agreement to cross the land will be entered into by the occupier with CBC property. In principle the location is acceptable, the public land offers limited amenity value other than maintaining the open character of the area. The proposal does not propose any structure that would enclose the area, but will change the surface materials from lawn to hard surface, maintaining the open space at the proposed location. As such the principle of the change of use to the land is considered acceptable and in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

5.3 Design and Impact upon the Wider Character

5.3.1 The proposed development is of a design and scale, and materials that respect the street scene. It is not considered to have a detrimental impact or on the visual amenity of the locality and therefore complies with both local and national planning policy. The proposal is a justified exemption, acceptable although a departure from policy.

5.3.2 The creation of a vehicular access to the Walk is considered acceptable in this instance due to its location and close proximity to the established highway and its exceptional circumstances. However this type of development would not usually be considered policy compliant and therefore

the permission will be conditioned as personal to the applicant and will lapse when the applicant no longer resides at the address.

6.0 Highways Safety

6.1 The submission of details by the applicant demonstrates that the proposed access and egress would be safe for pedestrians and other road users, therefore the proposal will be conditioned to be carried out in accordance with the approved plans to ensure the safety of all highway users.

6.2 Residential Amenity

6.2.1 The proposal raises no concerns with regards to adverse impacts upon the neighbouring amenity due to the development being a level surface at ground level therefore the proposal will not have any impact upon the residential amenities of the neighbouring occupiers of Gamston Walk, or Mantlefield Road.

6.3 Disability Access

6.3.1 The new vehicular access will allow the occupier to park within the curtilage of their property minimising the distance required to walk. The construction of the vehicular access is deemed necessary to improve the quality of life for the occupant of the host dwelling.

7.0 Conclusion

7.1 In considering the proposal it is necessary to improve the quality of life for the occupant of the host dwelling, No adverse harm is caused to the character of the locality, or residential amenity of neighbouring properties, the proposal has demonstrated that it does not prejudice highways safety. The proposal is a justified departure from policy that respects the character of the local area. The proposal complies with the requirements of Policy 7 and 8 of the North Northamptonshire Joint Core Strategy 2016 and is therefore recommended for approval subject to the conditions:

8.0 Recommendation: Approve subject to the following conditions:

1. Full planning permission

The development hereby approved shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. List of Approved Plans and Drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in advance and in writing:

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Schedule of Plans

Swept Path analysis 1:200 @ A3 19045/101

New Driveway 1:200 @ A3 594/07

3. Working Hours for Construction

The demolition, earth removal, infilling, landscaping, foundation and building works required to implement this development shall only be carried out between the hours of:

- Monday to Friday – 8.00am to 6.00pm
- Saturdays - 8.00am to 1.00pm
- And no audible work on Sundays and Bank Holidays

4.0 Personal Approval

The planning permission resides for the benefit of the current occupier Mr Jase Duffy of 15 Gamston Walk, Corby NN18 0AL. In the event that the Mr Duffy no longer resides at the address, vacates or sells the premises the permission will cease.

Reason: The Land is in the ownership of Corby Borough Council, the occupier Mr Jase Duffy only benefits from permission to cross the land. The restricting of the permission to be a personal permission for the current occupier of the property only, and in the event Mr Duffy no longer resides at the address, the original use of the land will resume. To maintain Corby's open spaces and to reinstate the character of the area thereafter. Policy 7 of the North Northamptonshire Joint Core Strategy.

9.0 Reasons for Approval

The proposed development will not change the character of the existing dwelling or immediate locality the proposed materials are considered acceptable. The proposal is in keeping with the surrounding area in terms of its visual appearance, and will not prejudice the safety of tother highway users or cause unacceptable impact upon the on the amenity of t nearby neighbouring occupiers. The proposal is therefore considered to comply with Policy 7 and 8 of the North Northamptonshire Joint Core Strategy 2016 and paragraph 38 and 109 of the National Planning Policy Framework 2019

10.0 Schedule of Plans

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8/or Article 1 of the First Protocol of the Act and consider that it is appropriate.

Officers have also considered the interference with the human rights of the applicant under Article 8/and or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of the property in accordance with the general interest. The interferences are therefore justifiable and proportional

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Officers to Contact:

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