



 **Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 06/12/2021**

**COMMITTEE DATE** 15/12/2021                      **WARD** Underwood

**APP REF** V/2021/0611

**APPLICANT** Clare Dennis

**PROPOSAL** Vehicular Access

**LOCATION** 103, Cordy Lane, Brinsley, Notts, NG16 5BZ

**WEB-LINK** <https://www.google.com/maps/@53.0445239,-1.3018717,557m/data=!3m1!1e3>

**BACKGROUND PAPERS** A, B, C, D

App Registered 11/08/2021                      Expiry Date 05/10/2021

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Cllr Martin on the grounds of impact on Highway Safety.*

### **The Application**

This is an application to create a new vehicular access. The application site is located on Cordy Lane, Brinsley which currently benefits from a vehicular access. This application seeks to create a new 6m wide access, located central to the property and close the existing access. It also proposed to move the dropped kerb crossing to the east to align with the access.

### **Consultations**

Individual notifications have been sent to surrounding residents and the following responses have been received:

### **Resident Comments:**

Three letters of objection were received raising the following:

- Property already has sufficient vehicular access and driveway with double dropped kerb and double access gate with excellent visibility. Moving access will not create safer entrance.
- Removing space for people to park on pavement will result in on street parking.
- Busy and fast road with 30mph speed limit exceeded

- The applicant dislikes residents parking cars on pavement in front of application site
- Pavement outside of property has manhole and services laid underneath for local properties
- Works have already started, and boundary wall removed without consent
- If application is granted can existing dropped kerbs be replaced with full kerbs
- Re-instating the kerbs will restrict users of the business at No.108 from entering and exiting the property due to people parking on reinstated kerb and reducing ability to turn into property. No.108 run two businesses from property with up to 1700-2000 cars through their entrance per year and can have up to 20 cars leaving at same time
- 5 new houses located to rear of the site have access to the east, dropping the kerb will mean that there is no corner kerb into the new road for the proposed dwellings.

### **Councillor Comments:**

Comments have been received from a councillor raising the following:

- Change is not required
- Installing raised kerb will allow neighbours to park there
- Since 103 rearranged their access to deter residents from parking in front of the property, cars park outside 101 forcing oncoming traffic into oncoming carriageway
- Potential for collisions and causing traffic to queue
- 5 new dwellings have been granted to the rear of the application site, adding a dropped kerb will mean residents will likely cut the corner to access the new development
- Suggestion to leave the kerbs as existing as 103 can still enter and exit their property as it currently is
- Should resident park on the pavement when development is complete put double yellow lines on the entrance

### **Nottinghamshire County Council Highways:**

The Highways Authority provided the following comments which are also discussed in more detail later in this report.

- If the proposal is followed up the HA will require the existing vehicle access on the public highway that will be made redundant to be fully reinstated to full height kerbs.
- Clear access visibility splays on this section of the A608 appear to be more than the required 2.4mx47m which is appropriate for a 30mph road
- 6m wide private access is greater than the 3.6m required between wall piers and provides additional setback of 1.2mx2m which will assist in visibility

- Setback falls slight short of the required 2mx2m but the HA recognize the footway is wide and most pedestrian movement will be away from the drive therefore no concerns are raised
- The Paved driveway falls towards highway and discharges private surface water onto highway, therefore any changes to access will require addition of new private surface water system
- Planning conditions and informatives are recommended

Additional comments from the Highways Authority in response to the comments received:

- From a highways safety perspective there is no material characteristic that the HA can suggest to refuse the proposal.
- Private vehicle access over footways alongside each other or joined are common place on most streets and are considered not to be detrimental to highway safety unless there are significant vehicle movements likely to conflict with visibility/ ability to manoeuvre.
- There is a solid white line edge marker on the road but on street parking is still permitted
- This is no different to other streets where drivers are expected to exercise a level of courtesy and avoid dropping a dropped kerb. In this case there is no grass verge and the wide pavement does provide addition areas for overspill parking which has got to be more favorable and safer than parking on the road as long as no obstructions are caused
- The HA considers the proposal to be minor in nature and will have no discernible impact on highway safety.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **Ashfield Local Plan Review (ALPR) (2002)**

ST1 - Development

EV1 – Green Belt

#### **National Planning Policy Framework (NPPF) (2021)**

Part 12 – Achieving well designed places

Part 13 - Protecting Green Belt Land

#### **JUS-t Neighbourhood Plan (2017 – 2032)**

### **Relevant Planning History**

**V/2012/0066**

Two Storey Rear Extension

Decision: Conditional, 29/03/2012

**V/2013/0184**

Attached Garage

Decision: Conditional, 22/05/2013

**Comment :**

**Visual Amenity**

To the front of the dwelling is a large paved area behind a low brick wall with an existing vehicular access located to the western side of the site. The application proposes that the access is moved centrally to the frontage with 6m of the wall being removed and a new wall being erected to close the existing access.

Within the immediate vicinity of the property there are a number of properties set back from the highway with separate drives and dropped kerbs, some of which are conjoined.

**Green Belt**

The application site is located within the Green Belt of Brinsley, however due to the scale and nature of the proposal it is considered that it will not affect the 5 purposes of the Green Belt and will not have an impact upon the openness.

**Residential Amenity**

Concerns have been raised by residents regarding the proposal with the majority being in relation to highway safety.

Residents have raised the points that the application site already had sufficient vehicular access, space for 6-8 cars and has previously been used with 24hr access and no highway safety issues. It is unclear why the applicant wishes to move the access however the proposal is being assessed based on its own merits.

It has also been raised that the access has already been created apart from the dropped kerb. It was observed on a site visit that the wall has already been removed.

Along Cordy Lane are vehicular accesses, and it is considered that the movement of this access to a central location will not have a detrimental impact upon residential amenity.

**Highway Safety**

Various comments from residents have been received raising concerns over highway safety.

Significant concerns were raised over the impact on the driveway serving 108 and the two businesses that operate from there. However, this should not relate to the

consideration of this application. The highways concerns raised related to a separate address will need to be investigated separately as a complaint.

Concerns are raised over the potential impact of this proposal on existing limiting on-street parking, however, there is sufficient parking within the site to accommodate the needs of this property.

NCC Highways have commented that it is unclear why the existing driveway is being re-positioned centrally, they will require the existing redundant vehicular access to be fully reinstated to a full kerb. The applicant will be required to meet this additional cost as well as the cost of the new vehicle drop crossing in line with the new driveway access.

The visibility splays exceed those required on a 30mph speed limit road. The width of the access is greater than the required width for a single drive and the footway is wider than normal therefore the pedestrian visibility splays are also considered to be adequate. The driveway however will require adequate surface water drainage which prevents unregulated discharge onto the public highway which is required to be conditioned.

The conclusion of the highways authority following assessment of all the comments received is that there are no material characteristics to refuse the proposal on highway safety grounds and that this proposal will result in an access which is not dissimilar to any other access on Cordy Lane.

### **Conclusion :**

The proposed vehicular access is considered not to have a detrimental impact upon the visual amenity of the area or the openness of the Green Belt. The highways authority have commented on the application and consider the proposal to be minor in nature and to have no discernible impact on highway safety. It is acknowledged that residents and a Councillor have raised concerns over highway safety but the proposal meets the standards and no reasonable grounds have been identified which would warrant permission to be refused.

### **Recommendation: - Approve – Conditional Consent**

### **CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. No part of the development hereby permitted shall be brought into use until the drive and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) with provision to prevent the unregulated discharge of surface water from the private access**

driveway onto the public highway. The provision to prevent the unregulated discharge of surface water/loose material to the public highway shall then be retained for the life of the development.

3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
4. No part of the development hereby permitted shall be brought into use until a new dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.
5. This permission shall be read in accordance with the following plans: Block Plan, received 20/09/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

## **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure surface water/loose material from the site is not deposited on the public highway causing dangers to road users.
3. In the interests of highway safety.
4. In the interests of highway safety.
5. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

## **INFORMATIVE**

1. The proposal makes it necessary to reinstate an existing vehicular crossing and construct a new vehicular crossing over a verge/footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at :  
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities> or by contacting VIA East Midlands Ltd on 0300 500 8080.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).