

Item No. 14

APPLICATION NUMBER	CB/16/03914/FULL
LOCATION	Amenity Land f/o 9-11 Green Lane, Kensworth, Dunstable, LU6 3RP
PROPOSAL	Construction of hardstanding and dropped kerb on grass amenity land to provide a disabled parking space
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	James Peck
DATE REGISTERED	11 August 2016
EXPIRY DATE	06 October 2016
APPLICANT	Central Bedfordshire Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Objection raised by Kensworth Parish Council to CBC planning application
RECOMMENDED DECISION	Full Application - Recommended for APPROVAL

Reasons for Recommendation

The principle of a disabled parking space is considered acceptable. The development would not have an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore, subject to conditions, the proposed development is in conformity with Policies GB3, NE3 and T10 of the South Bedfordshire Local Plan Review and Sections four and seven of The National Planning Policy Framework.

Site Location:

The application site is a section of grassed amenity land situated to the front of properties numbered 9, 11, 19 and 21 Green Lane in the village of Kensworth. It currently features nine concrete bollards along its perimeter adjacent to Green Lane and a footpath.

The application site is situated within the Kensworth Infill Boundary and is washed over by the South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty as well as an Area of Great Landscape Value. Its vicinity is residential in nature and is comprised of two-storey semi-detached and detached dwellings and associated areas of grass amenity land which affords pedestrian access only to many of the properties.

The Application:

The applicant, Central Bedfordshire Council, seeks planning permission to re-position the existing concrete bollards further north on the subject grassed amenity

land to allow for the extension of the existing drop kerb and the creation of vehicular hard-standing on the edge of the highway for a disabled parking space. In the first instance this is understood to be on behalf of the disabled occupier of number 19 Green Lane.

The disabled parking space would measure 3m in width and 5.5m in depth and adjoin a footpath. The proposed disabled parking bay could be utilised by any blue badge holder including the occupier of 19 Green Lane.

Before the submission of this planning application, the provision of a disabled parking space directly on the highway serving Green Lane was found to not be viable under a feasibility study. A disabled parking space was instead proposed on the highway for Poplar Road, Kensworth which was first advertised by public notice in October 2015. A number of objections were raised by local residents including that the proposed parking space would, in the first instance, be utilised by the occupier of 19 Green Lane and not by a resident of Poplar Close, would restrict emergency vehicle access down the rest of Poplar Close, Elmside and Green Lane, would raise highway safety concerns for neighbours reversing out into Poplar Close and the fact that it would impede the maintenance of the green amenity land between Poplar Close and Maple Way.

At the Executive Traffic Management Meeting which took place on 4th February 2016, Executive Members recommended that the proposed Poplar Close scheme should not be implemented and alternative locations for a proposed disabled parking space should be found. This planning application now seeks to place a disabled parking space in the alternative location of the subject grassed amenity land in Green Lane, Kensworth.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Section 4: Promoting sustainable transport
Section 7: Requiring good design

South Bedfordshire Local Plan Review Policies

GB3: Green Belt Villages
NE3: Control of Development in the Areas of Great Landscape Value (AGLV)
T10: Controlling Parking in New Developments

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies GB3 and NE3 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

1 - Placemaking

The Building Regulations 2010 - Access to and use of buildings (Part M)

Relevant Planning History:

Nil.

Consultees:

Kensworth Parish Council
(09/09/16) -

OBJECT on grounds of loss of amenity land where children currently play and concerned could set a precedence for vehicles parking on amenity land. Questions also raised of actual need and what will happen once disabled badge holder moves?

CBC Archaeology (13/09/16) -

No objection.

CBC Highways DM (13/09/16) -

No objection to the proposed disabled parking bay but recommended that the following conditions should be attached to any approval of this planning application:

1. The proposed parking space shall not be brought into use until the new access has been formally constructed in accordance with Central Bedfordshire Council's Specification for vehicular access.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

2. The parking space length shall be at least 5.5m as measured from the bollard to the highway boundary.

Reason

To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

Other Representations:

Neighbours -
Objection from the
occupier of 11 Green

- Construction of the disabled parking space will lead to a further increase in anti-social parking as the on road

Lane (13/09/16)

parking will be removed due to the proposed position of the drop down kerb.

- Anti-social parking has already been the subject of a letter received from Central Beds and this proposal will make matters worse.
- Young families with pushchairs, elderly people etc will all find it more difficult to walk safely in Green Lane & their safety is of paramount importance.
- The disabled parking space will reduce the amount of the grass amenity area available to all.
- The disabled parking space will almost certainly be abused by people who don't have a disabled badge (blue badge).
- The space will be extremely close to our house (11 Green Lane) and will impact on our privacy.

Objection from the occupier of 18 Poplar Road (07/09/16)

I object to further loss of amenity land and the permanent destruction of permeable ground for an ephemeral issue.

Objection from the occupiers of 15 Green Lane (18/09/16)

- The need for a disabled space in the vicinity of Green Lane is not warranted as the owner of 21 Green Lane has a garage adjacent to her property and the ability to access this directly from her garden.
- The proposal to use amenity land contradicts CBC Council's green and open space policies as the land on which it is proposed to place the parking space is currently designated amenity land and is used by the local children as a play area, as per the requirements of the local authority policy. It would pose a danger to the children playing on this land should permission be granted.
- There are other places in the area around Green Lane on the public highway which would not cause traffic issues or encroach on amenity land which could be designated as a disability parking space.
- If permission was granted to utilise amenity land, this would set a dangerous precedent for further owners of properties with no road frontage to apply for parking spaces.
- Any loss of amenity land, however small, is detrimental to the local community and does not support (Central Bedfordshire) Council's open spaces policy.
- The owner of 21 Green Lane appears to be already using this amenity land to park vehicles and is flagrantly breaking the law by driving continuously on amenity land. This careless disregard for the elderly and young children will result in an accident as this land is in regular use by the residents and other people of Kensworth.

Considerations:

1. Impact on the Openness and Character of the Streetscape, the Chilterns Area of Outstanding Natural Beauty and the Area of Great Landscape Value

- 1.1 Whilst the creation of the extended drop kerb and vehicular hardstanding for the proposed disabled parking space would result in some loss of green amenity space, this loss is considered to not be sufficient to be deemed as detrimental to the open and green character of the streetscape, the South Bedfordshire Green Belt or the Chilterns Area of Outstanding Natural Beauty.

2. Disabled Access

- 2.1 The proposed disabled parking space would be located approximately 22m away from property number 19 Green Lane whilst the previously proposed disabled parking space on Poplar Close put forward to the Traffic Management Meeting in February 2016 would have been approximately 70m from this same property. The currently proposed disabled parking space would therefore provide easier access to the disabled occupier's property and eliminate the need to park on the grassed amenity land itself.

3. Neighbouring Amenity

- 3.1 The disabled parking space is situated 12m away from property number 11 Green Lane. It is therefore deemed that its occupiers' residential amenity would not be compromised with regards to privacy or outlook.

4. Highway and Pedestrian Safety

- 4.1 As the proposed parking space would have sufficient dimensions to be utilised for disabled use, would feature bollards and the drop kerb would be built according to Highway standards, it is considered that it would not compromise highway or pedestrian safety.
- 4.2 As such, on balance, the proposed development is deemed to accord with policies GB3, NE3 and T10 of the South Bedfordshire Local Plan Review, Sections four and seven of the National Planning Policy Framework and Section one of the Central Bedfordshire Design Guide.

5. Other Considerations

5.1 Highway Comments:

After receiving a consultation response from the CBC Highways officer, clarification was subsequently sought and then provided stating that the proposed scheme would comply with all necessary Highways standards. As such, less conditions will need to be attached to any approval of this planning application.

5.2 Human Rights issues:

The proposed development raises no human rights issues.

5.3 Equality Act 2010:

The proposed disabled parking space's specification is deemed to comply with the Equalities Act 2010.

Recommendation:

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The proposed parking space shall not be brought into use until the new access has been formally constructed in accordance with Central Bedfordshire Council's Specification for vehicular access.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy, T10, SBLPR and Section 4, NPPF)

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number CBC-0185615.

Reason: To identify the approved plan and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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