

## Planning Committee 12<sup>th</sup> July 2022

<b>APPLICATION NUMBER</b>		22/00219/FUL	
<b>SITE ADDRESS:</b>		42 Smedley Street East, Matlock, Derbyshire, DE4 3FQ	
<b>DESCRIPTION OF DEVELOPMENT</b>		Formation of vehicular access and parking.	
<b>CASE OFFICER</b>	Mr. Ecclestone	<b>APPLICANT</b>	Mr. Turner
<b>PARISH/TOWN</b>	Matlock	<b>AGENT</b>	None.
<b>WARD MEMBER(S)</b>	Cllr. Burfoot Cllr. Burfoot Cllr. Wain	<b>DETERMINATION TARGET</b>	25 <sup>th</sup> April 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Ward Member request.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

### MATERIAL PLANNING ISSUES

Highway safety.  
Impact on the character and appearance of Matlock Bank Conservation Area.

### RECOMMENDATION

Planning permission be refused.

## 1. INTRODUCTION

- 1.1 This planning application was previously considered by the Planning Committee on 10<sup>th</sup> May 2022. Committee resolved to defer determination, pending the investigation / consideration of an alternative access and driveway entrance / arrangement, using the existing dropped kerb area in front of the bollards, adjacent the application site. The further comments of the Local Highway Authority are included below and have fed into the assessment of the proposal.

## 2. THE SITE AND SURROUNDINGS

- 2.1 The application property is an old, stone-built, end-terraced house, situated in a small row, in a residential area in northern Matlock. It stands opposite the junction of Henry Avenue with Smedley Street East. It is stepped back and up from the road. None of the houses in the row have vehicular access. The others have a higher boundary / retaining wall at the front and raised front lawns, whereas the application property has a low-level wall at the front and a lower level elevated front garden, compared to the others. It also has a track / public footpath going up the side, with bollards to prevent vehicular access. There is a Fire Hydrant signpost at the front and double-yellow lines across the whole of the frontage. There is also restrictive / prohibitive / time-limited parking, further along and opposite. The site also lies within the Matlock Bank Conservation Area.



## 3. DETAILS OF THE APPLICATION

- 3.1 The proposal is for the formation of a vehicular access and parking area at the front. The proposal that was considered at Committee in May 2022, which to avoid confusion shall be referred to as Plan A, involved excavating the whole of the front garden, removing the low-level boundary wall at the front and installing drop kerbs. However, following the deferral of the previous scheme by the Planning Committee, the applicant tabled an alternative scheme (which shall be referred to as Plan B) for consideration, which involves using the existing dropped kerb area in front of the bollards, immediately to the east of the application site. This alternative scheme allows for the retention of the low wall along the Smedley Street East frontage. This alternative access point has now been fully investigated by the Local Highway Authority.

## 4. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 4.1 Adopted Derbyshire Dales Local Plan (2017):
- S3: Development Within Defined Settlement Boundaries
  - PD1: Design and Place Making
  - PD2: Protecting The Historic Environment
  - HC21: Car Parking Standards
- 4.2 Other:
- National Planning Policy Framework (2021)
  - National Planning Practice Guidance
  - Matlock Bank Conservation Area Character Appraisal

## 5. RELEVANT PLANNING HISTORY

0585/0392                      Vehicular access and hardstanding.

Refused

## 6. CONSULTATION RESPONSES

### 6.1 Local Highway Authority:

The response of the Local Highway Authority to both proposals - Plan A and Plan B, is provided as follows:

### 6.2 Response to the current (amended) scheme, following deferral – Plan B:

It is now suggested that access to the front garden area of 42 Smedley Street East, can be gained by utilising the existing vehicular crossing, adjacent to the property, which would allow an angled entry and exit to the proposed parking space. There are no records available which provide information on the intended use of the existing vehicular crossing; however, it is assumed that this vehicular crossing point was used by the former Paton and Baldwins site as a vehicular access, as there appears to be no other legitimate reason for vehicles to require an access point at this location. Since the Paton and Baldwins site was converted to a residential housing site, this access has effectively been removed and bollards have been erected some 10 metres in to the access, to prevent vehicular access along what is now a footway, linking Smedley Street East and Wellington Street. Hence, whilst the kerbs remain dropped, it is considered that the 'access' no longer serves as a vehicular access. It is accepted that this anomaly may be arguable and the applicant has commented that the 'access' or vehicular crossing is regularly used by drivers to park a vehicle on the apron area between the footway and the bollards, but it does seem clear that this action would and maybe has caused, some conflict between vehicles and pedestrians using the footway. The applicant has also commented that the footway is regularly used by pedestrians, including children, walking to and from school(s). Any introduction of, or increased potential conflict between, manoeuvring vehicles and pedestrians on a footway, would be something which the Highway Authority would resist.

### 6.3 Notwithstanding the current intended use of the existing vehicular crossing point, the use of this vehicular crossing to gain access to the front garden area of 42 Smedley Street East, to be used as a parking space, would require a vehicle to enter and exit the site at an acute angle to the carriageway i.e. Smedley Street East. A vehicle entering Smedley Street East from the parking area would have to turn and look over their shoulder, in the right hand direction, to assess when it is appropriate to enter the road. This action is not and has never been, something which is considered acceptable to the Highway Authority when assessing the suitability of new vehicular accesses. All accesses on to the public highway should preferably be at 90 degrees to the carriageway, to allow a driver an unencumbered view of approaching vehicles and to then make a decision when it is safe to enter the road. In addition and something which has always been the primary concern of the Highway Authority in this case, is the remaining restricted visibility available to a driver exiting the site. The revised proposal would increase emerging visibility over that which is available under the original proposal, by virtue of the access point being further away from the boundary of the neighbouring property. However, the increase is only slight and the available visibility from the revised option remains substantially below that which is required. The emerging visibility from the revised proposal would be some 16m from a set-back distance of 2.4m. This would be an increase of only some 7m over the original proposal. As stated in the Highway Authority's original comments, the required emerging visibility on to a road which carries a 30 mph speed limit is 43m, again from a set-back distance of 2.4m. In the absence of recorded vehicle speeds on Smedley Street East, the Highway Authority maintains that, in this instance, emerging visibility distances of 2.4m x 43m should be achievable in both directions from the point of access to the highway, for the creation of the access to be acceptable to the Highway Authority.

### 6.4 There is also a concern that there is insufficient space available within the front garden area of 42 Smedley Street East, to allow a vehicle to turn wholly within the site. Whilst the applicant has maintained that there is sufficient space to turn a vehicle within the site, this is disputed and not considered to be achievable without the driver having to make numerous adjustments, which are highly likely to be onerous for the driver, resulting in a

driver choosing to either drive in forwards and reverse out, or vice versa. Clearly a vehicle reversing out of the space would have even less visibility with the driver being virtually blind to any approaching vehicles. This concern was mistakenly left out of the original reasons for objection. However, it is a substantial concern of the Highway Authority and one which should be raised, even at this stage of the application process.

6.5 Based on the above comments, the Highway Authority maintains the original objection to the application and also the recommendation for the application to be refused. You may consider that the additional concern about the lack of on-site turning space to be unwarranted, considering that it was not included in the Highway Authority's original comments. However, it is now included in addition to the original reasons for objection as below:

6.6 No adequate provision is included in the application proposals for the parking and manoeuvring of a vehicle clear of the public highway, which would be likely to result in a vehicle reversing onto or off the public highway, causing interference with the safe and efficient movement of traffic on Smedley Street East and to the detriment of highway safety.

6.7 Response to the proposal as originally submitted – Plan A:  
Object. The proposed access would achieve an emerging visibility distance, in the westerly direction, within controlled land, that is land controlled by the applicant or public highway, of some 9m, measured from the recommended set back distance of 2.4m from the kerb edge. Using the recommended absolute minimum set back distance of 2m, would only increase the visibility to approximately 12m. Smedley Street East carries a speed limit of 30mph, which equates to a stopping sight distance of 43m. It is recognised that some vehicle speeds may be below 30mph on the approach to the access location, due to the reduced forward visibility and side friction e.g. parked cars on the southern side of the road and vehicles approaching from the east, which may require drivers to reduce their speed to avoid conflict. However, it is not considered that vehicle speeds will be so low as to equate to the achievable stopping sight distance of 12m maximum. The degree of potential conflict between approaching vehicles and a vehicle emerging from the proposed access, is somewhat worsened by the requirement for approaching vehicles to be positioned towards the northern side of the road, due to the near permanent presence of vehicles parked within the parking bays on the southern side of the road.

6.8 Town Council:  
No objection.

## **7. REPRESENTATIONS RECEIVED**

7.1 None.

## **8. OFFICER APPRAISAL**

8.1 Policy S3 of the Adopted Derbyshire Dales Local Plan requires that development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the settlement; that the access is safe; and that the layout, access and parking provision is appropriate to the proposed use, site and surroundings.

8.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion,

overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.

- 8.3 Policy PD2 of the Adopted Derbyshire Dales Local Plan requires that development proposals in Conservation Areas demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.
- 8.4 Policy HC21 of the Adopted Derbyshire Dales Local Plan requires vehicular parking to be provided, having regard to adopted standards, as set out in Appendix 2 of the Local Plan.
- 8.5 Smedley Street East is a Classified Road, which means that, for the purposes of the Planning Legislation (General Permitted Development Order), the formation of a vehicular access requires planning permission in such cases. The road immediately outside the frontage has double-yellow lines and the track to the side has bollards, to stop vehicles from accessing it. There is also restrictive parking further along and opposite.
- 8.6 The Local Highway Authority have carefully considered both proposals – Plan A, as originally submitted and Plan B, following the Planning Committee deferral of Plan A. The conclusion is that the formation of a vehicular access and parking in this location, would result in a severely restricted visibility in the westerly direction, which would result in detriment to and against the best interests of highway safety. Also, that there has been no adequate provision included in the application proposals, for the parking and manoeuvring of a vehicle clear of the public highway. This would be likely to result in a vehicle reversing onto, or off the public highway, causing interference with the safe and efficient movement of traffic on Smedley Street East and to the detriment of highway safety.
- 8.7 Having examined the proposal, it is clear that vehicles exiting the parking facility will have severely restricted visibility to the west, due to the presence of third party stone boundary walls, blocking the sightlines. In this context, a vehicle entering the public highway, would put other highway users at risk.
- 8.8 The resurfacing of the site frontage will change the appearance of the property and its contribution to the street scene. However, the site frontage has already been altered over time and the retention of the low stone wall to the frontage ensures that the alternative proposal will not materially harm the character and appearance of this part of the Matlock Bank Conservation Area.
- 8.9 Conclusion  
The applicant's desire for in-curtilage parking, giving the option of an electric vehicle, is noted. But this potential benefit of the scheme, does not outweigh the legitimate concerns over highway safety, raised by the Local Highway Authority.

## **9. RECOMMENDATION**

Planning Permission be refused for the following reasons:

1. The formation of a vehicular access and parking in this location, would introduce traffic movements to and from the public highway, at a point where emerging visibility is severely restricted in the westerly direction, due to the narrow fronting footway and the proximity of adjacent third party land, which could interfere with the safe and efficient movement of traffic on Smedley Street East, to the detriment and against the best interests of highway safety, thereby conflicting with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).
2. No adequate provision is included in the application proposals for the parking and manoeuvring of a vehicle clear of the public highway. This would be likely to result in a

vehicle reversing onto, or off the public highway, causing interference with the safe and efficient movement of traffic on Smedley Street East and to the detriment of highway safety, thereby conflicting with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

**10. NOTES TO APPLICANT:**

- 10.1 This Decision Notice relates to the following documents:  
Planning application form and drawings, received by the Council on 28<sup>th</sup> February 2022 (Plan A) and also to the scheme which was amended (Plan B), following the Planning Committee deferral of Plan A.
- 10.2 The Council provides a positive and proactive pre-application advice service. Unfortunately however, this was not taken up in this case. The application was therefore considered as submitted and it was judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis, the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a Decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
- 10.3 If the applicant wishes to commission a speed survey of vehicle approach speeds on Smedley Street East and provide evidence that the achievable visibility distance in the westerly direction is commensurate with actual vehicle approach speeds, the Highway Authority may reassess the application and provide further comments. For further information and advice contact [ETE.devcontrol@derbyshire.gov.uk](mailto:ETE.devcontrol@derbyshire.gov.uk)