

## Planning Committee 13<sup>th</sup> June 2023

<b>APPLICATION NUMBER</b>		23/00310/FUL	
<b>SITE ADDRESS:</b>		166 Smedley Street, Matlock, Derbyshire, DE4 3JA	
<b>DESCRIPTION OF DEVELOPMENT</b>		Creation of access, erection of hard surface and retaining walls for car parking area and associated engineering works.	
<b>CASE OFFICER</b>	G Huffen	<b>APPLICANT</b>	Mr Peter Evans
<b>PARISH/TOWN</b>	Matlock All Saints	<b>AGENT</b>	Mr Dan Ward – Ward Design
<b>WARD MEMBER(S)</b>	Councillor S Burfoot, Councillor M Burfoot and Councillor S Wain	<b>DETERMINATION TARGET</b>	16.06.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called in by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in context

### MATERIAL PLANNING ISSUES

- Impact on the Character and Appearance of the Area.
- Highway Safety.

### RECOMMENDATION

That the application be approved subject to planning conditions set out in section 8.0 of the report.

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a parking area and associated new access formed to the front of 166 Smedley Street, a semi-detached bungalow which is stepped up from the road. Works to create the access and form the parking space commenced in February 2023 prior to this application being made and the development remains uncompleted. Smedley Street is a classified road and the site is located within the Matlock settlement boundary.



Site prior to works.



Site following works.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for the creation of a new vehicular access to the dwelling, the formation of a car parking area to the front of the dwelling, the construction of a concrete retaining wall and the associated engineering works undertaken to implement the development. The application also includes finishing details for the development, proposing that the visible retaining wall will be rendered to match the existing dwelling, the parking space will be finished with a textured floor slab and a glazed screen will be installed to the front of the dwelling above the retaining wall.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)  
S3 Development Within Defined Settlement Boundaries  
PD1 Design and Place Making  
HC19 Accessibility and Transport  
HC21 Car Parking Standards
- 3.2 National Planning Policy Framework (2019)  
National Planning Practice Guidance

## 4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

## 5.0 CONSULTATION RESPONSES

- Matlock Town Council  
5.1 No Objection.

Derbyshire County Council (Highways)

5.2 There are no objections to the proposed development from a traffic and highway point of view subject to the following condition:

1. There shall be no gates or other barriers fronting the application site adjacent the highway.

Reason: In the interest of highway safety.

Please append the following informative to any consent for the applicant's attention: -

Informative:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway.

Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> or via E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.

2. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
3. The Highway Authority recommends that the driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Highway Authority reserves the right to take any necessary action against the owner.

Councillor Sue Burfoot

5.3 Requested the application to be determined at Planning Committee.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 Two representations have been received to date. A summary of the representations is outlined below:

1 Letter of Support has been received from a neighbour as summarised below:

- History of parking issues on Smedley Street, which has been previously brought to the attention of officers and members.
- The removal of 2 further vehicles off-road will improve visibility for neighbouring properties and traffic from John Street.
- With the exception of 162 to 166 Smedley Street all of the properties along the North stretch of road have off-road parking so there is already a precedent here.

1 Letter of Objection has been received from a neighbour as summarised below:

- Concerns regarding how the development was undertaken and lack health and safety measures.

- Concern over lack of dropped kerb and resultant effect on well used pavement.
- Works considered unsuitable and unsafe in respect of road safety near a busy road junction causing a traffic hazard.
- Danger when using the space due to restricted views from parked cars on Smedley Street.
- Concerns regarding the level of excavations undertaken.

## 7.0 OFFICER APPRAISAL

### Principle

- 7.1 The site is within the curtilage of an existing dwelling located within Matlock. Policies S3, PD1 and HC10 allow for development within the curtilage of dwellings in principle. The key issues are the impact of the development upon the property and the street scene and whether the development would provide a safe means of access in accordance with the requirements of policies PD1 and HC19.

### Impact on the character and appearance of the property and wider street scene

- 7.2 Prior to the works taking place the property was fronted by a rockery garden which stepped up from the road level up to the house. There are external steps to the right hand side providing pedestrian access which have been retained. There was a small stone wall to the front boundary of the property also fronting 168 Smedley Street. As the property is stepped up from the road, excavation works were undertaken to remove a section of the front garden (approx. 31m<sup>2</sup>) to create a parking area with retaining walls around it. To finish the development it is proposed that a floor slab be laid with a drainage channel to the front, that the retaining walls be finished with render and a glazed screen to be installed to the front of the dwelling above the retaining walls to prevent falls.
- 7.3 It is considered subject to conditions, that when completed the development will not have a harmful impact to character or appearance of the property or the wider street scene and that due to the nature of 166 and 168 Smedley Street as bungalows stepped up from the road with a smaller boundary wall to the front, the loss of the front wall will not result in a diluted street frontage to this part of Smedley Street.

### Impact on Highway Safety

- 7.4 The property as existing does not have any off-street parking. The development would provide off-street parking which in principle is acceptable and in accordance with adopted parking standards set out under policy HC21,
- 7.5 An objection to the application has been received from a neighbour which includes objections on grounds of highway safety. The Highway Authority has been consulted on the application and have no objection to the development from a highway safety perspective provided that a planning condition is imposed restricting the erection of gates or other barriers to the front of the site adjacent the highway.
- 7.6 There is not sufficient space for vehicles to turn on the site and therefore vehicles would have to reverse into our out of the proposed parking space. Nevertheless, having regard to advice from the Highway Authority it is not considered that there would be an unacceptable impact upon highway safety. If planning permission is granted a condition restricting gates or other barriers would be reasonable and necessary.

## Conclusion

- 7.7 Given the above comments from the Highways Authority and the details provided confirming how the development is to be finished, it is considered that the proposal is in accordance with Policies PD1, S3, HC19 and HC21 of the adopted Derbyshire Dales Local Plan (2017). In the absence of any further material considerations the application is recommended for approval, subject to conditions.

## **8.0 RECOMMENDATION**

That planning permission be permitted subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, except insofar as may otherwise be required by other conditions to which this planning permission is subject:

01 - Site Location Plan and Block Plan, Drawing No. 2302/01 (received 20.03.2023)

02 - Existing and Proposed Plans & Elevations, Drawing No. 2302/02 (received 20.03.2023)

Reason:

For the avoidance of doubt and to ensure the satisfactory external appearance of the development.

2. Notwithstanding the approved plans, within 6 months of the date of this permission the parking area shall be surfaced in accordance with details (material, colour, finish and drainage) which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 and S3 of the Adopted Derbyshire Dales Local Plan 2017.

3. Notwithstanding the approved plans, within 6 months of the date of this permission the retaining walls shall be constructed and faced in a rough cast render in accordance with details (colour and finish) which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 and S3 of the Adopted Derbyshire Dales Local Plan 2017.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no gates or other barriers shall be erected on the parking area hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In the interests of highway safety in accordance with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. 1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway.

Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>

or via E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.

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