

Planning Committee 10th May 2022

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

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

Planning permission be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 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.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the formation of a vehicular access and parking area at the front. This will involve excavating the whole of the front garden, removing the low-level boundary wall at the front and installing drop kerbs. It is proposed to have a gravelled surface, although new tarmac is proposed for the pavement area.
- 2.2 Following the Consultation Response from the Local Highway Authority, the applicant has made a representation where he states his disagreement to their comments.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 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
- 3.2 Other:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - Matlock Bank Conservation Area Character Appraisal

4. RELEVANT PLANNING HISTORY

0585/0392 Vehicular access and hardstanding. Refused

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

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.

5.2 Town Council:
No objection.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 The Local Highway Authority have concluded 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.
- 7.7 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.
- 7.8 The excavation and 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 additional change to the frontage proposed is not considered to materially harm the character and appearance of this part of the Matlock Bank Conservation Area.

7.9 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.

8. **RECOMMENDATION**

Planning Permission be refused for the following reasons:

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).

9. **NOTES TO APPLICANT:**

9.1 This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 28th February 2022.

9.2 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.

9.3 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