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File No: CHE/18/00622/FUL
Plot No: 2/

ITEM 1

Provision of 1 parking space and dropped kerb at 19 Jawbones Hill, St Augustines, Chesterfield, Derbyshire, S40 2EN for Mr David Cole.

Local Plan: Economic Growth
Ward: St Leonards

1.0 **CONSULTATIONS**

Ward Members	No comments
Design Services	No objections
DCC Highways	Objection received
Neighbours/Site Notice	No comments

2.0 **THE SITE**

- 2.1 The site the subject of the application is 19 Jawbones Hill, located in the St Leonards area of Chesterfield. This is an end of terrace house set over two storeys. The property is brick-built, with a hipped tile roof, UPVC windows and doors and a porch to the front elevation. A front garden is situated to the East of the site, with brick walls forming the boundaries. The garden is largely grassed, with a central gated stepped entrance providing access through the centre of the garden to the front door. A passageway leads down the Northern side of the site to an enclosed rear garden.
- 2.2 Spire Junior School is situated to the North of the site, the roadway of Jawbones Hill (A61) is situated to the East of the site, and neighbouring residential properties are situated to the South and West of the site. The site is unallocated within the Local Plan.



3.0 **RELEVANT SITE HISTORY**

3.1 None.

4.0 **THE PROPOSAL**

4.1 A full planning application has been made for the provision of 1 parking space and dropped kerb at 19 Jawbones Hill. The application was originally for the provision of 2 parking spaces, however concerns were raised in relation to highway safety. Insufficient space would be available within the site to allow 2 vehicles to manoeuvre and exit in a forward gear. As such, consultation took place with the applicant and it was agreed to reduce the scheme to the provision of 1 parking space. Amended plans were provided on 20.11.2018 to reflect this alteration.

4.2 The amended plans show the provision of 1 parking space and a turning area. The area of garden to the front of the site measures approximately 7.9M in width and 8M in depth. It is proposed to cover just over half of the front garden area with hardstanding, to facilitate provision of a car parking and manoeuvring space. This is proposed to be situated to the Northern side of the front garden. The walled boundary situated directly in front of the proposed parking space is proposed to be demolished to allow entry. The remaining area of wall is proposed to be retained, and a dropped kerb would be required to facilitate this development.

5.0 **CONSIDERATIONS**

PLANNING POLICY

5.1 Policy CS18 of the Core Strategy states that development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, density, massing, detailing, height and materials, provide adequate and safe vehicle access and parking, and have an acceptable impact on the amenity of users and neighbours.

- 5.2 It is not considered that the proposed development would have any adverse impact on the character of the site, neighbours or the surrounding area. The locality is characterised by properties that are set back from the road, with low front boundary walls. It is not considered that the removal of part of the front boundary wall would result in any notable change to the character of the site or the surrounding area. The applicant has sought to retain part of the front boundary wall and part of the grassed area within the garden, which would benefit the appearance of the site.

Design and Appearance (Including. Neighbour Effect)

- 5.3 It is not considered that these plans would result in any effect on neighbouring properties. The proposals would result in no issues with regards to overlooking, overshadowing or an overbearing impact. The proposed plans would potentially reduce the level of on-street parking, which would improve matters for neighbouring properties.

Highways Issues

- 5.4 The Highway Authority was consulted on the original application and they raised an objection to the scheme. It was stated that 'Jawbones Hill is a busy classified road into Chesterfield and where access is to a classified road the Highway Authority generally looks for the provision of turning space to allow vehicles to enter and exit the site in a forward gear. The site frontage to No. 19 is of insufficient dimensions to allow parking and manoeuvring for 2 vehicles. This will lead to vehicles reversing to or from a busy classified road which would be considered against the best interests of highway safety. The Highway Authority, therefore, recommended refusal of the proposal for the following reason. – *'No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in reversing onto or off the public highway, which is against the best interests of highway safety'*.
- 5.5 The Highway Authority was consulted on the amended application and they maintain their objection. It was stated that the scheme is now intended to provide one off-street

parking space and a manoeuvring area however it was considered that the dimensions indicated there to be insufficient space to allow the parking and manoeuvring of a vehicle to enable it to enter and exit the site in a forward gear. On the basis of the above, the Highway Authority maintained its recommendation of refusal as given in its earlier response.

- 5.6 The concerns from the Highway Authority in relation to the original scheme are accepted since it is considered that insufficient space would be available within the site to allow 2 vehicles to manoeuvre and exit in a forward gear, and that reversing onto Derby Road would not be in the best interests of highway safety and would be unacceptable. It is considered however that the revised plans would provide adequate and safe vehicle access, parking and manoeuvring opportunity.
- 5.7 In response to the comments from the Highway Authority, it is considered that the amended plans would provide adequate and safe vehicle access and parking. The amended plans indicate that 1 parking space would be provided and that a turning area would enable vehicles to exit in a forward gear. The Highways Authority have stated that it is not considered that the dimensions indicated are sufficient to allow the parking and manoeuvring of a vehicle to enable it to enter and exit the site in a forward gear. It is accepted that an overall area of approximately 7.9M in width and 8M in depth is insufficient to enable vehicles to turn and exit in a forward gear in a three point turn however it is considered in this case that a four point turn can easily be achieved.

Design Services

- 5.8 Design Services were consulted on this application and they raised no objections. It was stated that 'the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps however it was noted that Aco drains are to be used as a means of surface water disposal from the proposed hardstanding and the applicant should demonstrate that the proposed Aco drainage can connect into the domestic drainage system due to the proposed levels of the driveway. The applicant would need to contact

Derbyshire County Council, as Highway Authority for Chesterfield, in order to obtain permission to construct a vehicular crossing’.

5.9 The response from Design Services is accepted. It is not considered necessary to impose a condition requiring full drainage details, however a condition should be imposed requiring the parking and turning spaces to be in a porous material or provided with a drainage grill. This is required to enable the site to drain effectively.

6.0 REPRESENTATIONS

6.1 As a result of neighbour notification, no representations have been received.

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the Highway Authority, the development potentially affects highway safety, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go

beyond that necessary to accomplish satisfactory planning control

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

9.1 The amended proposals are considered to be appropriate in principle, scale, form and materials and would not have any adverse impact on neighbouring properties, highway safety or the surrounding area. The locality is characterised by properties that are set back from the road, with low front boundary walls. It is not considered that the removal of part of the front boundary wall would result in any notable change to the character of the site or the surrounding area. The applicant has sought to retain part of the front boundary wall and part of the grassed area within the garden, which would benefit the appearance of the site.

9.2 It is considered that these plans would provide adequate and safe vehicle access and parking. It is accepted that Jawbones Hill is a busy road, and that reversing onto this road would be not be in the best interests of highway safety. The amended plans indicate that 1 parking space would be provided and that a turning area would enable vehicles to manoeuvre such that they can exit in a forward gear. It is not considered that vehicles exiting the site onto Jawbones Hill in a forward gear would be unacceptable in terms of highway safety. As such, the proposal accords with the requirements of policy CS18 of the Core Strategy and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. The parking and turning spaces shall be in a porous material or provided with a drainage grill in accordance with details which have been first agreed in writing by the local planning authority.
4. The new vehicular access shall be formed to Jawbones Hill in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. The vehicular and pedestrian access, parking area and the

manoeuvring area shall be maintained and kept available for their designated use at all times thereafter.

5. There shall be no gates or other barriers set forward of the visibility splay line specified in condition 4 above.
6. The proposed access/drive shall be no steeper than 1 in 14 over its entire length.

Reasons for Conditions

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009. In the interests of residential amenities.
3. In the interests of sustainable drainage.
4. In the interests of highway safety
5. In the interests of highway safety.
6. In the interests of highway safety.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as

a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. 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 of Economy, Transport & Communities 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 http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
4. The Highway Authority recommends that the first 5m of the proposed access/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 Authority reserves the right to take any necessary action against the householder.

5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.