

DELEGATED DECISION REPORT

HPK/2021/0089
Valid 22/02/2021

43 MARPLE ROAD
CHARLESWORTH

PROPOSED DRIVE WITH
DROPPED KERB.

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Design, Character and Appearance
- Highway Safety

DESCRIPTION OF SITE

The application relates to No.43 Marple Road, Charlesworth; a modest residential bungalow that has a principal (northern) elevation that fronts the public highway. Between the front elevation and the highway is two parcels of garden either side of a garden path which in total spans a width of approximately 12.3m with the distance between the dwelling and the highway being 9.3m.

PROPOSAL

The application seeks permission for a dropped kerb and new access from the public highway to facilitate 2 x off-street parking spaces. The Plan shows that one of the parcels of grass will be resurfaced with Indian stone paving slabs which would accommodate parking spaces. A revised Site Plan has been submitted further to comments from the Highways Authority which show a greater gap between the edge of the site boundary and the most westerly parking space.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S5 Glosopdale Sub-area Strategy
- EQ6 Design and Place Making

National Planning Policy Framework 2019

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0000/8855	For Proposed Erection Of Front Porch (Approved)
HPK/2007/0475	Single Storey Rear Extension And Porch Alterations. (Approved 09/08/2007)

CONSULTATIONS

Publicity

Site Notice expiry date: 15th April 2021
Neighbour consultation period ends: 23rd March 2021
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Derbyshire County Council Highways

The proposal seeks the creation of a new vehicular access to Marple Road to serve 2no off-street parking bays. As the applicant does not currently benefit from off-street parking there are no objections to the proposal in principle.

The application site is located on Marple Road (A626) which is subject to a 30mph speed limit and is part of a bus route, therefore, the applicant should be providing emerging visibility sightlines of 2.4m x 47m in both directions. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Whilst off-street parking bay dimensions of 2.4m x 5.5m are typically acceptable, an additional 0.5m of width should be afforded to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

In view of the above it is recommended the applicant increases the width of the off-street parking bay adjacent to the boundary fence by 0.5m to meet current recommendations.

Subject to the above, there are no objections to the proposal, and it is recommended that the following conditions are included in any consent:

1. Before any operations are commenced a new vehicular access shall be created to Marple Road, laid out, constructed and provided with 2.4m x 47m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
2. The proposed access, the subject of the application, shall not be taken into use until space has been provided within the application site of minimum dimensions of 5.5m x 5.5m the parking of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:

- a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
- b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- c. 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 landowner.
- d. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.

OFFICER COMMENTS

Principle of Development

The application seeks permission for a dropped kerb that creates a new access on to Marple Road from an existing residential property that lies within the built-up area boundary of Charlesworth; identified as a Larger Village under the settlement hierarchy set out under Local Plan (LP) S2 which allows for moderate growth. The site is not constrained by any sensitive statutory designation.

Given the nature of the proposed development and the planning policy context set out above, the principle of development is considered to be acceptable subject to all relevant material considerations.

Design, Character and Appearance

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

Paragraph 127 states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The proposed resurfacing of the grassed garden with Indian paving stones can be implemented without the need for planning permission under Schedule 2, Part 1, Class F of the General Permitted Development Order 2015 (as amended). The proposed dropped kerb would have the typical characteristics of an urban area and would have a negligible impact on the overall character of the street scene. The application is therefore compliant with LP Policies S1 and EQ6, and paragraphs 127 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provide appropriate levels of off-street parking provision.

Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all

users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal seeks to install a dropped kerb from the existing property to Marple Road - a classified public highway – thereby creating two off-street parking spaces and offering a positive contribution to highway safety by removing two on-street parking spaces.

The Highways Authority have stated that they have no objections provided that a minor amendment is made to the plans that shows the width of the off-street parking bay adjacent to the boundary being increased by 0.5m. A revised Site Plan has been submitted which aligns with these comments.

The applicant has agreed to a pre-commencement condition that requires visibility splays to be demonstrated in line with the requests of the Highway Authority.

As such, it is considered that the proposed development will make a positive contribution to off-street parking provision and in its revised form complies with LP Policy CF6 and paragraph 108 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks the installation of a dropped kerb from No.43 Marple Road, Charlesworth and creation of 2 x off-street parking spaces within the domestic curtilage. The site lies within the built-up area boundary and is not constrained by any sensitive statutory designation.

An assessment of the application has found that in its revised form, the application complies with all relevant local development plan policies and all other relevant material considerations, and thus constitutes a sustainable form of development. In

line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 20th April 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council