

PARISH Blackwell Parish

APPLICATION Creation of a vehicular access
LOCATION 81 Alfreton Road Westhouses Alfreton DE55 5AJ
APPLICANT Mr Frank DeLamotte
APPLICATION NO. 20/00586/FUL
CASE OFFICER Miss Kay Gregory
DATE RECEIVED 22nd December 2020

SUMMARY

This application has been called into Planning Committee by Councillor Clive Moesby on the grounds of *consistency surrounding similar applications and the need to get cars parked off the road.*

In accordance with the Highway Authority comments, and officer recommendation, it is considered that the proposed vehicular access fails to meet minimum standards for off road parking spaces and would present manoeuvring and visibility problems when entering and leaving the site, causing potential risks to highway safety, and as such the application is recommended for refusal.

Site Location Plan



SITE & SURROUNDINGS

The application site is within the settlement of Westhouses, where the street pattern comprises a row of terrace properties fronting onto a 'B' classified road. The majority of the properties on the east side of Alfreton Road, have small front gardens measuring approximately 2.5m in depth and up to 6m in width.

On the opposite side of the road are semi-detached properties, with front gardens between 4m and 7m in length.

The application site is fronted by a brick wall. The property has a bow window to the front. At the side is a gennel providing pedestrian access to the rear of the applicant's property only. The applicant confirmed on site that there are no other rights of access down the gennel.

The applicant's front garden has a depth of 2.5m. The entire width is 5.9m, including the area in front of the gennel.

The majority of properties on the applicant's (East) side of Alfreton Road benefit from on-street parking provision, which will, during some times of the day result in a cramped row of vehicles parked on the roadside in front of each property. There are some exceptions to this which shall be explained below.

Properties on the opposite side of Alfreton Road have parking restrictions on the highway, in the form of double yellow lines in front of each property. Some of these properties have therefore converted front gardens into hard surfaced parking spaces. These front gardens are between 4m and 7m in length, and approximately 2.5m in width, although some are laid out at an angle from the adopted highway which provides an irregular length. The majority of frontages are laid out in such a way that vehicles can drive relatively easily onto the site, or reverse from within the highway.

BACKGROUND

Whilst there have been a number of historic planning applications approved along both sides of Alfreton Road, the applications listed below were all approved against officer, or highway authority recommendations, on the grounds that the need to get parked vehicles off the highway outweighed issues of poor visibility and/or insufficient parking dimensions.

- **59 Alfreton Rd – BOL/1996/0397** – approved under delegated powers even though the parking space failed to meet recommended dimensions. In this instance, the officer report identified that discussions were held with the Highways officer who indicated that within this location it would be preferable for cars to be parked off the road.



- **65 Alfreton Rd – BOL/1973/0010** – approved. No details on file to confirm whether it was at committee or delegated. Parking space failed to meet minimum standards.



- **77 Alfreton Rd – 07/00023/FUL** – approved under delegated powers, against the highway authority advice, by reason that it was for the parking of a motorised Trike vehicle and not a full sized vehicle. The removal of the front wall provided a gap measuring only 3m in width. This would not have been considered sufficient to park a car, and as such, because the application was submitted for a Trike only, a 3m width was considered to be sufficient, and the application was approved.



- **85 Alfreton Rd – 01/00025/FUL** – approved by the planning committee, against officer and highway authority recommendation. The application was originally deferred to allow for an assessment of off-road parking provision along Alfreton Road, where it was identified that there had been some approvals for the creation of vehicular accesses. Other vehicular accesses had been formed without planning approval. The reason for the approval at no. 85 was that it was considered by the Planning Committee to be more beneficial, in the interests of highway safety, to allow vehicles to park off the road, even if the parking space didn't meet recommended size requirements. It should be noted that number 85 has a wider frontage than the application site by reason that the front door is sited on the front elevation, and not on the side or rear elevation, as is with number 81. This provides a slightly wider space at

the front of the property.



- **103 Alfreton Rd – 04/00512/FUL** - approved by the planning committee, in accordance with the officer recommendation, on the grounds that the benefits of providing off-street parking outweigh the impacts of the resultant manoeuvring. This was against highway authority recommendation to refuse on the grounds that the parking space was too small and there was insufficient manoeuvring space.
- **109 Alfreton Rd – 05/00202/FUL** - approved by the planning committee, in line with the officer recommendation, on the grounds that other properties, immediately adjacent to 109 (numbers 99,101, 103, 107, 111 and 113) had vehicular accesses to the property frontage. The length of the driveway provided was 9m. The highway authority recommended refusal due to substandard visibility and the lack of a turning facility, but the case officer and planning committee agreed that the benefit of off-road parking on a busy section of a classified road outweighed the substandard visibility and difficulties in manoeuvring.





Notwithstanding the above, all planning applications are determined on their own merits. The previous approvals were all more than 15 years ago. Since that time, there have been changes to planning policy, highway parking standards, and the number and size of vehicles using the highway has increased.

PROPOSAL

This application is seeking planning permission for the creation of a vehicular access onto Alfreton Road, which is a 'B' classified road.



The development shall involve the removal of the front boundary wall. The front of the property is already hard surfaced. However, the front garden is approximately 200mm lower than the highway and path leading down the gennel and as such, the land will need to be levelled off within the site to aid access and egress.



Also included would be engineering works within the adopted highway, consisting on the lowering of kerb stones.

Within a covering letter submitted by the applicant, they have stated that they require the kerb to be lowered so that they can park their car onto the front yard of the property.

Two site visits were carried out, one was accompanied by the applicant. They stated during the visit that they require the parking space as they want to purchase an electric vehicle, which will require a charging point within their garden.

During the meeting, the highway authority comments were discussed, particularly with regard to the required visibility splays. This shall be discussed in greater detail within the Highway considerations section, below.

AMENDMENTS

None.

EIA SCREENING OPINION

Not EIA development.

HISTORY

There is no planning history on this site.

CONSULTATIONS

BDC Engineers

- Require the two standard drainage notes to be included.

DCC Highways

- No detailed plans have been submitted demonstrating the proposed vehicular access, the application site is located on Alfreton Road (B6025) which is subject to a 30mph speed limit and is part of a bus route, therefore, the applicant should be providing emerging visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being over controlled land and 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 adjoining nearside carriageway channel level.

- There appears to be limited space within the site to accommodate the parking of one vehicle, any under provision may result in a vehicle being parked part on the footway of Alfreton Road, a situation against the best interests of the safe operation of the public highway.
- The applicant should be clearly demonstrating the proposed parking bay by dimension i.e. each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
- Therefore, unless the applicant is able to submit details demonstrating measures to satisfactorily address the above access and parking space issues, it's recommended that the proposal is refused.

PUBLICITY

The application has been publicised by way of a site notice, and letters sent to 5 adjacent properties. There have been no representations received as a result of the publicity.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable development
- SC1 – Development within the development envelope
- SC3 – High quality design
- ITCR10 – Supporting sustainable transport patterns
- ITCR11 – Parking provision
- Appendix 8.2 – Parking standards for residential development

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Paragraphs 7-10: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 54-57: Planning conditions and obligations
- Paragraphs 91, 92 and 94: Promoting healthy and safe communities
- Paragraphs 108-111: Promoting sustainable transport
- Paragraph 118: Making effective use of land
- Paragraphs 124-128: Achieving well-designed places

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- Principle of development
- Visual impact of the development
- Impact of the development on residential amenity
- Whether the development would be provided with a safe and suitable access;

- The impact of the development on the local road network

These issues are addressed in turn in the following sections of this report

Principle

The application site is within the development envelope of Westhouses where the principle of development is generally acceptable, subject to the full consideration of all relevant, material planning considerations. In this particular case, the material planning consideration which requires careful acknowledgement and consideration is whether the development provides a safe and suitable access, and whether the development has an impact on the local road network.

Visual impact of the proposed development

This application is seeking planning permission for the creation of a vehicular access to the front of 81 Alfreton Road. The development shall consist of the lowering of kerb stones within the adopted highway, removal of the front boundary wall and raising of land levels within the site to level off the driveway.

There are other properties along both sides of Alfreton Road which have opened up the front gardens, some of which have been hard surfaced and used for parking. The area immediately around the application site, within the adopted highway is also heavily used for the parking of vehicles.

It is therefore considered that the proposed development will cause no detriment to the visual amenity of the area, which is heavily influenced by parked vehicles, in compliance with policies SS1 and SC3 of the adopted Local Plan.

Residential Amenity

The development would enable easier access to the property for the applicant whose wife is disabled, as they would be able to park a vehicle within their curtilage, or to the front of their property, as opposed to finding a parking space on the highway or using a nearby garage.

The proposed development will cause no detriment to the amenity of neighbouring residents, in compliance with policies SC3 and SC11 of the adopted Local Plan.

Highways and Access Considerations

The proposal will provide a parallel parking space to the front of the property measuring 5.9m x 2.8m.

The Bolsover District Council parking standards for parallel parking spaces, contained within Appendix 8.2 of the adopted Local Plan require minimum dimensions of 6.2m x 2m for a standard space and 6.8m x 2.9m (minimum) for a disabled parking space.

The County Highway Authority was consulted and raised objections on the grounds that without the benefit of detailed plans, the applicant had not adequately demonstrated that the vehicular access would be safe. They commented that, *'the application site is located on Alfreton Road (B6025) which is subject to a 30mph speed limit and is part of a bus route. Therefore, the applicant should be providing emerging visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being over controlled land and 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 adjoining nearside carriageway channel level’.

They went on to say that, ‘there appears to be limited space within the site to accommodate the parking of one vehicle, any under provision may result in a vehicle being parked part on the footway of Alfreton Road, a situation against the best interests of the safe operation of the public highway. The applicant should be clearly demonstrating the proposed parking bay by dimension i.e. each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. Therefore, unless the applicant is able to submit details demonstrating measures to satisfactorily address the above access and parking space issues, it’s recommended that the proposal is refused’.

The applicant’s grounds for requiring the proposed vehicular access is that his wife is disabled and at present they have to park their vehicle within a garage further along Alfreton Road. They can only park at the front of their property if there are no other cars parked there.

During the site visit, the applicant was asked whether they would consider applying to the County Council to have a disabled bay parking bay marked out on the highway in front of their property. The applicant stated that they are wanting to buy an electric vehicle in the near future and as such required the ability to park within the curtilage of the their property, so that the vehicle could be charged. At the time of this application the applicant had not purchased an electric car.

During the site visit, discussions were held with the applicant to explain the issues that had been identified. The highway authority recommendations were also discussed at length.

The applicant was advised that the proposed parking space fails to meet Bolsover District Councils adopted parking dimensions for a parallel spaces, and failed to satisfy the County Council’s parking dimensions, which consider the need to provide sufficient space to allow for the opening of car doors.

It was explained to the applicant that there would likely be regular instances of vehicles parked on the adopted highway on both sides of his ‘driveway’ and as such manoeuvring into and out of the parking space would be extremely difficult. The footway in front of the property is only 2.1m in width, which is relatively narrow for pedestrians, as identified on the photo below.



Alfreton Road is also a busy 'B' classified road and a bus route, and despite having parking restrictions on the opposite side of Alfreton Road (yellow lines), vehicles travelling along Alfreton Road have to frequently manoeuvre between parked vehicles. There are therefore instances where vehicles have to stop for vehicles travelling in the opposite direction.

It is considered that the time it would take the applicant to manoeuvre onto the site, between parked vehicles, would occasionally cause moving vehicles to have to wait until the road is clear. This may cause detriment to highway safety, and to pedestrians using the footway.

Concern was also given to the substandard visibility when exiting the driveway. The County Council require emerging visibility splays of 2.4m x 47m in both directions, with the area in advance of the sightlines being over controlled land and 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 adjoining nearside carriageway channel level.

The front and side wall of the adjacent property (83 Alfreton Road) is 1.2m in height and as such is in excess of the required amount, see photo below. The wall is also outside of the applicant's control. The applicant indicated that this neighbour would likely agree to reduce the height of the wall to 1m although at the time of the application this had not been done or agreed.



The applicant, in an email dated the 19th February stated that, *“As to the height of my neighbours wall, I will hope to overcome the spec by paving the entire frontage with block paving, thus raising the level to be able to lose the offending 2 cm”*. However on the basis that the neighbouring wall is 1.2m high, there would need to be a reduction in the wall height by 20cm, not 2cm as stated by the applicant.

Notwithstanding the above discrepancy, whilst any reduction in the neighbouring wall may improve visibility immediately adjacent to the site, there would be a further obstruction at number 85 where approval has been given for a vehicle to park on the property frontage, as indicated on the photograph below. This vehicle is over 1m in height, and would if parked, impede visibility to some extent when exiting the site.



There would also be likely visibility issues resulting from the parked cars within the adopted highway, as a clear view along the road would be impeded by these vehicles when trying to exit the site. This may result in the applicant having to enter the highway, and then stop, in order to check for vehicles travelling in either direction. This could also obstruct access along the pedestrian footway.

Whilst the Council acknowledge that there have been previous applications approved within vicinity of the site, each application has to be determined on its own merits. The proposed parking space fails to meet the Councils parking dimensions as stated in the adopted Local Plan, and there does not appear to be adequate visibility outside of land controlled by the applicant, in order to safely exit the site.

It is therefore considered that the proposal is likely to cause detriment to highway safety, and fails to provide sufficient parking, contrary to policy ITCR10, which requires *development proposals to provide convenient, safe and attractive access*, and policy ITCR11 which requires that *parking provision should relate well to the proposed development, be well designed, taking account of the characteristics of the site and locality, minimise conflict with pedestrians and cyclists, and provide appropriate provision as set out within Appendix 8.2 of the adopted Local Plan.*

CONCLUSION

The Council acknowledge that in previous applications, a balanced judgement was taken, whereby it was considered that the need to remove parked vehicles off the road outweighed any potential harm to highway safety arising from poor visibility and insufficient parking space dimensions.

The applicant, when discussing the issues considered that because other applications had been approved in the past that his application should be treated favourably. It was explained that each application was determined on its own merits, and the case officer processed each application with the details provided, and in accordance with the adopted Local Plan policies of Bolsover District Council. The applicant was advised to discuss his application with a locally elected Councillor and request it be called into Planning Committee, in the interests of consistency with dealing with similar planning applications along this part of Alfreton Road.

Whilst the Council acknowledge the applicant's desire to have an electric vehicle, this does not give rise to allow the provision of a substandard vehicular access from a 'B' classified road.

The Council also acknowledge that the applicant's wife is disabled, and so an accessible parking space at the front of the property would benefit their health. However, this issue may be overcome by applying to the County Council for a marked disabled parking bay to the front of the property.

The last planning application approved for a vehicular access within the vicinity of the application site was approximately 15 years ago. Since that time, parking space dimensions have been increased to take into account the fact that many households have larger, family vehicles. There are also more vehicles on the road network than 15 years ago, and there is also the growing reliance on large delivery vehicles that use the local road network to deliver to domestic premises.

It is therefore considered that despite previous approvals, in this particular instance the proposed parking space fails to meet the minimum dimensions as required by the District Councils and County Councils adopted parking standards, and the applicant has failed to accurately demonstrate how they will be able to enter and leave the site in a safe manner, or without causing obstructions within the adopted highway.

It is therefore considered that the proposed development is likely to cause detriment to highway and pedestrian safety, and it is recommended that the application is refused for the reasons provided below.

RECOMMENDATION – Refuse planning permission.

Reasons for refusal:

1. The application does not include sufficient detail to demonstrate that an access provided with adequate visibility splays to the Highway Authority's minimum standards can be created to Alfreton Road (B6025) without the use of land which, as far as can be ascertained from available information, lies outside the applicant's control. The development therefore fails to provide a safe access and egress and is contrary to policy ITCR 10 of the adopted Local Plan for Bolsover District (March 2020).
2. The application details do not demonstrate adequate provision for the parking of resident's vehicles clear of the public highway. Any under provision would likely to result in parked vehicles obstructing the fronting footway, a situation against the best interests of highway safety. The development therefore fails to provide appropriate off-road parking provision and is therefore contrary to policy ITCR11 and Appendix 8.2 of the adopted Local Plan for Bolsover District (March 2020).

Statement of Decision Process

The proposal is contrary to policies of the adopted Local Plan, and issues relating to visibility and parking space standards could not be overcome by amendments to the scheme. The Council has worked proactively with the applicant to ensure that a consistent approach has been taken when providing a recommendation on the application, giving full regard to similar proposals within the immediate vicinity.

The decision has been taken in accordance with the adopted policies and guidance of Bolsover District Council, and the objectives of The Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.