

Agenda Item No. 3.1

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 January 2019

Report of the Strategic Director – Economy, Transport and Environment

- 1 CONSTRUCTION OF A CAR PARKING AREA WITHIN THE GROUNDS OF COUNTY HALL, WITH IMPACTED RATED BARRIERS INSTALLED AROUND THE CAR PARKING AREA AT COUNTY HALL, SMEDLEY STREET MATLOCK, DE4 3AG
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0918/51**

3.1706.25

Introductory Summary This is an application for the creation of a new car parking area within the grounds of County Hall, Matlock for use by visitors to the County Hall site. County Hall is a Grade II listed building and is located within the Matlock Bank Conservation Area (CA). The proposal would create 17 visitor car parking spaces, including one disabled person's parking space and also includes two vehicle charging units to create four electric vehicle charging/parking spaces. The proposal also includes the installation of pedestrian and vehicle barriers to the access point off Smedley Street. Residents have raised concerns about the impacts of this proposal particularly in relation to traffic on the local surrounding roads and noise impacts. However, I am satisfied that the proposals would not cause any significant traffic related or noise impacts on the amenity of the area. I am also satisfied that the proposal would not harm the significance of the listed building or the character and appearance of the CA. The proposal accords with development policies and the National Planning Policy Framework, and it is therefore recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

Site and Surroundings

The application site is located in the curtilage of County Hall which is the head office for Derbyshire County Council (DDC) in Matlock. County Hall is a Grade II listed building (listed 1950) and is located within the Matlock Bank CA. The building was constructed in 1867, and is the former Smedley's Hydropathic. The building underwent extensive additions and alterations in 1885 and again

when it became the County Council headquarters in 1956. The building is primarily constructed from stonework. To the south of the building are terraced gardens that were laid out from the mid-19th century onwards. Part of these gardens have been utilised in the later 20th century for extensive car parking for employees and visitors to County Hall.

The proposed new car parking area would be to the south of the main County Hall building and to the east of the gardens. The site is an area which once accommodated a two storey building, occupied by Adult Care, which was originally erected in 1996 under a temporary planning permission. The permission was subsequently extended under a further application, this temporary planning permission expired on 31 August 2016, following which the temporary building was demolished. The site is now vacant, over grown with vegetation and enclosed by an existing boundary wall. The site is situated within the curtilage of the listed building, the boundary wall is also of Grade II listed status.

There are residential properties located adjacent to the site entrance off Smedley Street, there are further dwellings along the Smedley Street. These residential properties are located to the north and north-east of the site. The site is screened by an existing two storey building to the north and by mature trees to the east. The site is not situated within a Neighbourhood Plan Area.

Proposal

The applicant proposes to create a new car parking area for visitors to DCC. The proposed works involve the removal of approximately 2 metres (m) of a curved section of a boundary wall to create a 6m wide opening. The application site would be hard surfaced with tarmac and 17 visitor car parking spaces would be created. As part of the proposed works 1 space would be allocated for disabled parking. The development also includes two vehicle charging units to create four electric vehicle charging/parking spaces. The works would also include the installation of a tarmac ramp to suit the sites levels and the creation of a vehicle turning area. The application also includes the erection of a black pedestrian barrier to the north of the proposed parking area and an iFlex Car Park Barrier, finished in RAL 9005 (Jet Black), along the southern boundary. A road mirror is proposed adjacent to the access of the proposed car parking area to improve visibility.

Access to the proposed car parking area would be off Smedley Street, which currently provides access for car parking on the Upper Terrace at County Hall. This access would have a new 5m wide, red and white access barrier with a swipe card/keypad access system and SIM card intercom. Signage would be situated at the entrance off Smedley Street identifying that the parking is restricted. Additional signage would be positioned at the entrance of the proposed car parking area, which identifies the car park for visitor parking.

Relevant Planning History

- Application Code CD3/1215/124 – Section 73 Application not to comply with Condition 1 of planning permission CD3/0804/90, to extend the time limit for use of the temporary building until 31 August 2016 (approved 25 February 2016).
- Application Code CD3/0112/114– Installation of grass protection mesh to form a temporary car parking area on the terrace (approved 18 May 2012).
- Application Code CD3/0411/16 - The installation of paper compactor and alterations to existing car park layout (approved 17 June 2011).
- Application Code CD3/0305/221 – Additional car parking and provision of 6 lighting columns (approved 19 July 2005).
- Application Code CD3/1102/93 – Permission for an additional car parking area (approved 24 February 2003).

Consultations

Local Member

Councillor Burfoot has been notified of the application.

Derbyshire Dales District Council – Planning

“Derbyshire Dales District Council raise no objection to the formation of the car parking area. Please note that the site lies within the Matlock Bank Conservation Area and is within the curtilage of a Grade II Listed Building. The part removal of the boundary wall to improve the access to the site is subject to a separate application for Listed Building Consent (18/01053/LBALT) which is still pending.”

Please note: since receiving this consultation response, the Listed Building Consent application was permitted subject to conditions.

Derbyshire Dales District Council – Environmental Health Officer (EHO)

Has been notified of the application.

Matlock Town Council

Has been notified of the application.

Highway Authority

Does not consider the application would warrant refusal on highway safety grounds.

Publicity

The application has been advertised by site notice and press notice (Matlock Mercury) with a request for comments by 22 November 2018. Two representations has been received in response to this publicity which raise the following concerns:

Representations Summary

- *“constant flow of traffic along and around Smedley Street, particularly during week days and working hours”.*
- *“Staff have no consideration to the fact this is also a residential area. As cars park as early as 6.30am, they bang their car doors and talk very loudly, toot horns and smoke.”*
- Noise generated from vehicles going over the speed bumps, which has resulted in a resident been woken up during the early hours of the morning by County Hall vehicles/staff.
- Impact on residents’ wellbeing and health.
- *“The idea of impact rated barriers installed around the car parking area would have numerous issues such as the noise of the barrier beeping when going up and down, queues of traffic as people try and find their swipe cards as they approach the barrier.”*
- Noise generated from DCC premises during anti-social hours.
- *“The increased pollution from County Hall vehicles is already at high levels and is amplified with the slowing down and speeding up of cars going over the speed bumps.”*
- Adverse impact on health as a result of increase in pollution from vehicles.

The following concerns were also raised by representations, however, they are not considered to be material to the determination of this application:

- Cigarette smoke from DCC Staff impacting residents’ health.
- Crop spraying without any prior notification causing concern on residents’ health.
- Pollution from leaf blowing.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted Derbyshire Dales Local Plan (DDLP) (2017).

Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (July 2018), and the associated Planning Practice Guidance (PPG).

The principle planning policies relevant to this planning application are:

Adopted Derbyshire Dales Local Plan (2017) Policies

S1: Sustainable Development Principles.

S2: Settlement Hierarchy.

S3: Development Within Defined Settlement Boundaries.
S7: Matlock/Wirksworth/Darley Dale Development Strategy.
PD1: Design and Place Making.
PD2: Protecting The Historic Environment.
PD7: Climate Change.
HC19: Accessibility and Transport.
HC20: Managing Travel Demand.
HC21: Car Parking Standards.

The most relevant paragraphs from the NPPF are:

11: The presumption in favour of sustainable development.
124 -127: Requiring good design.
149-154: Planning for climate change.
184, 189: Conserving and enhancing the historic environment.

The main considerations for this proposal are:

- Need for the development.
- Traffic, highway safety.
- Noise impact.
- Design and visual impact.
- Impact on heritage assets.

Need for the Development

The supporting documents accompanying this application identify that the existing car parking facilities within the DCC complex are inadequate. This is due to the high number of staff working within the building and the limited number of visitor parking bays. The applicant states that *"It is well known in the area that there are issues with council employees parking on the public and private roads in the close vicinity to County Hall and this generates complaints frequently."* The proposed development would enable sufficient car parking provision to accommodate visitor parking, therefore, the need for existing visitor car parking in the main car park would be removed. The visitor parking within the main car park would then become general parking for staff to alleviate some of the on-street parking and reduce the pressure on the highway.

The removal of a section of stone wall is required to create a minimum 6m entrance for cars to enter the car park. The removal of the section of the wall was considered more appropriate given the site's sensitive location, as this would enable access and egress from the same access. This would prevent the need to remove additional sections of the stone wall. The proposed impact barriers would *"greatly reduce the risk of any vehicles driving off the retaining wall."*

The application demonstrates that there is a need for a visitor car parking area and I am satisfied that there is a justified need for the proposed development

and that it would accord with the aims of the NPPF and policies PD1 and PD2 of the DDLP.

Traffic

The application site is accessible off Smedley Street, which currently provides restricted access to 120 parking spaces. This includes DCC van only parking, Lower Terraces (LT) badge holders only, multiple disabled bays, as well as, designated named spaces. This access does not provide access to any general parking for staff. The supporting documents state that a survey was carried out on multiple dates which found that, on average, 300 vehicles movements occur on a daily basis from this access. This equates to 2.5 trips per space. With the additional proposed car parking of 17 spaces, this should result in 34 extra vehicle trips equating to 2.44 trips per space.

The existing car parking provision at the County Hall complex slightly exceeds the normal maximum parking standards set out by Policy HC21 and Appendix 2 Parking standards of the DDLP. For B1 offices in rural town centres, it is permitted for one space per 40 square metres (m²) of gross internal floor space, with a threshold of 2,500m². The gross internal floor space for the County Hall complex is 26,201m² with a current 631 existing car spaces, which equates to approximately 41.53m². However, the supporting information demonstrates that this would not be a significant increase in vehicular movements accessing and egressing the site. The proposed new car parking area would be restricted to visitors, require advanced booking and would be signposted. In addition to this, the proposed access barrier system would prevent general staff/public accessing the restricted parking areas. The proposed parking provision would increase the number of cars which can park within County Hall's grounds and, therefore, release some of the pressure on the surrounding road infrastructure, as well as improve the efficiency of the highway network.

Therefore, I do not consider that this development would have a detrimental impact on the highway. The proposed parking would help towards alleviating existing on-street parking occurring around the County Hall complex. I consider that in this respect, the proposal complies with Policy HC21 Car Parking Standards of the DDLP.

In sustainability terms, the application does not intend to promote the use of solo driving but seeks to accommodate the existing car parking demand at County Hall. The applicant acknowledges that this is not a sustainable transport method but would like to alleviate pressures on the existing parking facilities at the County Hall complex. DCC does, however, currently promote sustainable initiatives, such as a cycle to work scheme, walking, buses and car sharing. This proposal intends to incorporate two electric car charging points to create four charging spaces to accommodate the current demand for electric/hybrid cars.

I, therefore, do not consider that the proposal would lead to detrimental impacts on the local highway infrastructure and would go some way towards addressing and improving the existing car parking demand at County Hall. I am satisfied that the proposal would not have an adverse impact on highway and would accord with the requirements of policies PD7, HC19, HC20 and HC21 of the DDLP and the NPPF.

Noise Impact

Concerns have been raised by local residents about the potential impact of noise from the proposed development at the County Hall site. The proposal would lead to an increase in the use of the access off Smedley Street. One of the main concerns raised within the representations is the noise generated from vehicles going over speed bumps entering the site off Smedley Street. Use of the proposed new car parking area would be limited to visitors to the site and would not be available for general staff. This would therefore limit the number of vehicles using the existing access. Currently, approximately 300 vehicle movements per day occur from the access off Smedley Street; it is estimated that there would be increase of 34 movements on a daily basis.

The new parking area would be enclosed by a stone boundary wall and would be situated at a lower ground level to the dwellings to the north. The site is also set back from the highway and south of an existing two story building and a mature tree line to the north-west. The applicant states that the operating hours during construction works would be restricted to between 0730 hours and 1630 hours on weekdays to minimise noise impact on neighbours during the works.

Whilst I acknowledge the concerns raised, I am of the view that the proposal would not generate a significant noise impact. There would be an increase in vehicles using this access point, however, its use would not, in my opinion, increase significantly and access to the car parking area would be restricted.

I therefore do not consider that the proposal would lead to any significant increase in noise levels generated from the DCC site. I am satisfied that the proposal would not have an adverse impact on the amenity of nearby residents and would accord with the requirements of Policy PD1 of the DDLP and the NPPF.

Design and Visual Impact

The proposed development would be located on a vacant area of County Hall complex which was used for a temporary period as the site of a two storey building. The site is located to the south of an existing building and south-east of a line of mature trees which screen the site. The site is also situated at a lower ground level than Smedley Street and the residential properties to the north. The site also benefits from existing screening from a stone boundary wall, which encompasses the site, and by existing box hedging and timber

fencing to the south of application area. The site would be appropriately screened and would not be visible from any public highway or residential properties. Due to the location of the car park, I consider that the application area to be in a discrete location and would not result in a significant visual impact.

The proposed impact barrier and pedestrian barriers would have a black finish and would be screened from the south by the existing box hedge and timber fencing. The proposed recessive colour and existing screening would reduce the potential visual impact of the proposed barriers. The access barrier off Smedley Street would be finished in red and white so that the barrier system would be distinctly visible. However, the barrier would be set back off the public highway and would not be visible from any residential properties. Therefore, I do not consider that the barriers would result in any significant visual impact.

The development would be in a discrete location which benefits from existing screening. The colour finish of the barriers are considered to be appropriate for the location and would help to reduce the visual impact. Therefore, I consider the proposed development would comply with policies S3 and PD1 of the DDLP.

Impact on Heritage Assets

Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that in the determination of this application ‘*special regard*’ is had to ‘*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses*’.

The Government policy concerning heritage assets and these statutory requirements, now contained in the 2018 NPPF at paragraphs 189 -202. Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

The proposed development would be located in the curtilage of the Grade II listed Former Smedley's Hydropathic (County Council offices) within Matlock Bank's CA. The stone wall in question is considered to be curtilage-listed to the principal listed building (County Hall) and is, therefore, afforded protection in that regard. The stone wall in question forms a retaining wall to a levelled terrace (formerly occupied by temporary buildings). At its western end, the stone wall, which is of mortared rubble construction, curves around and terminates at an existing, pedestrian opening and then continues straight for a further 8m.

The proposal intends to utilise the vacant area for visitor car parking. The proposal includes removing a section of the curved section of the stone wall to

form a new entrance opening to the new car park of 6m in width. The section of the wall has recently been re-built as a result of damage. The mortar which has been used does not match the existing. The application documents show that consideration has been given to the curtilage-listed wall as it identifies that by using the same point to access and egress, and a turning circle, no additional stone work would have to be removed. Consideration has also been given to the limited visibility at the Smedley Street junction. The adjacent walls are also of listed status and therefore cannot be lowered or relocated to allow for a wider vision angle from the junction. Therefore, under this application, the walls are to remain as existing to minimise the impact on the heritage assets.

The proposed pedestrian barrier and A-Safe Armco/Impact barrier would be finished in a black colour. The recessive colour is considered to be appropriate within the curtilage of the listed building. The A-Safe Armco/Impact barrier would protect the southern boundary wall from any accidents as a result of the proposed vehicle use. This wall is also considered to be within the curtilage of the Grade II listed building. Therefore, the wall is also Grade II listed.

Whilst the stone wall, part of which is proposed to be removed, may have been part of the 19th century terracing of the land that formed terraced gardens to the Hydro, its significance is considered to be relatively low in respect of the overall complex of buildings on the site. The proposal involves the loss of a small amount of this existing stone walling and, in that regard, the extent of loss is not considered to be harmful to the overall entity of the existing wall, the setting of the principal listed building or to this part of the Matlock Bank CA.

I am satisfied that there would be no harm to the significance of the heritage assets as a result of the developments and that it would comply with Policy PD2 of the DDLP and the relevant paragraphs of the NPPF. An application to Derbyshire Dales District Council for Listed Building Consent for the removal of part of boundary wall was permitted with conditions on 19 November 2018, under Application Code 18/01053/LBALT.

Conclusion

In conclusion, I am satisfied that there is a need for this development to improve the parking provision at the County Hall complex. I do not consider that the development would harm the significance of the heritage assets or have any adverse visual impacts on the surrounding area. The development would not conflict with the policies of the development plan and the NPPF, and the application is therefore recommended for approval.

(3) Financial Considerations The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 3.1706.25
Application documents: ACO Q-Cepto Installation, Revision B, County Hall Car Park, Drainage Detail, Drainage Plan, Electric Car Charging Point Standard Detail, Electrical Plan, Impact Barrier Location Plan, Impact Fencing Standard Detail, Key Plan, Site Plan, Tarmac Detail and Planning Statement all received 25 September 2018. Heritage Impact Assessment received 12 October 2018. Application Form and Utilities & Topographical Details received 14 November 2018.

Consultation response from the County Council's Built Conservation and Design Team dated 22 October 2018, Derbyshire Dales District Council – Planning dated 7 November 2018 and the Highway Authority dated 17 December 2018.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to the following conditions:

Form of Development

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Notice of the commencement of works shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details in the 1APP form dated 21 September 2018, Planning Statement, Heritage Impact assessment and the following drawings:
- Drawing no. PB517-0801/DO1 Revision A entitled 'Site Plan'.
 - Drawing no. LS24569 entitled 'County Hall Car Park'.
 - Drawing no. PBS17-0801 / D03 entitled 'Drainage Plan'.
 - Drawing no. PBS17-0801/D07 entitled 'Drainage Detail'.
 - Drawing no. PBS17-0801/D05 entitled 'Electric Car Charging Point Standard Detail'.
 - Drawing no. PBS17-0801/D09 entitled 'Electric Plan'.
 - Drawing no. PBS17-0801/D08 entitled 'Impact Barrier Location Plan'.
 - Drawing no. PBS17-0801/D06 entitled 'Impact Fencing Standard Detail'.
 - Drawing no. PBS17-0801/D02 entitled 'Key Plan'.
 - Drawing no. PBS17-0801/D01 entitled 'Site Plan'.
 - Drawing no. PBS17-0801/D04 entitled 'Tarmac Detail'.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

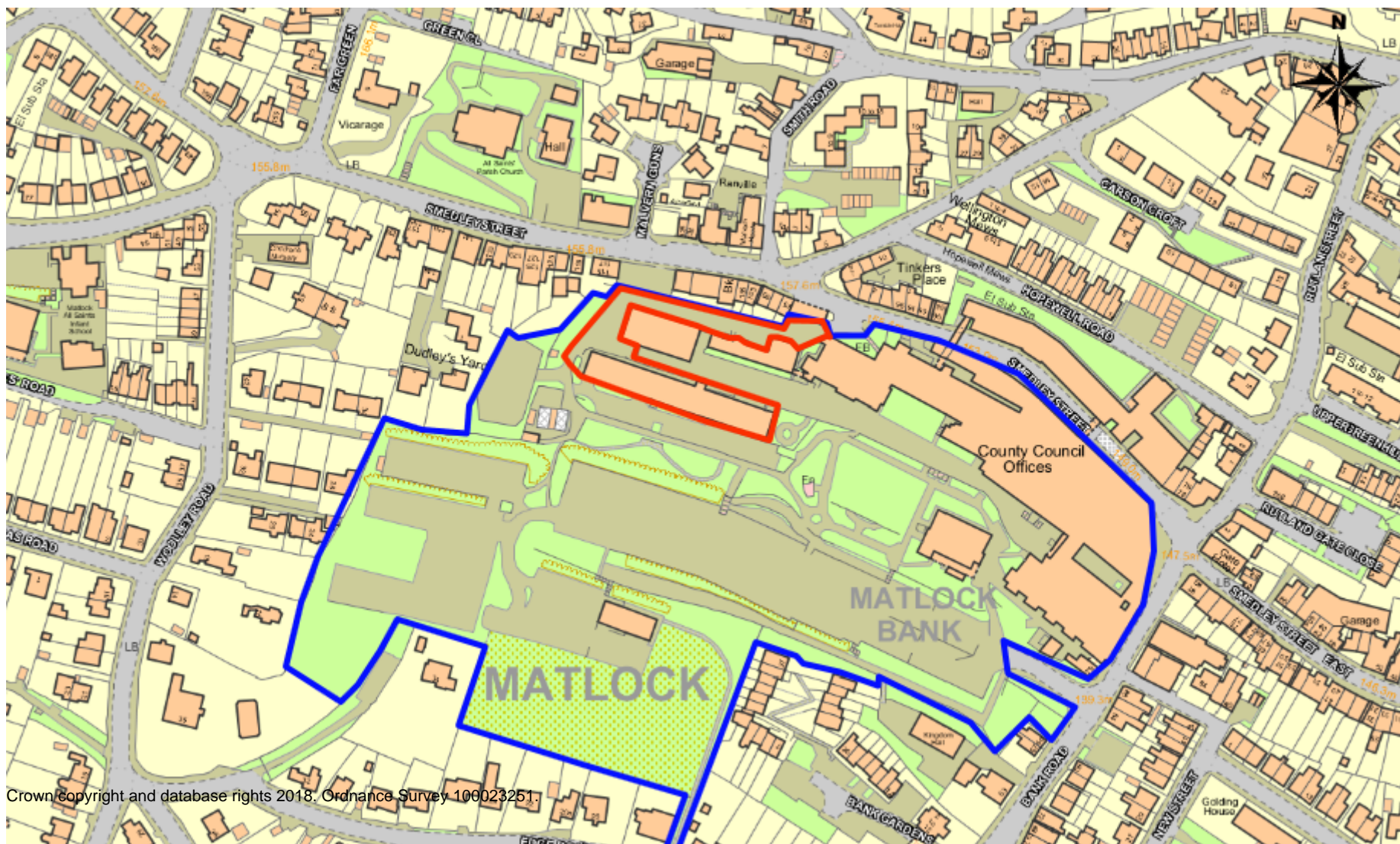
Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnote

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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14-Dec-2018